

How ETB Schools Religiously Discriminate without Public Transparency or Accountability



Introduction

Atheist Ireland has been campaigning for years against the religiosity within our education system, and the issues we have highlighted have not been limited to schools under denominational control. The Education and Training Board (ETB) Sector presents itself as the alternative to denominational schools. But in reality, these schools can be just as Catholic as those managed by the Catholic Church. In 2016 Atheist Ireland published a report on How the State Religious Education Course Breaches Human and Constitutional Rights.¹ And in 2017 we published a report on the failure of Tipperary ETB to respect the human rights of their pupils, parents and teachers.²

Subsequent efforts to expand this analysis across the ETB Sector were frustrated by very high costs that were being charged for Freedom of Information requests (often for documents that ETBs should have already made public). In November 2017, Atheist Ireland launched a crowd funding campaign³ to acquire documents from a subset of ETBs. We have since published the most relevant material we acquired on www.teachdontpreach.ie, along with a detailed analysis of abuses that the campaign has brought to light. This document represents a short summary of that material.

What we have discovered lifts a lid on the religiosity across the ETB Sector and the lack of transparency and democratic accountability. Private bodies are meeting with the Catholic Church in secret to develop policies, and we have no way of knowing how these policies are being imposed within ETB schools and Community National Schools. Our work on the ETB Sector has already contributed to the recent Directive from the Minister for Education and Skills,⁴ which has made religion an optional subject with a timetabled alternative in all second level schools under ETB patronage.

¹ http://atheist.ie/wordpress/wp-content/uploads/2016/07/AI_State_Religious_Education_Course_Report.pdf

² <https://www.teachdontpreach.ie/2017/09/tipperary-etb-human-rights/>

³ <https://www.teachdontpreach.ie/2017/11/crowdfunding-appeal/>

⁴ <https://www.rte.ie/news/education/2018/0218/941652-new-regulations-schools/>

Even by early 2017, we could see that ETBs, under pressure from Atheist Ireland, were falling back on the need for these new rules, rather than attempting to justify their previous policies. The extract below is taken from a letter written by the Chief Executive of Cavan and Monaghan ETB in April of 2017.

CMETB understands that the Department of Education and Skills is at an advanced stage of preparing new guidelines for post-primary schools on the teaching of Religion. CMETB welcomes this development and will not be commenting further until such time as the revised guidelines are approved and published.

The many people who support civil society organisations like Atheist Ireland, through a broad coalition of donors and volunteer supporters, can be proud of their contribution to this. There is more to do and we continue to believe that our ongoing lobbying activities can achieve further successes. In fact, the minutes of a recent Kildare and Wicklow ETB meeting already reflect this.

ETBI reviewing their position on religious education in response to correspondence from Atheist Ireland.
Schools are not obliged to find another subject during religion and the general consensus at the minute that students stay in the room .
Educational act allows students to step out of any subject.

While acknowledging the problems that remain, Atheist Ireland would like to sincerely thank all those who made generous donations to our crowd funding appeal on this issue. We have been campaigning to reform our education system for years. This includes lobbying the Department of Education, the Taoiseach, the Government, the United Nations, the Council of Europe, the European Parliament, and the Organisation for Security and Cooperation in Europe. With the ongoing support of our members and donors, this work will continue.

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1. ETB Schools Can Impose A Roman Catholic Ethos

The ETB Sector represents itself as a publicly managed State alternative to denominational schools in Ireland. For example, visitors to the web site of Tipperary ETB are informed that the organisation provides "*quality education programmes to meet the needs of the community we serve*". However, what is not mentioned is the reality is that Tipperary ETB serves the Roman Catholic community in a manner that actively discriminates against non-Catholics.

Whereas the ETB Sector describes itself as multi-denominational, and claims to cater for those of all faiths and none, in practice ETB schools can have an overtly Catholic ethos. This is illustrated in the policy extract below from the Central Technical Institute (CTI) in Clonmel.

ETHOS.

Ours is a co-ed school, its ethos being Christian and Irish. We are proud of our national identity, heritage and traditions, while extending a welcome to those students of different traditions and denominations. The school shall be a safe location where mutual courtesy and respect, justice and equality permeate all interpersonal contacts. These principles underlie all the policies of the school, some of which principles are explicit, some others implicit but all based on consensus and ownership by the entire school community.

C.T.I. is a school under the auspices of Tipperary E.T.B. It is a multi-denominational school, which does not discriminate regarding student admission on the basis of religion, culture, gender, sexual orientation, race, political opinion and social or national origin. However, our school community is a part of the wider community primarily composed of Roman Catholics, and the majority of our students are Roman Catholic, and the ethos of the school reflects this. Therefore Religious Education is a fundamental component of the curriculum in the school. Religious Education is not concerned with indoctrination or teaching a person a way of life. It focuses on enabling students to speak the language of religion; to comprehend and appreciate the place of religious and philosophical beliefs and practices in human life; to understand the need for dialogue among peoples of all faiths and none.

There is a big difference between an ethos that seeks to be inclusive of those from all faiths and none, as compared to an ethos that reflects the religious affiliation of the majority. This ETB policy explicitly seeks to provide for a sectarian headcount of the surrounding community, and then to impose the majority religion on all minorities. It might be assumed that on the island of Ireland of all places, we might be sensitive to the dangers of a majority religious community imposing their perspective on minorities, but it seems that this lesson has not yet permeated the ETB Sector.

It is not hyperbole to suggest that a Catholic ethos can be imposed on minorities in ETB schools. For example, the policy document from the CTI in Clonmel, goes on to state the following:

The Scope of Policy

1. At C.T.I , our Religious Education Policy permeates the life of the whole school community.
2. Religious Education is a compulsory subject in C.T.I. Regardless of religious belief, all students are obliged to follow the R.E. Programme in Coláiste Chluain Meala/ Gaelcholáiste Chéitinn because it is a fundamental component of the curriculum.
3. The delivery and implementation of the Policy is fostered by the following:

Board of Management

Which approved the Policy and ensures its implementation.

Principal and Deputy Principal

Support the Policy and ensure its effective implementation.

School Staff

Our Mission Statement and our school ethos guide staff in their work in the school. Thus the cross-curricular support for Religious Education is enshrined as a fundamental tenet of the school ethos.

The CTI in Clonmel is under the patronage of Tipperary ETB. The institute is fully funded by the State and fully managed by public bodies. There is no reason why there should be any denominational involvement in this institution. However, the policy document illustrated above was jointly approved in 2014 by both the CTI Board of Management and also the local Roman Catholic Diocesan Advisor.

These schools have been warned to prepare for change as far back as May 2016, when Seán Ó Foghlú, Secretary General, Department of Education & Skills, said in a speech about partnership in the education system: ⁵

“For a long time the religious profile of the population meant that de facto the schools could operate in a manner comparable to a Catholic voluntary school. Effectively the interests of Catholic trustees in community schools were symbiotic with the mandate of the school to serve the student body.

The rapid change brought about by the new Irish in terms of religious denomination and different faiths traditions, allied to a decrease in religious belief and practice, challenges community schools and community colleges to reflect on how the operation of the school needs to change as the composition of the student body renders the school de facto multi-denominational not just multi-denominational de jure.”

In practice, ETB schools ignored that warning until the Department’s new Directive reinforced the curriculum aspect of it. Atheist Ireland met with the Department during the preparation of that Directive, along with our colleagues in the Evangelical Alliance of Ireland and the Ahmadiyya Muslim Community of Ireland.

We will continue to lobby to ensure that ETB schools implement the new Directive with regard to the curriculum, and also to strengthen the philosophy behind it with regard to the rights of parents and students under the school ethos generally within the ETB sector.

⁵ <https://www.education.ie/en/Press-Events/Speeches/2016-Speeches/SP2016-05-18.html>

2. ETBs Discriminate Against Non-Catholic Teachers

Where a Roman Catholic ethos applies in an Irish school, attendant legal implications follow from this, which extend beyond the religious discrimination against children and parents. Section 37 of the Employment Equality Act relates to bodies *"established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values"*.

This provision in the legislation specifies that it is lawful for such bodies to discriminate against employees on a religious basis, to prevent them *"from undermining the religious ethos of the institution"*. This is reminiscent of the case of Eileen Flynn⁶, who was lawfully sacked as a school teacher by the Sisters of the Holy Faith, because she was cohabiting with a man who wasn't her husband.

Such stories sound like they belong on the same dusty shelf of Irish history as the Fethard-on-Sea Boycott. However, not only is Section 37 of the Employment Equality Act still law today, but it is actively being used by the ETB Sector to justify religious discrimination against their teachers. In July 2017, the Workplace Relations Commission published their adjudication in the case of a teacher, who had complained about religious discrimination by the CTI in Clonmel.

4.8 The Respondent also submits, without prejudice to the foregoing submissions that the placement of the May altar does not constitute an act of discrimination on religious grounds against the Complainant, that he is in any event precluded from making such an assertion by virtue of the provisions of Section 37 of the Acts with regard to religious ethos and schools. The Respondent submits that the presence of religious symbols is wholly legitimate, rational and proportionate to the object of the preservation of a religious ethos within CTI, which has the express benefit of statutory protection. The Respondent submits that even were it accepted that the presence of such symbols amounted to discrimination on religious grounds, which it is not, the conduct impugned in these proceedings nonetheless has the benefit of the protection of the statute.

⁶ https://en.wikipedia.org/wiki/Eileen_Flynn

As the Respondent in this case, the ETB/CTI argued⁷ that they were entitled to discriminate against non-Catholic teachers in order to maintain the religious ethos within the school. This argument was successful, and the Adjudicator at the Workplace Relations Commission ruled as follows:

"Having regard to the Christian ethos of CTI, and in accordance with the provisions of Section 37(1) of the Acts, I find that the placement of the May altar within the confines of its school buildings cannot be held to be discriminatory against the Complainant on the grounds of religion contrary to the Acts. Accordingly, I find that the Respondent would be entitled to avail of the exemption provided for in Section 37(1) of the Acts in circumstances of the present complaint."

Consequently, as recently as the summer of 2017, schools within the ETB Sector have been describing their religious ethos, during litigation with teachers that they have employed from public funds, in a way that enables them to legally enforce the associated religious derogation from the Employment Equality Act. The purpose of using such a legal argument is to allow ETBs to discriminate against non-Catholic teachers on religious grounds.

⁷ <http://www.lrc.ie/en/Cases/2017/July/DEC-E2017-057.html>

3. ETBs Discriminate Against Non-Catholic Children

The religious discrimination that applies within the ETB Sector, impacts on non-Catholic children every school day. This imposing of an unwanted religiosity on children from minority communities is not enforced in a casual or accidental manner. It is applied according to detailed policies, that are developed with Roman Catholic Diocesan Advisors. Atheist Ireland has uncovered many examples of such policies across the ETB Sector. For example, the policy extract below seems intended to frustrate parents in exercising their constitutional right to opt out of religion classes.

- Where Parents/Guardians request that their son/daughter does not participate in the Religious Education timetabled class, the student must remain in the classroom.
- The student may not undertake homework or study or any other subject related project relevant to the curriculum to be examined in the State Examinations during the Religious Education class. Instead, he or she will be given specified work to do by the Religious Education teacher. The rationale for this is to ensure that no unfair advantage accrues to students opting out of Religious Education but rather to ensure that all students have equality of opportunity timewise when it comes to examination preparation within the school day. The given work will aim to ensure that the student is being educated in the broadest possible way. (The usual school rule about the non-wearing of earphones applies to students in this situation).

This document was signed by the Board of Management at Coláiste Chluain Meala, following a visit to the school by representatives of the Roman Catholic Diocese of Waterford and Lismore, during December 2015. The rationale for this policy seems to accept that Catholic students spending time studying religion will

be hindered from making academic progress towards examination success, and that non-Catholic students must therefore be similarly held back.

Within many schools, there are some students who will acquire leadership roles. Fostering such leadership roles towards beneficial goals is often stated as a formal objective for schools. However, within the ETB Sector, such student leadership roles can be for Catholics only. This is illustrated by the summary below of one such programme, which is operating within ETB schools.

Vision: *Inspired by the Christian message of love and service to others, our vision is to create a group of leaders within schools who will be an example of faith in action, striving to make a difference in the lives of those around them.*

Goals:

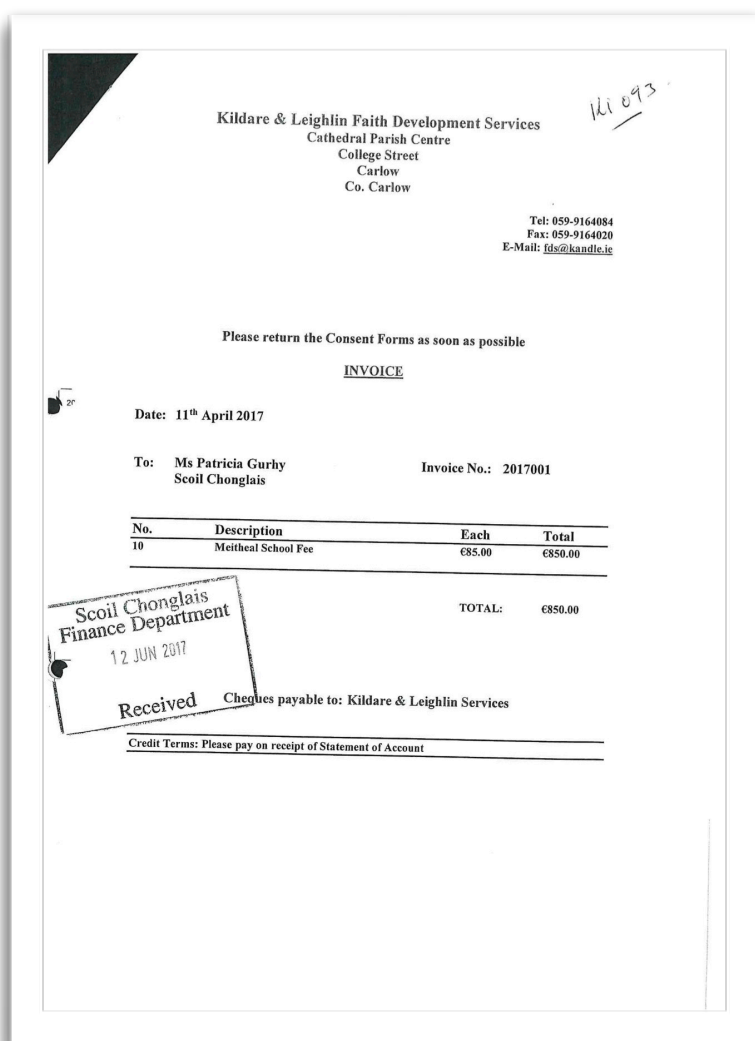
- To have an Ember Team of students who meet regularly throughout the school year.
- The group should be well organised and have a strong sense of purpose; which is to find opportunities to develop the community of faith within themselves, the school and the wider community.
- The initial task for the team may be to support the transition of incoming first years to the community of faith within the school.

Objectives:

- To select a group of 4th or 5th year students (decided by each school, in conjunction with the Diocesan Adviser) who would like to be part of the group.
- To participate in a 3 day formation programme in **Ovoca Manor** annually in May/September.
- The programme aims to develop the teamwork skills, leadership skills, sense of community development and the participants' personal faith.
- By the end of the residential training, the group will have a clear structure (Chair, Secretary etc) and a clear plan for working as Faith Leaders within their school communities; this may be fulfilled by supporting and mentoring junior students, acting as a Chaplaincy team etc; the purpose of each team within their school is determined locally.
- The team meets on a weekly basis throughout the school year to plan, carry out and evaluate further activities that promote the Christian spirit of the school.
- *Opportunities are provided for all students who participate in the residential Ember training to gather together again throughout their year as Ember leaders.*
- *Students that have participated in the programme may be invited to work with future Ember teams to help them in their formation.*

The creation of well-organised student leadership teams that are limited to Catholics only, overtly discriminates against senior students from minority communities, who do not have an equal opportunity to participate. Also, the purpose of these leadership teams is to evangelise Catholicism towards the youngest students in the school. This further discriminates against the most vulnerable students from non-Catholic minorities.

The extract from the Ember Faith Leadership Programme above, which is operated by the Dublin Diocese, is not unique. Similar programmes exist across the country, such as the Meitheal Youth Leadership Training within the Roman Catholic Diocese of Kildare and Leighlan. The striking fact here is not just that such religious discrimination is being supported within the ETB Sector, but that ETB schools are making direct payments to the institutional Catholic Church in order to provide such training to their students.



It is hard to understand how such payments can be reconciled with Article 44.2.2 of our Constitution, which provides that *"The State guarantees not to endow any religion"*.

Religious discrimination against non-Catholics also continues at ETB schools, even during class time. Circular Letter RSE 0037 2010 from the Department of Education and Skills, instructs schools as follows:

"Access to sexual and health education is an important right for all students under the terms of Article 11.2 of the European Social Charter. The Council of Europe

Committee of Social Rights, which examines complaints regarding breaches of the Charter, has indicated it regards this Article as requiring that health education "be provided throughout the entire period of schooling" and that sexual and reproductive health education is "objective, based on contemporary scientific evidence and does not involve censoring, withholding or intentionally

misrepresenting information, for example as regards contraception or different means on maintaining sexual and reproductive health."

However, far from being objective, Relationship and Sexuality Education (RSE) Policies within the ETB Sector can be explicitly Catholic. For example, this extract from the RSE Policy at Coachford College in Cork, suggests that sex should be viewed as "*cooperation with God*":

- The human body is sacred.
- The human body, since it is sexual, expresses the call of men and women to reciprocal love which is a mutual gift of self: sexuality is an enrichment of the whole person – the body, emotions, and soul – manifests its meaning in leading the person to the gift of self in love.
- Marriage the natural context 'in which this self-giving love in its entirety is possible' – because essentially it is orientated both to the loving unity of the couple and to cooperation with God in bringing new human life into the world.
- Young people thus will be encouraged to value the gift of chastity, and human sexuality which is also gift.

Again, not alone does the ETB Sector abuse the rights of children in this way, but it also pays Roman Catholic agencies like Accord to perform this task. For an organisation that portrays itself as the publicly managed alternative to Catholic schools in Ireland, the ETB Sector spends quite a lot of public money on teaching Roman Catholic doctrine in its schools.

So let us review. Within many State funded ETB schools, our children are having their Constitutional rights, as well as their rights under the European Social Charter, abused. The ETB Sector is also using public money in order to pay Roman Catholic agencies to carry out this abuse. The ETB Sector pays fees to Catholic agencies to teach Roman Catholic dogma about sexuality, even though they are instead obliged to provide objective and evidence-based information about RSE. The ETB Sector also makes direct payments from public funds to the institutional Catholic Church, in order to create organised teams of senior students that will proselytise Catholicism to first-year students. Meanwhile, the same ETB Sector

argues that it cannot afford the supervision required to let non-Catholics opt out of their religion classes. This is despite the fact that such an opt out is a constitutional right of parents.

It seems that the ETB Sector can quite easily find public money to hand over to their local bishop, in a manner that is difficult to reconcile with our Constitution, whereas when non-Catholic parents would like their Constitutional rights to be respected, the ETB Sector cannot find the money or resources to oblige.

This implies an absolute failure of effective management across the ETB Sector. There should be explicit policies in place to prevent these abuses, which must be strictly enforced. Otherwise, any claims that the ETB Sector makes to offer an alternative to Roman Catholic schools are meaningless.



4. ETBs Impose Mandatory Catholic Religion Classes

In January 2017 Dublin and Dún Laoghaire ETB conducted a survey to determine how many of their schools make religion classes mandatory. As can be seen below, quite a lot of their schools have such policies.

<i>Religious Education in Schools</i>						
	<i>1st year</i>	<i>2nd year</i>	<i>3rd year</i>	<i>transition</i>	<i>5th year</i>	<i>6th year</i>
	<i>Mandatory</i>					
<i>Kishoge C.C.</i>	No	No	No	No	No	No
<i>Ardgillan C.C.</i>	Yes	Yes	Yes	No	Yes	Yes
<i>Luttrellstown C.C.</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Fingal C.C.</i>	Yes	Yes	Yes	No	Yes	Yes
<i>Donabate C.C.</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Colaiste De Hide</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Adamstown C.C.</i>	Yes	Yes	Yes	No	Yes	Yes
<i>Lucan C.C.</i>	Yes	Yes	Yes	Yes	Yes	Yes
<i>Kingswood C.C.</i>	Yes	N/A	N/A	N/A	N/A	N/A
<i>Setanta</i>	Yes	Yes	Yes	No	No	No
<i>Greenhills College</i>	Yes	Yes	Yes	N/A	Yes	Yes
<i>St Finians C.C.</i>	Yes	Yes	Yes	No	Yes	Yes
<i>Balbriggan C.C.</i>	yes	yes	yes	yes	yes	yes
<i>Lusk C.C.</i>	yes	yes	yes	yes	yes	yes

Optional Exam in 5 & 6 year

At Cavan and Monaghan ETB, the situation is more straightforward. In 2014 the Chief Executive of Cavan and Monaghan ETB received a Catholic Diocesan Advisory Booklet on how to teach religion. He immediately distributed it to all school principals. This was recorded in the meeting minutes below, along with explicit instructions about an agreement on exactly how much religion must be taught in ETB schools.

Religion in schools

The CE referred to the Diocesan Advisory Booklet which was circulated. He also stated that the agreement is 3 classes (but at least 2 classes) of religion per week must be timetabled and that this is not an option even at senior cycle.

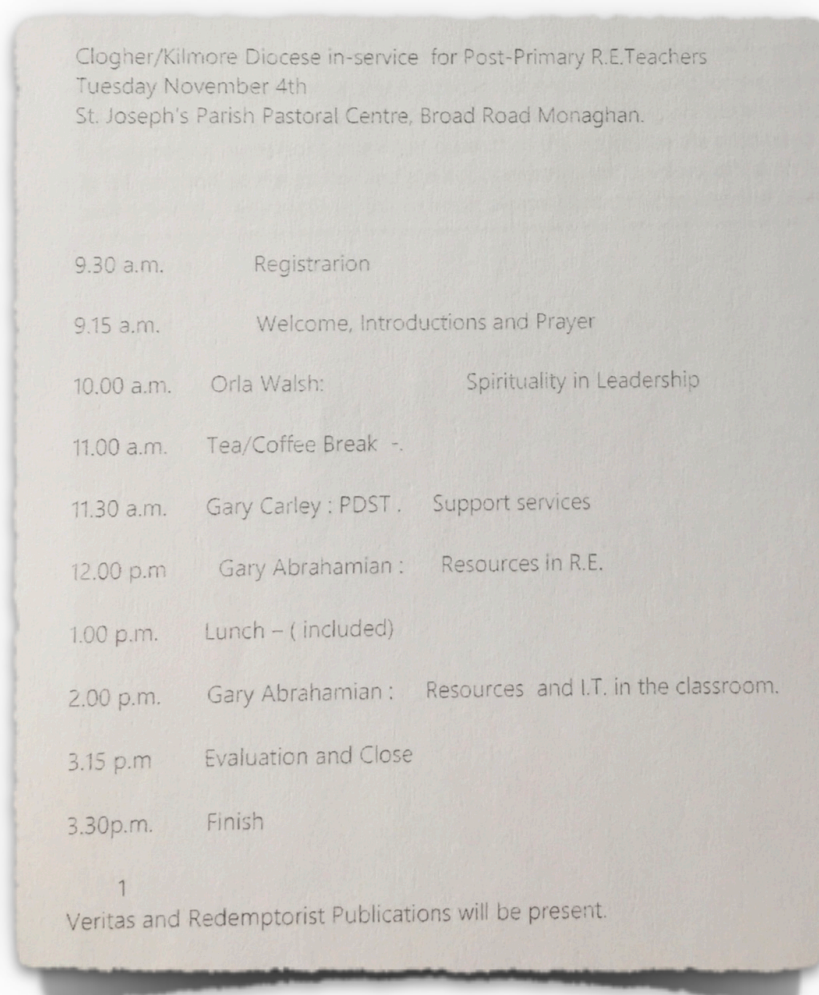
The CE gave an update on the terms and conditions relating to Chaplains and advised that provision for RE be in accordance with circular letter.

The National Council for Curriculum and Assessment (NCCA) has defined a Religious Education syllabus that is supposed to be for all faiths and none. In practice, the NCCA syllabus does not meet human rights standards, as Atheist Ireland outlined in our 2016 report on that topic. However, the Roman Catholic Diocesan Booklet distributed to Cavan and Monaghan ETB school principals, was even worse. It made clear that religion classes should be anything but neutral and objective. Instead, Roman Catholic faith formation was to be explicitly included.

In addition to class hours, time should be allowed for regular class, year and school based liturgies as well as an annual retreat or pilgrimage. In this way God's presence is celebrated as well as understood. We advocate the provision of regular opportunities for the RE Department to meet as a team as well as the inclusion of a religious element in staff days.

Atheist Ireland has observed that in many schools, across the ETB Sector, instructions from the local Roman Catholic Diocesan Advisors are strictly observed, making many ETB schools every bit as Catholic as those under the patronage of the Roman Catholic Church. In fact, Diocesan Advisors seem to act as an unofficial inspectorate for schools. According to the DoES web site, the last time there was an official Subject Inspection of the NCCA Religious Education course, was January 2014. However, with the help of their local Roman Catholic Diocesan Advisors, many ETB schools have been integrating the Guidelines for the Faith

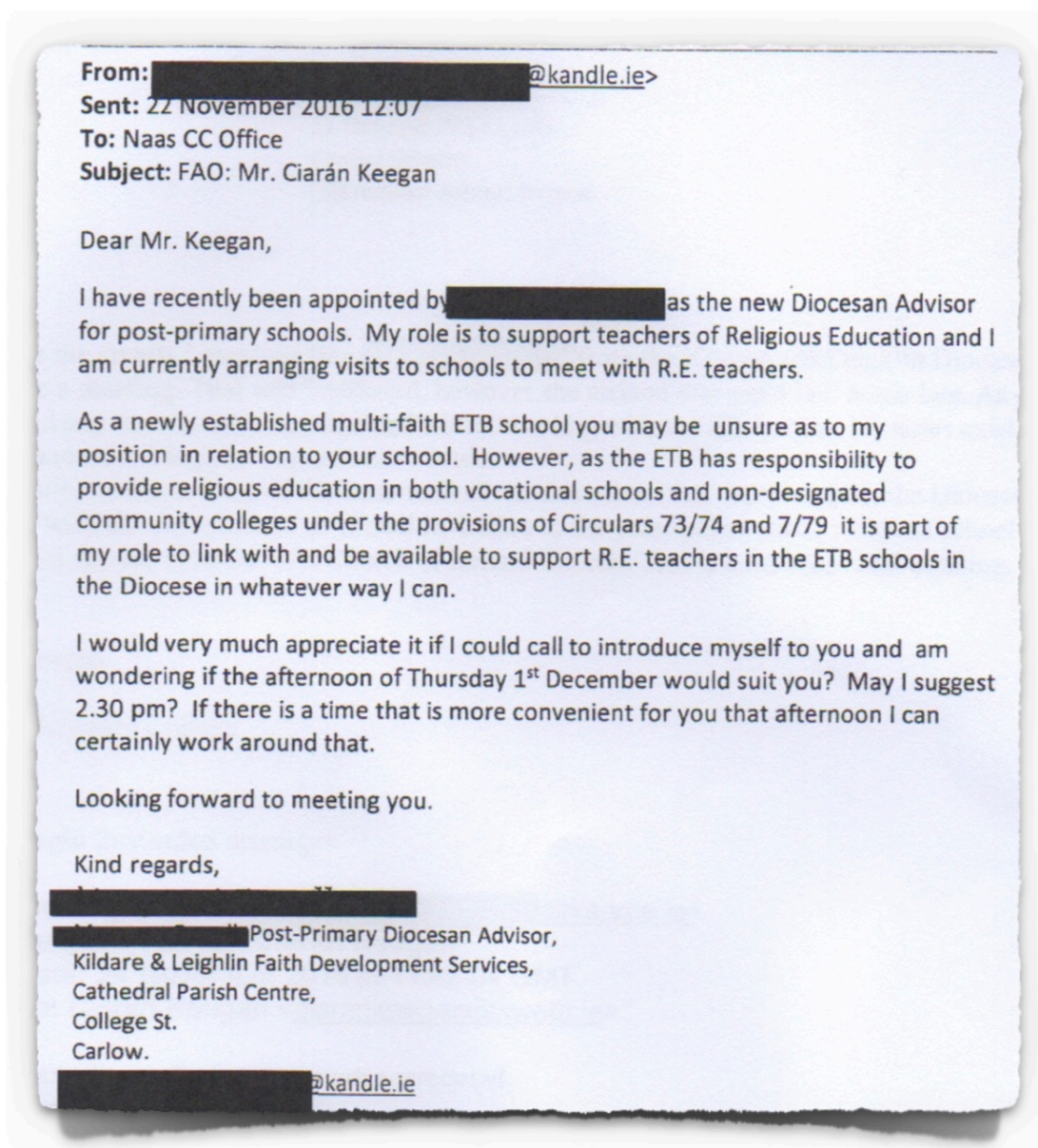
Formation and Development of Catholic Students⁸ into their religion classes. The Catholic Church also has control over the hiring of Religious Education teachers in ETB schools, as per Circular Letter 79.⁹ The Church monitoring of religion across the ETB Sector is further aided by an annual seminar and in-service days. These are typically off-site events arranged by the Catholic Church during term time, at which religion teachers are instructed how to teach religion and Veritas teaching products are promoted. Such Catholic Church in-service days can be given an additional veneer of State support, through the involvement of the Professional Development Service for Teachers (PDST).



⁸ <https://www.teachdontpreach.ie/wordpress/wp-content/uploads/2017/12/Guidelines-for-the-Faith-Formation-and-Development-of-Catholic-.pdf>

⁹ <https://www.teachdontpreach.ie/wordpress/wp-content/uploads/2017/12/circular-1979.pdf>

Roman Catholic Diocesan Advisors are also quick to assert their supposed entitlements, to ensure Church influence within the ETB Sector. For example, emails from Diocesan Advisors to the principals of ETB schools, can demand a role in the running of the school based on Circular Letters from the DoES.



Nothing in any of the Circular Letters quoted by the Diocesan Advisor in the email above requires any ETB school to teach Catholicism or any other specific faith to the school body as a whole, as distinct from those who wish to study it. But in practice, this kind of activity has succeeded in promoting compulsory Roman Catholic faith formation across the ETB Sector.

So what we have seen from the documents obtained from the ETB Sector is that, with the help of the institutional Catholic Church and their local Diocesan Advisors for schools:

- ❖ ETB schools are making religion classes compulsory for all students
- ❖ ETB schools are ensuring that religion classes are explicitly Catholic
- ❖ ETB schools are implementing policies to frustrate the right to opt out
- ❖ ETB schools are delivering religion classes that are Church-monitored

This is undemocratic. It shows that many ETB schools are just as Catholic as those managed directly by the Church. It also shows how ETB schools can be just as effective, as tools for the Catholic Church towards the evangelisation of children, as Catholic schools themselves are.

The curriculum is the area in which the Department of Education's new Directive will have most impact. Under this Circular Letter, ETB schools will have to vindicate the right of students to choose another timetabled curriculum subject instead of religion.

Atheist Ireland will continue to lobby to ensure that ETB schools actually implement this Directive. We will actively assist parents to vindicate their rights in this regard.

5. ETBs Are Not Forthright With Non-Catholic Parents

Whereas recent Freedom of Information requests from Atheist Ireland have uncovered a pronounced Catholicism within the ETB Sector, this is not what ETB schools typically tell non-Catholic parents. For example, the letter below gives parents the impression that the Religious and Sexuality Education to be delivered to their children is consistent with the State Social Personal and Health Education (SPHE) syllabus.

Dear parents/guardians,

As part of the SPHE programme students study a module on Relationships and Sexuality in accordance with the Department of Education and Science SPHE syllabus. ACCORD (Schools Programme) will be facilitating a workshop in this area in St. Kevin's Community College on Thursday 12th & Friday the 13th of October 2017 for 2nd years.

The workshops are interactive and the objectives of the programme are:

- To reach a fuller understanding of all aspects of relationships and increase self-awareness.
- To improve communication skills
- To learn to deal with conflict more effectively.
- To facilitate discussions on responsibility, commitment and expectations.
- To give practical information on reproduction, sexual transmitted infections etc.
- To assist the students in making informed choices.

This programme is an opportunity for the students to discuss all aspects of relationships with a trained facilitator in a safe and respectful environment. The program allows them to receive sound advice and information that is appropriate for their age.

The school covers the cost of the workshop.

If you have any reservations about your son/daughter participating in this programme please contact the school otherwise your consent will be presumed.

Yours sincerely,

However, Accord is a Roman Catholic agency that delivers RSE courses based on Roman Catholic doctrine. This lack of candour, especially towards non-Catholic parents, is not limited to the Kildare and Wicklow ETB school that sent the letter above. The Chief Executive of Cavan and Monaghan ETB issued instructions

to all school principals, from the local Roman Catholic Diocese, about how religion should be taught. But when a non-Catholic parent asked about these religion classes, the same Chief Executive provided very different information.

Question 1

Can you please confirm for me that any and all faith formation activities within your schools are kept entirely separate and independent from the teaching of the State Religious Education course and also explain how your schools ensure that the constitutional rights and human rights of parents are respected in this regard?

Answer

The Religious Education Curriculum remains neutral and objective for all year groups. Religious Education follows the syllabus outlined by the Department of Education with the aim of achieving academic success in the state exams.

Parents in Ireland have a Constitutional right to opt out of religion classes, if they don't wish their children to be exposed to content that they object to. However, it is impossible to exercise this right if parents are unable to obtain honest and forthright information about where and when the dogma of specific religious denominations is being integrated into school classes.

Similar prevarications are evident with respect to Community National Schools, which are also under the patronage of the ETB Sector. The web site for these schools¹⁰ describes the "Goodness Me, Goodness You" religion program that they teach as operating "through an ethos of inclusiveness and respect for all beliefs, both religious and non-religious". Even as they advertise the program to parents in these terms though, the ETB Sector is aware of the survey results below, describing the views to their own teachers who are using this material.

II. Feedback from the Teacher Survey (Nichola Spokes & Seamus Conbey)

- Data from the Teacher Survey is attached to this email.
- Some of the main points Nichola and Semaus highlighted were:
 1. There is a lack of teacher/principal knowledge on the attitudes of parents towards GMGY
 2. Teachers expressed a need for support/professional development to feel comfortable teaching GMGY
 3. 70% of teachers do not feel confident advising parents on how to use GMGY
 4. 70% disagreed with the statement that the BST element of GMGY caters for every child equally (it was highlighted that if we have an ethos based on equality we must treat students equally)

The ETB Sector is aware that 70% of the teachers using this program in the classroom cannot agree that it caters for every child equally, yet they still advertise to parents that this material is *"respectful of diversity"*. In fact, more than a third of the teachers *"strongly disagreed"* that the program provides for religious equality, with one teacher commenting that:

"Students in other groups are not afforded the same opportunities as the children in the Catholic group."

This program is still being used today by the ETB Sector within Community National Schools, and the *"Goodness Me, Goodness You"* program is still described as *"an important and distinguishing feature"* of those schools.

In second level ETB schools and colleges, the Department's new Directive will help to reform this practice. ETB schools will be obliged to consult with parents before drawing up the curriculum, in order to find out whether they want their children to study religion or another subject. The schools will then have to draw up the timetable taking those choices into account.

Also, under the new Directive, second level ETB schools cannot ask parents why they want their children to study another subject instead of religion. The only information that the parents have to give the school is that they want their children to study another subject. This is a significant recognition of the right to freedom of conscience and to private and family life.

Again, Atheist Ireland will continue to lobby to ensure that ETB schools actually implement this Directive. We will actively assist parents to vindicate their rights in this regard.

6. ETB Sector Is Not Transparent Or Accountable

Whereas in public, the ETB Sector is quick to portray itself as the publicly managed alternative to Catholic schools in Ireland, in private there is an acknowledgement that their policies are indefensible. The email below from Michael Moriarty, the General Secretary of Education and Training Boards Ireland (ETBI), to the Department of Education, contains this significant admission.

From: Michael Moriarty (ETBI)<mailto:Michael.Moriarty@etbi.ie>
Sent: 13/04/2017 11:18
To: Joyce, Paraic<mailto:Paraic_Joyce@education.gov.ie>
Cc: Lyons, Judith<mailto:judith_lyons@education.gov.ie>; Hanevy, Martin<mailto:Martin_Hanevy@education.gov.ie>
Subject: Re: Irish Times article on religion in Irish ETBs, with focus on Cavan-Monaghan

Thanks Paraic.

The extract from the speech has been incorporated in the response and it is most helpful.
It is also good to hear that an updated circular is being prepared as the current situation is most difficult to defend.

Michael

In contrast, while the General Secretary of the ETBI is quick to admit in private that the policies within the ETB Sector are indefensible, in public he was admonishing a non-Catholic parent to support ETB schools.

On 18 Nov 2016, at 15:24, Michael Moriarty (ETBI) <Michael.Moriarty@etbi.ie> wrote:

To be clear John. The engagement with the Human Rights Commission is to work towards a common understanding of all the issues and how they can be addressed through a common approach across the country and with their guidance . I have indicated this to you previously. Quite honestly you should be supporting that approach as I am not aware of other education sectors doing likewise.

Michael

If the ETB Sector would like to offer a genuine alternative to non-Catholics, they should openly state the problems within their schools and outline how they intend to address them. Public self-congratulation for an education model, that is

privately admitted to be indefensible, is not in the best interests of children, parents or teachers. Prevarication is unlikely to engender trust and neither is the lack of accountability in general across the ETB Sector.

In an effort to improve transparency, Atheist Ireland also requested that the Office of the Information Commissioner (OIC) should conduct a review into whether or not the ETBI should be subject to Freedom of Information legislation. The context for this was that the ETBI had been meeting the Catholic Church to discuss policies with regard to religious education in ETB schools, including Community National Schools. This is despite the fact that the ETBI is not a school patron, as Michael Moriarty has previously explained to Atheist Ireland in writing:

"Each ETB is a separate statutory authority and is the patron of all schools in their functional area. ETBI is a voluntary organisation, and is not a patron body."

While it is clear then that the ETBI has no authority to instruct ETB schools, since it is the individual ETBs that are the statutory authorities, the review carried out by the OIC at the request of Atheist Ireland also found that the ETBI is independent of the ETBs, and does not follow the instructions of the ETBs. This situation is described in the extract from the OIC decision illustrated below.

You have argued that ETBI negotiates on behalf of the Education and Training Boards (ETBs) and that it is captured by paragraph 1(f) of the definition on the ground that it is directly or indirectly controlled by the various ETBs. I am satisfied that the ETBs are entities to which paragraph (b) relates. Accordingly, the question to be considered is whether the ETBs directly or indirectly control ETBI.

In my view, they do not. In a submission to this Office, ETBI stated that it is a private members' representative body that was established as a voluntary association members' body. It is important to note that ETBI operates under its own constitution and that membership is not compulsory. Under its constitution, ETBI Board members must be independent and are required to treat all information received while acting as board members as confidential and must not disclose information received in their role to their respective nominating forum. I also note that if an ETB member does not comply with the rules or responsibilities of membership, the ETBI Board has the power to cease membership as per its constitution.

The voluntary nature of the membership of ETBI and the fact that it is a representative association operating under its own constitution suggests to me that ETBI is intended to and does operate independently and outside of the control of its members. As a representative association, it is entirely logical that there is an overlap in the objectives of ETBI and the various ETBs. Accordingly, I am satisfied that the ETBs cannot be said to control ETBI, either directly or indirectly and that section 6(1)(f) does not apply.

One document that we obtained from an individual ETB revealed that In February 2016, the ETBI met with representatives of the Catholic Church to discuss religion in ETB second level and Community National Schools.¹¹ The agenda included reconfiguration versus divestment, joint patronage in Community Schools, and desired outcomes. These included:

'After the new government is formed to meet again about the reconfiguration protocols for National schools (Divestment process).'

So the ETBI is a private organisation, that visits Maynooth to meet with representatives of the Catholic Church, which is another private organisation. Neither of these organisations is subject to FoI legislation, or any form of public democratic accountability. There is no official way for anyone to find out what joint policies and strategies they have agreed together, and yet the ETBI in practice issues instructions to ETB schools including Community National Schools.

For example, RTÉ's Emma O'Kelly has reported¹² that if a journalist asks a teacher in one of these schools about the teaching of religion, the teacher must follow a protocol issued by the ETBI that bans them from answering. What other protocols have been agreed between the Catholic Church and the ETBI during meetings in Maynooth? What other protocols have been issued to ETB schools and Community National Schools by the ETBI? The public has no way of knowing and this lack of transparency and accountability is undemocratic.

There is no record of the Board of any ETB ratifying this ETBI Media Protocol policy for the Community National Schools. Legally, it is the Boards of the ETBs, and not the ETBI, that must ratify all policies for schools under ETB patronage. It seems that this Media Protocol policy went from the ETBI as a private body, to CEOs of the ETBs, and is now policy in Community National Schools. There was no democratic accountability or transparency in how the decisions on this policy were made. The process gives the ETBI, as a private body, control over policy in publicly funded schools. The Boards of the ETBs have been sidelined. It also means that there is no consultation with regard to policy in the Community National Schools.

¹¹ <https://www.teachdontpreach.ie/wordpress/wp-content/uploads/2018/04/ETBI-Maynooth-Meeting-Memo.pdf>

¹² <https://www.rte.ie/news/analysis-and-comment/2018/0321/949046-teachers-journalists-instructions/>

As another example, RTE's Emma O'Kelly has reported¹³ on dress code policies for teachers in ETB Community Schools. She concluded that: 'The restrictions they place on their employees, and the exhaustive detail they go into, seem extraordinary for any school, but most especially for multi-denominational state schools, freshly established in recent years, and ostensibly geared towards serving and reflecting the young modern communities that they have been established to serve.' These policies were later suspended. Yet there is no record of where the policies originated at ETB level. None of the CNS schools had boards of management in place at the time that the dress codes were written.

This lack of transparency and accountability was evident to Atheist Ireland throughout our dealings across the ETB Sector, in respect of Freedom of Information requests. Rather than engage in open and transparent discussions, the ETBI refused to meet Atheist Ireland while arranging formal meetings with the Catholic Church. Multiple ETBs also explained that they were coordinating their responses to Atheist Ireland, and the ETB Sector as a whole did not make it easy to discover information about how their schools are being managed.

This lack of transparency is particularly significant at this time. In 2017, Minister for Education and Skills Richard Bruton announced that the ETB Sector would be central to his strategy for the reconfiguration (formerly called divestment) of patronage, in order to create more multi-denomination schools. His announcement commented as follows:

"This new process for supporting transfers of schools to multi-denominational patrons, in response to the wishes of local families, is based around principles of transparency and cooperation ... The ETBs will each identify towns or areas where there is likely to be demand from families for greater diversity and work with pre-school services to establish evidence of this demand among the cohort of pre-school parents, via surveys."

It is hard to imagine how transparency could be a feature of this process, if it is being managed by the ETB Sector as it is currently operating.

¹³ <https://www.rte.ie/news/analysis-and-comment/2018/0316/947886-school-dress-code/>

7. Summary Of Costs To Acquire Documents From ETBs

Due to the high fees being charged across the ETB Sector to retrieve information, the Atheist Ireland campaign was only able to obtain documents from a subset of the ETBs in the country. The relevant documents that we obtained have been published in full on our web site. In the interests of further transparency, the table below lists the fees that were charged to Atheist Ireland. In several cases, the scope of the requests had to be refined several times in order to reduce the initial quote, before a final cost was arrived at.

ETB	Initial Quote	Final Cost	Appeal Cost
First Fol Request Submitted			
Tipperary ETB	€300.00	€300.00	€0.00
Next Fol Requests After Initial Publicity			
Cavan and Monaghan ETB	€740.00	€500.00	€0.00
Dublin and Dún Laoghaire ETB	€0.00	€0.00	€0.00
Galway and Roscommon ETB	€680.00	€500.00	€0.00
Kildare and Wicklow ETB	€500.00	€500.00	€50.00
Laois and Offaly ETB	€500.00	€500.00	€30.00
Mayo and Sligo ETB	€680.00	€500.00	€0.00
Waterford and Wexford ETB	€420.00	€420.00	€0.00
Requests After Crowd Funding Appeal			
Cork ETB	€4,600.00	€1,360.00	€0.00
Sub Totals	€8,420.00	€3,220.00	€80.00
TOTAL FEES TO ATHEIST IRELAND			€3,300.00

Initially, it was noticeable to Atheist Ireland that, following the publicity generated by our report about Tipperary ETB, the cost of subsequent requests increased substantially. When it became clear that our crowd funding campaign was being sufficiently successful that these costs would not be prohibitive, the cost of further requests then increased by another order of magnitude.

Additionally, some individual pages that contained the most important information within documents, were inexplicably omitted and had to be subsequently sought separately. Further appeals to the Office of the Information Commissioner were also required, due to the high fees that were sought by the ETBs. In one case, a €500 fee was paid in order to acquire only nine documents. In another case, an ETB demanded €4,600 to provide documents according to a request that was carefully limited in timeframe and scope.

Atheist Ireland would like to reiterate our gratitude to all those who donated to our crowd funding campaign. Without these generous donations this campaign would not have been possible, and the public record would not have been informed with the important information that has now been published.