

The Review of the Deed of Trust

Exploring new models of Catholic
Patronage in Community Schools

Today's business

Two conclusions

- Department sponsored review of Deed is over due
- Opportunity at this point in time to consider afresh the most effective way to organise Catholic patronage

Not under consideration today

- The future of the C&C sector in general
- Other models of patronage/co-patronage in Community Schools
- Wider issues of patronage at second level.

Trustees/Patron

- Just for today

the terms Trustees and Patron are used interchangeably.

Who can participate in co-patronage at present?

- Trustees linked to “competent religious authority
- The “competent Religious Authority” means in relation to the Roman Catholic Church or the Church of Ireland the Ordinary and in any other case the person and persons who according to the rules or the constitution of the Church or Faith concerned (Indenture 1 A (i))
- Ordinary is defined in terms of Catholic Church and Church of Ireland only (Indenture 1 A (v))

Excluded at present ?

- Any entity other than a church or faith
(e.g. An Foras or Educate Together)
- Any multi-denominational or church/faith combinations

(as per lease and indenture)

De Facto position

- There are no co-patrons at present other than VECs, Catholic Bishops and Religious orders.

Review of Deed.

- Who ?
- Why ?
- What ?

Who ?

- Basic principle - revisions should be agreed by those concerned
- Department, Catholic Church, IVEA.
- Include Protestant Church, ACCS.

Why ?

- Timely to do so
- Proof against changes that have occurred
- Anticipate and Avoid future difficulties
- Leave good enough alone – no show stopping problems?
- Past a good guide to future in terms of issues and difficulties ?

What ?

Examine deed against

- Past experience
- Legislative change
- New property models
- Efficiency and effectiveness of operation
- Future proof as best we can

Deed of Trust and Model Lease

- Lease and indenture
- First Schedule – Instrument of management
- Second Schedule – Articles of management

Lease

- Model of securing rights and responsibilities on property
- Policy evolution
e.g. PPP schools , contributions
- Enterprise V Buildings

Indenture

- 4 – guiding clause on characteristic spirit/ethos ?
- Arrangements for transfer of trusteeship and patronage under Education Act
- 9 - seem very wide powers re investments
- 13 – clause that permits agreed change
- 14 – (no scrutiny clause?) purpose ?
conflict with public interest?

First Schedule

Instrument of Management

- Composition of Board
- Largely procedural matters – test for efficiency and effectiveness or need for useful additions or deletions
- Update timelines re meetings, etc if need be
- Removal of board members – consistency with Education Act 1998 ?

Second Schedule

Articles of Management

- Financial matters – proof for best practice in financial management and governance.
- Inventory of stock – relevance today based on experience?
- 7A - Selection of staff (proof for employment law, best practice, IR agreements)
- 7B Need going forward for right to nominate members of orders as teachers

Second Schedule

(contd.)

- 11 -consider of provision for worship and RE in context of providing for others (e.g.Muslim community).
- Capacity to identify competent religious authority in case of other traditions
- Review language used in relation to Catechetical Inspectorate.
- Indemnity.

Structure of Catholic Patronage

- where we are at present

- Trustee Forum a response to perceived challenges identified by trustees
- Exercise of patronage duties involves multiple “contacts/interactions/links/relationships” (circa 280 ?)
- Department recent experience.

Catholic Patronage

- adopting principles from Catholic Schools Partnership

- “It is a logical next step towards the unified voice and vision for Catholic Education” Cardinal Brady – 28 January 2010
- Catholic Schools Partnership covers Catholic Voluntary Secondary Schools and Primary Schools
- Does the strategy at its heart have a relevance for the structure of Catholic Patronage in Community Schools ?
- How is “unified voice .. “ achieved in Community Schools?

Influences on change

Taking account of:

tradition

subsidiarity

pragmatism

Towards a new model

System Level

- A new entity to act as patron

School Level

- Preserve involvement of orders or trust boards

Patron Entity

- Representative of various catholic interests
- Composition and representation a matter for church authorities
- Potential for administrative support from ACCS

Board Level

Continued involvement of relevant order or trust board on individual school boards.

Next Steps