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Models of school ownership and management

Summary

Northern Ireland

In Northern Ireland, the Department of Education (the Department), in conjunction with the five Education and Library Boards (ELBs), has overall responsibility for managing the schools estate.

The schools system comprises a range of sectors, and each has different arrangements in regard to ownership, funding and its employing authority. For example, controlled schools are owned and funded by the ELBs, while Catholic maintained schools are owned by Trustees and receive recurrent funding from the ELBs and capital funding from the Department. In all sectors, a school's Board of Governors manages the individual school.

Ireland

In Ireland, the vast majority of schools are owned by religious authorities, but funded by the Department of Education and Skills. National (primary) schools operate under a system of patronage, and schools have a statutory duty to uphold the ethos of their

patron. Almost all national schools are denominational, and typically under the patronage of a local Bishop.

Educate Together is the patron of most of the multi-denominational schools in Ireland. Patron bodies within this model operate as a company limited by guarantee, whose members are made up of supporters of the school in the local area. This approach aims to offer a transparent and accountable model of patronage.

However, as Ireland faces demographic and societal changes, it has experienced a growing demand for multi-denominational and non-denominational schooling. A *Forum on Patronage and Pluralism* has made a number of recommendations around how national schools can be transferred from religious patronage. These have included how to manage diversity in 'stand-alone' schools that do not have another school nearby.

England

In recent years governments in England have sought to give schools much greater autonomy with a view to encouraging innovative approaches in driving up educational standards. The main initiative in this regard has been the introduction of academies, publicly funded schools established by sponsors (such as charities, faith groups or businesses) and managed by academy trusts: companies limited by guarantee.

These schools are free from local authority control and have flexibility around the delivery of the curriculum, pay and conditions for staff and the length of school days and terms. Originally introduced to replace poorly-performing secondary schools in urban areas, they have since been extended to allow all existing schools to apply for academy status. Evaluations have often highlighted positive outcomes, and have pointed to the strong influence of sponsors on schools in terms of ethos and expertise.

Conclusion

This Briefing Paper highlights a range of models of ownership and management in schools. Areas for consideration in this regard could include the relevance of alternative models of ownership here, such as the involvement of sponsors in establishing schools and setting their ethos. Consideration could also be given to the recommendations of the group exploring transferring patronage from religious organisations in Ireland, particularly in terms of incorporating pupils of different beliefs and backgrounds within an individual school.

1 Introduction

The *Bain Strategic Review of Education* in 2006 highlighted a disproportionate number of vacant places in schools in Northern Ireland and called for rationalisation of the schools estate and a more coherent, area-based approach to planning.¹ The Department adopted a number of recommendations from the Review in its 2009 policy

¹ Bain, G. (2006) *Schools for the Future: Funding, Strategy, Sharing* Bangor: Department of Education

on sustainable schools.² The current Education Minister, John O'Dowd MLA, stated in September 2011 that there was a need to take forward implementation of the Department's policy on sustainable schools.³

This Research Paper provides an overview of the arrangements in place in Northern Ireland, England and Ireland around the schools estate. It considers the ownership, and management of schools in the other jurisdictions: in particular, it examines ownership models such as the academies and free schools approaches in England and the system of patronage for primary schools in Ireland.

2 Northern Ireland

The Department, in conjunction with the five ELBs, has overall responsibility for managing the schools estate including capital works and maintenance.

Northern Ireland has a range of sectors and each has different arrangements around ownership, funding and maintenance. An overview of these arrangements for the main categories is set out in the following table and subsequent paragraphs.⁴

Table 1: Arrangements for grant-aided schools in Northern Ireland

School type	Ownership	Funding	Management	Employing authority
Catholic maintained	Trustees	Revenue: ELBs Capital: DE	Board of Governors	CCMS
Controlled	ELBs	Revenue and capital: ELBs	Board of Governors	ELBs
Controlled integrated	ELBs	Revenue and capital: ELBs	Board of Governors	ELBs
Grant-maintained integrated	Trustees or the board of governors	Revenue and capital: DE	Board of Governors	Board of governors
Voluntary grammar	Trustees or the school's founding body	Revenue and Capital: DE, some contribute to capital costs	Board of Governors	Board of governors

² Department of Education (2009) *Schools for the Future: A Policy for Sustainable Schools* Bangor: DE

³ Department of Education (2011) *Putting pupils first: shaping our future* Bangor: DE

⁴ Eurybase (2010) *National Education System Description for England, Wales and Northern Ireland* Eurydice at NFER

Maintenance arrangements

The Education and Library Boards (ELBs) are responsible for major and minor works and for the maintenance of controlled schools. They are also responsible for maintenance work on grant-aided schools outside the controlled sector (trustees or the board of governors of such schools are responsible for major and minor capital works).⁵

Value of the controlled schools estate

In an answer to a recent Assembly Question, the Education Minister stated that it had not been possible within the timeframe to gather information on the value of the schools estate for schools outside the controlled sector. However, the Minister provided information on the value of the schools estate within the controlled sector (for school buildings and land), as highlighted in the following table.

Table 2: Value of the controlled schools estate

	SEELB	SELB	NEELB	WELB	BELB	Total
Value	£441.7m	£283.8m	£446.1m	£206.2	£319.2	£1.697bn

Source: *Response from the Education Minister to a question by David McNarry MLA, 5th October 2011*

3 England

A variety of arrangements for owning, funding, maintaining and managing schools are in place for maintained schools in England, depending on the type of school. The following table provides an overview of the traditional models.⁶

Table 3: Arrangements for maintained schools in England

School type	Ownership	Funding	Employing authority
Community schools	Local authority	Local authority: both revenue and capital expenditure	Local authority
Foundation schools	Either school governing body or trustees	Local authority: both revenue and capital expenditure	Governing body

⁵ Information request response from Department of Education, 17th June 2011

⁶ Eurybase: *Types of School* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Primary_Education

School type	Ownership	Funding	Employing authority
Voluntary controlled⁷	Either trustees or the founding body of the schools (e.g. Church of England/ Catholic Church)	Local authority: both revenue and capital expenditure	Local authority
Voluntary aided schools	Either trustees or the founding body of the schools (e.g. Church of England/ Catholic Church)	Full revenue funding; expected to contribute a small proportion of capital costs (around 10%)	Governing body

Source: Eurybase: *Types of School*

In addition, there are a number of other legal categories of school, which are publicly funded but not designated as maintained schools. These schools are free from local authority control. The arrangements for ownership, funding and management of these schools are set out in the following table. Further detail is provided in the subsequent paragraphs.

Table 4: Arrangements for publicly funded independent schools in England

School type	Ownership	Funding	Management
City technology colleges and City colleges for the technology of the arts	Sponsors or promoters	<ul style="list-style-type: none"> Sponsors or promoters required to make a substantial contribution towards cost of buildings and capital equipment Department for Education provides recurrent funding 	Sponsors or promoters
Academies	Established by sponsors (e.g. business, faith or voluntary groups)	<ul style="list-style-type: none"> Department for Education meets capital and running costs in full 	Board of governors
Free schools	Established by sponsors (e.g. business, faith or voluntary groups)	<ul style="list-style-type: none"> Department for Education 	Board of governors

Source: Eurybase (2010) *National Education System Description for England, Wales and Northern Ireland* Eurydice at NFER

⁷ Voluntary aided schools are mainly religious or 'faith' schools. Voluntary controlled schools are similar to voluntary aided schools, but are run by the local authority

City technology colleges and city colleges for the technology of the arts

City technology colleges and city colleges for the technology of the arts were established in the mid-1980s as the first publicly funded schools to be free from local authority control, and are often now viewed as a forerunner to academies.⁸ Each college is owned or managed by a sponsor or promoter; has an individual agreement with the Secretary of State; is inspected by Ofsted in line with maintained schools; and may become an academy. In order to achieve their college status, they must:⁹

- Be situated in an urban area;
- Provide education for pupils of different abilities from the age of 11 who are drawn from the area in which the school is situated;
- Provide a broad curriculum with an emphasis on science and technology; and
- Not charge fees.

Academies

Academies are independent, publicly funded schools that have greater autonomy than other schools. This autonomy includes freedom from local authority control (they are directly accountable to the Department for Education); the ability to set pay and conditions for staff; freedoms around the delivery of the curriculum; and the ability to change the lengths of terms and school days.¹⁰ The intention is that academies will take an innovative approach to governance, management, teaching and the curriculum.¹¹

Academies are managed by academy trusts, which are companies limited by guarantee with charitable status. Each academy has a governing body which governs the academy on behalf of the trust. Sponsors include individuals or organisations from the voluntary sector, faith communities, education and business.¹²

With regard to funding, academies each have a funding agreement with the Secretary of State (as opposed to being funded by the local authority). As they have the status of a charitable company, they must file annual accounts with the Charity Commission.

Academies developed from city technology colleges, and were originally intended to replace poorly performing post-primary schools in urban areas. They were later extended to include all-age schools, primaries, special schools and schools in

⁸ Eurydice: *Secondary and Post-Secondary Non-Tertiary Education* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Secondary_and_Post-Secondary_Non-Tertiary_Education

⁹ Eurybase (2010) *National Education System Description for England, Wales and Northern Ireland* Eurydice at NFER

¹⁰ About academies [online] Available at: <http://www.education.gov.uk/schools/leadership/typesofschools/academies/b0061252/about-academies>

¹¹ House of Commons Library (2010) *Academies: an overview*

¹² National Audit Office (2010) *The Academies Programme* London: The Stationery Office

disadvantaged rural areas. Originally, academies were required to have the following characteristics:¹³

- Be located in areas of disadvantage (replacing one or more existing schools facing challenging circumstances or established to meet a need for additional places);
- Provide education for pupils of different abilities who are drawn wholly or mainly from the area in which the school is situated;
- Provide a broad and balanced curriculum with an emphasis on a curriculum area or areas.

In 2010 the Academies Act was introduced allowing all existing schools to apply for academy status, and enabling the Secretary of State to require the weakest schools to convert to academies. Such schools are known as converter academies, while schools established under the original model are known as sponsored academies.¹⁴

Converter academies are not required to meet the same criteria as sponsored academies in regard to location and external sponsorship, but have the same flexibility in terms of staffing, curriculum and budgets. Schools that are performing well who wish to become an academy are expected to partner a weaker school.

Outcomes

A report by the National Audit Office (NAO) in 2010 found that on the whole, academies were raising standards of attainment among pupils more quickly than maintained schools with similar intakes, and were more likely to be rated 'outstanding' by Ofsted.¹⁵ While their examination results tend to be below the national average, this might be expected given their pupil intakes. Other findings within the NAO report included:

- Academies have achieved rapid improvements in pupil attendance;
- Academies are becoming more popular and attracting pupils from a range of backgrounds;
- The performance of academy pupils who are registered as eligible for free school meals or have special educational needs has improved over time;
- Most academies are contributing to the wider community by offering sports facilities, adult learning or childcare.

¹³ Eurypedia: *Secondary and Post-Secondary Non-Tertiary Education* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Secondary_and_Post-Secondary_Non-Tertiary_Education

¹⁴ Eurypedia: *Secondary and Post-Secondary Non-Tertiary Education* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Secondary_and_Post-Secondary_Non-Tertiary_Education

¹⁵ National Audit Office (2010) *The Academies Programme* London: The Stationery Office

The NAO suggests that academy sponsors have a strong influence on the school, and that this can result in benefits around a clear ethos, business and educational expertise and additional financial support (in some cases).

Free schools

The Academies Bill in 2010 also made provision for free schools, which can be set up by parents, teachers, charities, universities, business, community or faith groups. Free schools are a form of academy, and are independent, all-ability publicly funded schools established in response to local demand.¹⁶

Free schools have the same legal requirements as academies, and the intention is that they will benefit from the same freedoms and flexibilities. They differ to academies in that existing maintained schools may not convert to become a free school; rather, they are new schools established in areas of demand.¹⁷

With regard to admissions criteria, free schools are required to be inclusive. In the case of faith-based free schools, the criteria must allow for half of the available places to be allocated to children without reference to faith where schools are oversubscribed. Where they are not oversubscribed, every child who has applied must be admitted.¹⁸

Outcomes

As the first free schools opened in September 2011, there was little evidence on their outcomes at the time of writing. However, it is a controversial approach, and critics highlight the example of free schools in Sweden, which are typically attended by children from well-off backgrounds. Overall, the evidence on free schools in Sweden is mixed.¹⁹

Governance arrangements

Within the various legal categories of schools described previously, there is a range of possible governance arrangements. These include:²⁰

- Trust schools: a form of foundation school, trust schools form a charitable trust with an outside partner (such as a business or educational charity);
- Federations: schools sharing governance structures;
- Extended schools: schools that offer a range of community services and activities.

¹⁶ Eurydice: *Organisational Variations and Alternative Structures in Primary Education* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Organisational_Variations_and_Alternative_Structures_in_Primary_Education

¹⁷ House of Commons Library (2011) *Free Schools*

¹⁸ Eurydice: *Organisational Variations and Alternative Structures in Primary Education* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/United-Kingdom-England:Organisational_Variations_and_Alternative_Structures_in_Primary_Education

¹⁹ House of Commons Library (2011) *Free Schools*

²⁰ Eurybase (2010) *National Education System Description for England, Wales and Northern Ireland* Eurydice at NFER

Maintenance arrangements

Local authorities are responsible for the upkeep and maintenance of maintained schools, while voluntary aided schools are generally expected to contribute a small proportion of capital costs. Responsibility for work to voluntary aided schools is usually shared between the school governing body and the local authority. Local authorities are expected to use good asset management to ensure that assets are used effectively and efficiently.²¹

The *James Review* notes that maintenance work is not undertaken collectively at a Local Authority Level on a systematic basis, and remarks that while the schools estate has a replacement cost of £110bn, it has no central professional property maintenance strategy or function.²²

6 Ireland

Ownership and management of primary schools

The vast majority of schools in Ireland are owned by religious authorities (and funded by the Department of Education and Skills). Schools have a statutory duty to uphold the ethos of their patron under legislation introduced in 1998. This legislation gives significant powers to school patrons, including:

- The ethos of the school;
- Appointment and support of school's Board of Management;
- The supervision of staff appointments;
- The upkeep of assets;
- Financial and legal matters;

Almost all (98%) primary schools are denominational schools. Most national (primary) schools are under the patronage of a local Bishop; frequently the patron nominates an individual or body of persons to act as manager, but may resume the direct management of the school at any time. The profile of primary school patronage is thought to be as follows:²³

- 94% of denominational schools are run by the Roman Catholic Church and associated religious orders;
- Patrons from religious minorities make up fewer than 200 primary schools, these are mostly Church of Ireland;

²¹ Eurybase (2010) *National Education System Description for England, Wales and Northern Ireland* Eurydice at NFER

²² James, S. (2011) *Review of Education Capital* Department for Education

²³ Walsh (2010) *Strategic Spatial Planning and the Provision of Schools: A Case Study of Cross-Sectoral Policy Coordination in the Dublin City Region* Maynooth: National Institute for Regional and Spatial Awareness

- Methodist, Jewish, Muslim and Quaker schools also exist;
- Most Irish-medium primary schools are under the patronage of An Foras Patrúnachta Lán Ghaeilge Teo (An Foras);
- Educate Together is the patron of most of the multi-denomination schools in Ireland, with 60 schools (27 of which are in the Dublin area).²⁴

Boards of Management have responsibility for managing primary and post-primary schools; these include patron, parent and teacher representatives.²⁵

Religious patronage

Schools under Catholic patronage primarily admit children with Catholic parents, although they may admit children of other faiths or none provided that they have the capacity, and 'in keeping with their ethos'. This approach to admission policies and religious ethos has been described as problematic, particularly in rural areas and areas where there is high demand for schools places, as non-Catholic children may not be able to obtain a place in a local school.²⁶

Other patronage models

The patron body of an Educate Together school is a company limited by guarantee, whose members are made up of the supporters of the school in the local area (typically parents, ex-parents and prospective parents of children in the school and supporters from the general community). This approach aims to offer a transparent and accountable model of patronage defined in clear legal terms: in particular, the company is regulated under the Companies Acts.²⁷

An Foras was established in 1993 as an independent system of patronage for Irish-medium schools. It operates as a limited company consisting of a Director and a Steering Committee, and it allows patronage for schools of any denomination and a choice of religious ethos (including Roman Catholic, inter-denominational and multi-denominational schools). The vast majority of Irish medium primary schools established since 1993 are under their patronage.²⁸

²⁴ Educate Together: *About* [online] Available at: <http://www.educatetogether.ie/about-2/>

²⁵ Eurybase: *Administration and Governance at Local and/or Institutional Level* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Ireland:Administration_and_Governance_at_Local_and/or_Institutional_Level

²⁶ Walsh (2010) *Strategic Spatial Planning and the Provision of Schools: A Case Study of Cross-Sectoral Policy Coordination in the Dublin City Region* Maynooth: National Institute for Regional and Spatial Awareness

²⁷ Educate Together Schools - Core Values and Ethos [online] Available at: http://www.educatetogether.ie/reference_articles/Ref_Art_004.html

²⁸ *About an Foras Pátrúnachta* [online] Available at: <http://www.foras.ie/pages/about-us.php> and Eurybase: *Administration and Governance at Local and/or Institutional Level* [online] Available at: https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Ireland:Administration_and_Governance_at_Local_and/or_Institutional_Level

Views of the patronage approach

Research published in 2011 for the Irish Catholic Bishops' Conference reported the views of a range of parents who had children attending a school with a Catholic patron. The report stated that parents did not often know or use the word 'patronage' to describe the governance of the school, rather thinking of it as a local site and not necessarily as under the patronage of a particular bishop.²⁹

When asked why they chose to send their children to a particular school, most cited 'convenience' to home and work and the school's reputation in terms of educational quality. Most of the parents understood the Church's involvement in the school in terms of ethos or religious instruction, and did not tend to understand school governance structures.

Divesting patronage

In light of demographic and societal changes in Ireland, there has been a growing demand for multi-denominational and non-denominational schooling. Senior representatives of the Catholic Church have shown a willingness to divest patronage of some schools and the Education Minister, Ruairí Quinn TD, has established a Forum on Patronage and Pluralism in the Primary Sector. Its aims to advise the Minister on:³⁰

- How it can best be ensured that the education system can provide a sufficiently diverse number and range of primary schools catering for all religions and none;
- The practicalities of how transfer or divesting of patronage should operate for individual primary schools in communities where it is appropriate and necessary;
- How transfer can be advanced to ensure that demands for diversity of patronage can be identified and met on a widespread basis nationally.

The forum presented its findings in November 2011. These highlighted an urgent need for action on divesting, clarification on legal issues and supported a 'rolling plan for incremental change' rather than a 'Big Bang' approach.³¹

The plans outlined a role for the Department of Education and Skills to provide data and gather evidence of parental preferences, for patrons to report to the Department within a specified time period, and for a specialised and independent group to advise and help resolve difficulties.

The findings report pays particular attention to 'stand-alone' schools, which have no other choice of school nearby. The forum has explored how such schools can become more inclusive and respect the rights of pupils, and made a number of suggestions:³²

²⁹ O'Mahony, E. (2011) *Parental Understandings of Patronage* Maynooth: Council for Research and Development

³⁰ *Public Submissions: Forum on Patronage and Pluralism in the Primary Sector* Dublin: Department of Education and Skills

³¹ Coolahan, J. (2011) *Sharing our Reflections* [online] Available at:

<http://www.education.ie/home.jsp?pcategory=10856&ecategory=56743&language=EN>

- There should be an agreed protocol protecting the rights of all pupils enrolled;
- Board of Management Membership should reflect, where possible, diversity in the local community;
- The Department of Education and Skills should advise on self-evaluation on diversity needs within the school (for example, questionnaires to parents);
- The Department should issue guidelines and examples of good practice;
- Religious instruction should be held at different times for different class groups, facilitating opting out.

Ownership and management of post-primary schools

Most post-primary schools in Ireland are funded by the Department of Education and Skills and all recognised schools must conform to the required educational standards specifications of the curriculum. The board of management has responsibility for the management of the school.³³

The following table provides an overview of their ownership, management and funding arrangements.

Table 5: Arrangements for post-primary schools in Ireland

School type	Ownership	Funding	Management
Voluntary Secondary (54% of students)	Privately owned: trustees tend to be religious communities or boards of governors	Department of Education and Skills	Boards of management
Vocational schools and community colleges (33% of students)	Vocational Education Committees (VECs)	Largely funded by the Department of Education and Skills (balance provided by the committees)	Boards of management (sub-committees of the VEC)
Community and comprehensive schools	Minister for Education (who vests ownership in religious and VEC trustees)	Department of Education and Skills	Boards of management

³² Coolahan, J. (2011) *Sharing our Reflections* [online] Available at:

<http://www.education.ie/home/home.jsp?pcategory=10856&ecategory=56743&language=EN>

³³ Eurybase: *Administration and Governance at Local and/or Institutional Level* [online] Available at:

https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Ireland:Administration_and_Governance_at_Local_and/or_Institutional_Level

Most voluntary secondary schools are Roman Catholic (the majority of the remainder are under Protestant management). However, OECD reports that there has been a 'dramatic reduction in the involvement of religious orders in education,' with many withdrawing as the sole trustees of schools, leading to amalgamations and closures in some cases. In addition, the number of the other main types of post-primaries highlighted in the previous table has increased in recent years.³⁴

Vocational schools and community colleges are owned by the local Vocational Education Committees (VECs): statutory bodies usually set up by county councils. Initially, the schools aimed to provide a technical education and prepare students for trades; now they offer a full range of subjects.³⁵

Community and comprehensive schools were established in 1967 after the introduction of free second-level education in order to make post-primary education accessible across the country. These schools offer a range of academic and vocational subjects and many were established as the result of the amalgamation of voluntary secondary and vocational schools.³⁶

³⁴ OECD (2007) *Improving School Leadership: Background Report – Ireland* Paris: OECD

³⁵ Enterprise Ireland: *Second Level Education in Ireland* [online] Available at: <http://www.educationireland.ie/index.php/irish-education/secondary-education/introduction>

³⁶ Citizens information: *Types of post-primary school* [online] Available at: http://www.citizensinformation.ie/en/education/primary_and_post_primary_education/going_to_post_primary_school/types_of_post_primary_school.html