**TUI President Martin Marjoram - Response to Minister Norma Foley**

**TUI Annual Congress, Wexford, Wednesday 20th April 2022**

Minister, you are very welcome to our Congress and, on behalf of the TUI’s 20,000 members, I thank you for accepting our invitation to attend and to address us. We acknowledge our shared interest in education as the great driver of equality and social cohesion. The TUI looks forward to continuing to work with you and officials from your Department in that great enterprise, with many ambitions and positions in common, and I extend our welcome and thanks to those officials here present.

**Funding**

While not always agreeing with the OECD, the TUI can find no fault with this from their latest report: “Giving everyone a fair chance to obtain a high-quality education is a fundamental part of the social contract. To improve social mobility and socio-economic outcomes, it is critically important to eliminate inequalities in educational opportunities.”

Minister, with those aims in mind, Ireland does not spend enough on education. Last out of 36 countries in the OECD in terms of how much of national wealth is spent on second level education is lamentable. As a nation, we have always valued education historically and culturally – we need to start demonstrating that value in real terms. What better use of the nation’s resources than investment in the genius and in the future of its people?

Increased teacher allocations in response to the pandemic were welcome and necessary; they must be continued and added to. Demographics and our duty to cherish all of our children equally dictate the need for ongoing increases. The contrast between our enormous class sizes and those in jurisdictions which command similar resources was marked and should both be a source of shame and a rallying-cry for improvement. Can anyone seriously suggest there is no connection between our staffing and infrastructural deficits at second level and our spend of less than 60% of the OECD’s average amount of national wealth? For the sake of our children and our future, we must eliminate that gap.

Minister, you have repeatedly acknowledged the extraordinary efforts and exemplary work of teachers in keeping education operating during COVID-19. For all that was achieved, we are deeply conscious of the inequalities experienced by students, with the greatest educational losses suffered by those already most disadvantaged. Our many decades of underinvestment were acutely felt, and existing inequalities magnified with the extent of continued engagement in education depending hugely on home circumstances and resources and the availability of devices and reliable broadband. The CLASS hours were well-intentioned, but the educational losses suffered will only be made up by a more fundamental response, again involving extra allocations including for team-teaching and additional supports and resource hours.

The addition of a further 37 post-primary schools to the DEIS scheme is good news, but it would have been even better if accompanied by a positive response to our repeated call that Deputy Principals in DEIS schools be ex-quota.

And sometimes Minister, it is the little things – for allocations to be notified to schools in mid-April when we can still remember the years when they were announced before the end of January is disrespectful to our Principal teachers and does little to help planning the next school year. All the worse for the communication to issue during the Easter holidays of Principals who have worked through the most unrelenting and hectic two years imaginable.

And Minister, inequalities between different school sectors which affect teacher recruitment and teacher numbers must be removed – ETB schools cannot be disadvantaged any more regarding either allocations or the inferior payment regime for fully qualified teachers operating out of field.

This last issue has been an agenda item for years at the Teachers’ Conciliation Council and the failure so far to have it addressed the perfect illustration of the ineffectiveness of that forum and the need for its operation to be significantly energized. Despite the best efforts of an excellent Chair, issues drift for months and years or lie endlessly under the cold hand of the Department of Public Expenditure and Reform.

The excellent, solution-focused engagements which allowed fast, necessary decisions in response to COVID-19 provide the model for future engagement. Processing claims and solving long-standing issues for teachers benefit the entire system and must be afforded the urgency and respect of the prompt and efficient resolution we now know is possible.

**Ukraine**

The TUI welcomes that a similar format of engagement as for the pandemic has commenced in order that families fleeing to Ireland to escape Putin’s bloody and barbaric assault on the Ukrainian people can have the best possible education for their children. Our members have already begun to play their role in this great national effort. The potential strain on the school system, and the resources required, may well turn out to be unprecedented. We in the TUI will engage constructively and actively to see all available capacity and resources employed towards this vital task. Thus far, and hopefully up to summer, the indications are that the system can accommodate those needing a school place. What is crucial is that all necessary preparations and resources are ready for September so that teachers and students have certainty and confidence in the necessary additionality and supports, including language and psychological services.

**Legal Case in Kerry**

As you know, Minister, a number of our members were employed by the Kerry Diocesan Youth Service providing Youthreach services. This service was funded, through Kerry Education Service, and then Kerry ETB, using a grant from your Department under an arrangement requiring a defined benefit pension scheme no less favourable than that available in the public service.

Recent correspondence from our legal advisors made clear to you that the scheme is now under threat. Minister, you and your Department have a moral responsibility to intercede to ensure commitments made in relation to our members’ pension scheme are honoured. Equally Minister, you have a responsibility to these members, your constituents and members of your electorate, to secure a pension in respect of their employment with KDYS no less favourable than would apply had they been directly employed by a VEC or ETB.

**Sectoral Bargaining and Pay Equality**

From 1st February, almost all public servants will benefit from the middle of three 1% pay increases under Building Momentum. As you know Minister, that agreement provided for unions instead to use some or all of that middle 1% to pay for outstanding claims and adjudications in a process called Sectoral Bargaining.

The first thing to say about Sectoral Bargaining is that it is deeply unjust. It stands as an appalling indictment of successive Governments that there were such attacks on the education professions during and following the austerity era. It is an appalling indictment of this Government that remedy for the damage wrought rests with us, that we should have to divert our money, long overdue to us in offsetting inflation, into footing the bill for necessary repairs to our profession which by any ethical standard rightly rest with Government. Once done with, our fervent wish is never to see Sectoral Bargaining again.

However, as said too often in the last fifteen years, we are where we are and we in the TUI will stand for pay discrimination no longer. We are determined to seize this opportunity, however flawed the mechanism by which it is offered, at long last to remove this blight from the teaching profession. Our key objectives are costed by your officials and demonstrated to lie within the scope of the available fund.

One of these is now hopefully agreed, which is the restoration of the HDip (or PME) allowance for obtaining, by 6 years of hard graft in most cases, what is now the essential qualification for admission to the profession. The TUI position to restore the PME allowance was communicated early in the discussions to Department Officials last year. Respectful as always of the decision-making processes of our sister Union, we are delighted that the ASTI has now come to the same position – the destination of about two thirds of our shared fund is now decided, and in the best way possible.

Next on our list, and well within the remaining resource made available by our members, is a return to entry at point 3 of the salary scale for fully qualified teachers, in recognition of the costly unpaid years spent training for the profession. Many have forgotten, but the TUI has not – before the Teaching Council teachers who had completed a degree commenced on Point 2 and those who went on to complete a 1 year HDip commenced on Point 3. The minimum requirement to even enter the profession now takes longer to achieve, costs more, and involves more time in the classroom. The TUI’s unequivocal position is that our new and recent entrants have already earned, at least, these increments by the time they graduate.

In our survey of members, directly before this Congress, almost half of teachers suffering pay discrimination see its removal as the determining factor which will keep them in the profession – a stark finding, Minister, in the face of a teacher supply crisis. The TUI’s campaigning, industrial action and negotiations have served to reduce the career loss for teachers under austerity attacks from a monstrous half a million euro to about €80,000 as of last week, down to about €30,000 with the PME allowance secured. We must complete the journey, Minister – and the TUI and its members have not only sign-posted the way – we are paying the fare. It is altogether fitting and proper for us to do this – that we in the TUI demonstrate this solidarity with our colleagues which is at the core of our values. What is neither fitting nor proper is the abdication of responsibility by the Department and by Government for the welfare of the teachers suffering this disgraceful discrimination and for its damage to the teaching profession itself.

No more foot-dragging from the Department of Public Expenditure and Reform should be allowed to delay the righting of what was always so manifestly wrong. We need sign-off on the restoration of the PME allowance and entry at point three of the scale restored. Pay equality for teachers is finally within our grasp, paid for by us – we insist Minister that you do all in your power to drive it home at last.

And lest there be any doubt, Minister, once pay equality is achieved the TUI will move decisively to address the gaping injustice of the inferior pension imposed since 2013.

The modest pay rises of Building Momentum are more than swallowed up by inflation. Minister, national pay policy must address legitimate public sector demands regarding the cost of living, made all the worse by the housing crisis putting both rents and home ownership out of reach of many teachers.

**Recruitment and Retention Crisis**

The realities of the recruitment and retention crisis in teaching are all too well known and brought into even sharper relief by the pandemic. A TUI survey before Christmas, with the assistance of our Principals’ and Deputy Principals’ Association, showed 98% of schools experiencing recruitment difficulties in the previous 6 months. The grim prospects for young teachers in establishing their place in the world are darkened by the twin shadows of discriminatory pay and the housing crisis. The embedded, reprehensible reluctance to make ab initio permanent appointments adds casualization, often on less than full hours, to the list of disincentives, growing still further the numbers of Irish teachers whose place in the world will regrettably be somewhere else in the world, somewhere with better pay, better prospects and no discrimination.

The Action Plan on Teacher Supply has signally failed to supply teachers in anything like the numbers required. The time has come for removal of all impediments to getting the best qualified into the profession as a matter of real urgency. The TUI is doing its part with our own members funding the removal of the last vestiges of pay discrimination. The second year of the Professional Masters in Education must also be removed. This expensive extravagance is not only costly for student teachers themselves, both in fees and in a year of lost earnings; it is enormously costly to the system in further disincentivizing the profession and in undue burdens from creating necessary placements, none of which costs can be justified by the modest value this second year may add.

**Posts of Responsibility**

During austerity, our education system was further sabotaged by the evisceration of middle management structures. The loss of Posts of Responsibility is felt across the school community – not least in its negative impact on provision for pastoral care needs of our students. The disappearance for so long of a realistic career path inflicts still more damage on teaching as an attractive profession, while it is deeply unhelpful to schools as Principals and Deputy Principals are appointed without valuable middle-management experience. The requirement for posts is highlighted by the lists of unmet needs in schools across the country, while ever-increasing bureaucratic and accountability demands stretch beyond breaking the resources currently in place. In survey after survey, reinforced in the last month, our members report paperwork and administrative duties interfering with their core activity of teaching.

Teaching in Ireland is becoming marked by ever-increasing intensity accompanied by a diminishing sense of control over the working environment, poisoned further by discrimination in pay and pensions. This is not a recipe for job satisfaction or a healthy profession. There are reasons for the crisis in recruitment and retention, for the continuing loss of talented teachers overseas and to other careers, for the struggle to attract entrants, notably males, into the profession. We have spelled out the remedies, Minister, and they are in your hands and the hands of Government – we urge you to act on them.

**State Examinations**

Minister, it is important on behalf of members that I address the State Examinations. Given its vexed and difficult evolution and the over-riding importance the TUI attaches to its hard-won agreements, we insist as ever on continuing commitment to the 2015 Junior Cycle Implementation Agreement and emphasise again the need to complete a full review. Yesterday’s debate saw Congress bring forward significant concerns about over-assessment which the review must address.

**Review of the Leaving Certificate**

Our state examinations are one of the few institutions of the state which command such trust and confidence. Our history and current affairs are littered with the proof that who you know is and always has been far too important in determining life chances in Ireland and vital concerns free of that stain must be upheld. Minister, at last year’s Congress, I was happy to acknowledge your public recognition of the no-precedent nature of the assessment arrangements forced upon us by the necessities of the pandemic. Extraordinary efforts by teachers enabled tens of thousands of young people to progress with their lives and to commence apprenticeships, employment, and further and higher education. The trust and credibility of the system and of those young people’s qualifications were retained, but in our view by a narrow margin with the edges becoming increasingly frayed as we moved into an unnecessary second year of teachers assessing their own students, by contrast with the clear necessity of the first. The view now that no-precedent necessity was in fact an opportunity for so-called “learnings” is a source of grave concern and smacks of opportunism. What was given in good faith for the good of our students, contrary to deeply held principles and with acute unease and disquiet, cannot now be exploited against both us and the reliability and trustworthiness of the system.

The National Council for Curriculum and Assessment, a statutory body of your Department, consulted and deliberated for years with regard to the review of the Leaving Certificate. Their report rested with you for nine months, Minister, while all involved awaited your decisions.

It is important to highlight the positive nature of much that was announced. The necessity, indeed the duty, to build on the valuable experience in Junior Cycle of Level 1 and Level 2 learning programmes with appropriate follow-on modules for the students catered for, was sought by the TUI and is hugely welcome – you and all involved are to be commended on this vital commitment to our children with Special Educational Needs.

The same applies to the provision of the opportunity to all children to participate in Transition Year. The removal of the barriers between Leaving Certificate Applied and the Leaving Certificate Vocational Programme and the rest of the Leaving Certificate cannot come soon enough for us, and we have pointed out for some time the impediments created for LCA students from lack of access to mathematics in particular.

The TUI has always supported additional assessment components in providing opportunities for students fully to display the range of their abilities and achievements and in removing some of the focus from the terminal examination. 27 of 41 Leaving Certificate subjects already feature at least one additional component of assessment, and we favour more, provided of course that they are appropriate to the subject, measure proficiencies which cannot be measured by the written examination, and most importantly are externally assessed by the State Examination Commission.

You have acknowledged, Minister, the need for significant additional resources to implement your plans. We hope your announcement signals real intent that those resources will follow, and we are happy to see the inclusion of professional time for teachers.

However, it is the unilateral elements in your announcement absent from the recommendations in the NCCA report that are truly troubling, Minister.

In what is now described in the press as an interim measure, Paper 1 in Irish and English will move to the end of fifth year while two new subjects are to be introduced out of the blue as far as the NCCA and other stakeholders are concerned. Minister, though well-intentioned, the potential impacts of such change need the scrutiny and consideration of the dedicated statutory body before they are announced, not after.

Educationalist Paulo Freire cautioned that, “reflection and action must never be undertaken independently”.

The very announcement of such change is a hugely significant action on which no-one in the profession had any opportunity for reflection at all – on the impact of the new subjects on existing ones, the pedagogic soundness of the new Paper 1 timings, or on whether those timings might increase instead of reduce pressure.

The manner and timing as well as the nature of your announcement might have been designed to provoke opposition – just as teachers, in another no-precedent COVID response, were about to give up a large part of their Easter to facilitate orals and practicals, it was announced with no prior consultation that this arrangement is now permanent.

For all your years in the classroom, we fear Minister that your reflections over those nine months with the report were not informed by actions and realities on the ground, and particularly with regard to the announcement of so-called teacher-based assessment, for an all-too-familiar sounding 40% for those who came through the Junior Cycle dispute.

In numerous interviews, Minister, you and Government colleagues have been asked whether teacher-based assessment was included in the NCCA recommendations or was subject to prior consultation. Since neither you nor your colleagues seems to be able to answer those questions, let me help you – the answer to both questions is “no”: teacher-based assessment was not in the NCCA recommendations; there was no prior consultation. We would greatly appreciate if you would impart that message to your colleagues.

When your predecessor went against NCCA advice, then Minister Joe McHugh said, “I made history compulsory so that future generations can learn how to avoid the mistakes of our past”. If only your Department could learn to avoid the mistakes of the past, Minister.

The TUI’s opposition to teachers marking their own students for state certification has not diminished, and indeed has just this morning received another ringing confirmation.

The change in the student-teacher relationship arising from such assessment is profound. Our advocacy for our students, the sense of common purpose with them in achieving their full potential, is immensely valuable. In spite of the threadbare nature of our education budget, Ireland is literally the best in the world at keeping children in school past the age of 15, very largely on the basis of that relationship. It must not be sacrificed for what looks to us to be either ideology or ill-considered grafting of practice from other cultures and jurisdictions onto an Irish context where it is alien and inappropriate.

Additional components of assessment running successfully are externally assessed – why undermine what is working or look for a different model when the obvious answer is already before us?

There are indeed “learnings” from Calculated and Accredited grades, Minister – don’t go there unless you absolutely must.

We recall the legal challenges and the court cases; the pressure placed on teachers was immense in some cases; a number are still ostracized by parents who have convinced themselves of some wrongdoing against their child; grade inflation ballooned alarmingly, including a six-fold increase in the numbers achieving maximum points, an inevitable consequence which will require careful unwinding; for some students every assessment and homework became high-stake – not an opportunity to learn and develop, but a step in influencing the teacher towards a high mark – in other words a fundamental undermining of education and the exact opposite of your stated intention to reduce pressure; in the thankfully rare instances where we were aware of departures from the correct procedures, there simply was not the oversight and corrective action we would have expected - from banking and elsewhere, Ireland has too much and too painful a history of those with an oversight and regulatory role being too invested in the system and its reputation to take the necessary corrective action to save that system when it comes under challenge, as all systems do in this country.

In every respect, the TUI’s deeply held belief that teachers should not assess their own students for state certification purposes was upheld and indeed reinforced.

It is as though Calculated and Accredited grades allowed us to open a door a crack to see a howling gale outside – that door needs to be slammed firmly shut Minister.

The introduction of permanent change along the lines so unceremoniously announced carries enormous and unnecessary risk.

No Minister, we urge you in the strongest terms, direct your and your Department’s energies elsewhere – do not ask us to co-design, co-construct, co-author, co-concoct or co-half-bake that which is anathema to us and which will not work. By all means pursue the excellent recommendations of the NCCA. By all means provide the resources which will make them work. By all means, proceed with what may be the most important reform, which is of the CAO system where much of the dissatisfaction directed at the Leaving Certificate properly belongs. Avoid the mistakes of the past, Minister, turn away from what would be a needless dispute and leave teachers to teach and examiners to examine – on that basis you will find us constructive partners in building a better education system together.