

**ADDRESS TO THE ASSOCIATION OF SCHOOL CHAPLAINS.**

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Thank you for the invitation to address your Annual General Meeting tonight. I appreciate the invitation for a number of reasons; Chaplaincy is important, chaplaincy has an ecclesial role, chaplaincy is operating in a very difficult space at present and chaplaincy deserves support.

Let me begin by resorting to history. History is important not so much for its own sake but because it contextualises the present.

In 1963, Dr. Patrick Hillery, announced the establishment of the Comprehensive School model of post-primary education. Sixteen of these schools were opened between 1966 and 1973.

In rapid succession, came the development of Community schools, the first three of which opened in 1972. Since then, the growth has been significant and many community schools have resulted from amalgamations between technical schools and voluntary Secondary schools. These schools have the church authority and the VEC's, or now the ETB's, as joint Trustees. I know that many of you here this afternoon come from such schools.

The founding intention and documents of these schools were clear - they were, amongst other aims, of course, to support the spiritual development of their students. The founding documents were explicit about the high degree of church involvement in these schools, and so, as a result, have been described as being at least partially denominational. This denominational leaning is what resulted in the state paying for the salaried and ex-quota role of chaplain. As I said, history contextualizes the present!

With this development in what could be called a church-state partnership or collaboration, our friends in the then Vocational Education Committees were becoming concerned that this development could impact on their role in post-primary education. A compromise was reached whereby a number of new schools, called Designated Community Colleges, would be set up under the control of the VEC's but run on similar lines to the community schools. These schools were under the Trusteeship or Patronage of the VEC but the church authority was a Trustee Partner by virtue of the Model Agreement. Indeed, it has been argued that the VEC's wanted such church involvement so as to increase the school's appeal and to broaden the VEC involvement in post-primary education from the traditional Vocational school model. And the partnership worked. Many Designated Community colleges ensued and worked well. Indeed, many Catholic secondary schools amalgamated into such Designated Community Colleges.

The practical arrangements for chaplaincy and the teaching of religion was set forth in the Deed of Trust and Instruments of Management for the Community School and in the Model Agreement for the Designated Community College.

I am sure that many of you will be aware of the identical nature of the provision in relation to religious education and chaplaincy in the Deeds of Trust and Instruments of Management for Community Schools and in the Model Agreements of Designated Community Colleges.

These provisions have faced some threats and opposition during the years and, particularly, in recent times.

The Campaign for the Separation of Church and State took an action in 1996, challenging the Minister for Education paying denominational chaplains. The litigation was unsuccessful and Mr. Justice Costello stated that ‘it is clear that one of the important reasons why chaplains as well as teachers are appointed to the staff of community schools is for the purpose of assisting in the religious formation of the children attending the school (assistance which, *inter alia*, is given by the celebration of Mass in the school). In effect, the State, by paying salaries for chaplains, is having regard to the rights of parents *vis-a-vis* the religious formation of their children and enabling them to exercise their

constitutionally recognised rights. If this is the purpose and effect of the payment how can it be said to be unconstitutional?', Mr. Costello stated.<sup>1</sup>

Mr. Justice Costello ruled that

The payment of salaries of teachers of religion ( including ministers of religion and members of religious orders) out of public funds is constitutionally permissible and does not constitute 'endowment of religion' as prohibited by Article 42.2.2 (of the Irish Constitution). Taking the matter one step further, the judge held that, if the payment of salaries of teachers of religion out of public funds does not constitute 'endowment of religion' , then this must apply whether the teacher is in a denominationally managed school or in primary or secondary schools not so managed.<sup>2</sup>

Given the Costello judgment, the teaching of denominational religion to children in State-aided schools seemed set to continue as heretofore, with the added protection of an emphatic court pronouncement for protection.

However, by January 1998, it was of no great surprise that the Costello judgment was appealed to the Supreme Court to test its constitutionality. While the case was essentially against the Department of Education which was paying the salaries of the chaplains concerned, the Catholic bishops, at their own request, enjoined the defence and they were later joined by the Church of Ireland who also instructed counsel for the defence.

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<sup>1</sup> Griffin, Kieran, (1997) Whither the fourth R? 'A perspective on the future of Religion in the primary school' in *The Future of religion in Irish Education*. (ed. Hogan & Williams) Dublin: Veritas. p 78

<sup>2</sup> Ibid.

On March 25th. 1998, the Supreme Court delivered its verdict.

In the reserved judgment, Mr. Justice Barrington said that a religious denomination was ‘...not obliged to change the general atmosphere of its school merely to accommodate a child of a different religious persuasion who wishes to attend that school’.<sup>3</sup> Mr. Justice Barrington did enter a *caveat* into his judgment, whereby the system of salaried chaplains was to be available to Community schools of all denominations.

The former Chief Justice, Mr. Hamilton, Mr. Justice Hugh O’Flaherty, a then judge of the Supreme Court, and Mrs. Justice Susan Denham, later the Chief Justice, concurred with the judgment of Mr. Justice Barrington. Mr. Justice Ronan Keane, another later Chief Justice, delivered a separate judgment, but again dismissing the appeal.

The Barrington judgment acknowledged that chaplains provided an extra dimension to religious education, ‘evidence has established that chaplains, besides looking after the pastoral needs of the children, helped them with counsel and advice about their day-to-day problems’ he said. Of course, you know that better than either he or I.

Time moved on, a Financial crisis emerged, a new Governemnt was appointed and Ruairi Quinn became minister for Education in 2011. On his appointment, we were told by Martin Hanevey, a Department of

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<sup>3</sup> Carolan, Mary. (1998) State pay for school chaplains is legal, Court rules. *The Irish Times*, 26 March 1998. Dublin. p 5

Education Assistant Secretary in a Radio Interview, that the minister sought the advice of the Attorney General on stopping the appointment of salaried, ex-quota chaplains. The attorney General responded that the Model Agreements and Deeds of Trust are so legally robust that the minister cannot change them unilaterally.

That is a major factor that should give you some reassurance. Neither an ETB or a Diocese can change a Deed of Trust, an Instrument of Management or a Model Agreement without the consent of the other signatory. I cannot emphasise that point sufficiently.

Some three years later, the Teacher Conciliation Council developed norms for the appointment of chaplains and a job description was presented for approval after much discussion between the then Vocational Education Committees and the Catholic church.

That agreement has led to the job description that you have today.

The denominational nature of chaplaincy was stressed, and the need to support faith was referred to. The organization of sacramental liturgies and prayer services was mentioned. Chaplains were to establish links with parishes or faith communities and were not to teach more than four hours. They should be a resource and support for the teachers of religion. Chaplaincy, to make sense, must have an ecclesial dimension.

Besides, the most secular dictionary will describe a chaplain as someone who acts on behalf of a church with a particular section or constituency of that church. To remove the ecclesial link from the role of chaplain denudes the role of its meaning.

It is important to note that nothing has changed contractually since then. No legislation has been introduced that would make that work illegal. There has been no agreement between church, state and ETBI as to a new definition of chaplaincy, a new contract or a new model agreement or a new deed of trust. Given that, it is disappointing and alarming to hear that many of you are being impeded from undertaking the spiritual or denominational aspects of your role.

It is shocking to hear that some of you are being told to teach more than four hours per week, despite you being ex-quota and above what the school is entitled to by virtue of enrolment.

It is, frankly, disappointing, that a partnership that has served Irish Post-Primary Education so well over the years would be ignored. The fact that many of these schools arose from the amalgamation of a Catholic Post-Primary School makes the gesture all the more arrogant, as the amalgamation took place based on that partnership and the contents of the Model Agreements.

The students that you have in First year this year are many of the students that I and other bishops confirmed last year. Yes, many have little faith, many do not practice their faith. But many, a significant percentage, earlier this year put time and thought into their Confirmation name and sponsor and made those choices for religious and spiritual reasons. There is a religious or spiritual hunger in our students.

I urge you to be careful with definitions. Denominational, multi-denominational and non-denominational are three different things. It seems to me that many sectors within the broad educational framework have either innocently or ideologically confused multi-denominational with non-denominational. That is simply wrong.

Our schools are multi-denominational, not non-denominational. I am very happy to be a Trustee of a denominational or multi-denominational school. I have no interest, no expertise and no time to be a trustee of a non-denominational school. I cannot see how a non-denominational school could have or would want a chaplain either.

This leads me to three particular messages for you this evening:

1. You are chaplains. You have a role with all students but a particular role with students in relation to their faith. If you find that you are being impeded in that regard, if you are not being allowed to be specifically religious, you need to contact the religious trustee or trustee partner of



your school. Chaplaincy cannot be either meaningful or real on a ‘highest common factor approach’ – that which is broadly acceptable to the greatest number of pupils. If specific faith events are not allowed, if denominational liturgical ceremonies are prohibited, if prayers and the person of Jesus Christ is not acceptable in your school, then please let the religious trustee or trustee partner know.

The second message is that you are a faith presence. Do not let your role be reduced to a supervisory presence for missing colleagues or at school events, don’t be an extra guidance counselor or home school liaison officer. Chaplaincy is more than that and I do believe that our young people need faith. They need the reassurance, the confidence, the hope that faith offers. In post-Covid Ireland, with a growth in fear, isolation and obsession, faith, and the hope that faith gives, has something to offer our students.

Finally and thirdly, I know that efforts are being made to define all ETB schools as having the same ethos, mission statement and approach but Designated Community Colleges are different. That is why designated Community Colleges have chaplains, Vocational Schools and community colleges do not. Last week, at their Autumn meeting, Bishops were asked to meet with their school chaplains and willingly agreed to make provision so that Diocesan Advisors or Diocesan Secretaries could be of assistance to you when difficult situations arise. Needless to say, we are continuing to have discussions with ETBI but

there is always a danger that some schools will move on without consultation, without agreement and in contravention of the Model Agreements. When this happens, let your Diocesan Office know.

Chaplaincy is too important for our church and our students to be diluted by ideology and political correctness. Our students need a vision of a God who loves them, they need a sense of a compassionate church, they need a way of expressing their faith, they need hope for the future and they need the reassurance of a God that loves them. They need a sense that we are born for more than what this life can offer. That is the importance of chaplaincy. You and I must be careful at this time that we do not close that door. To quote Saint Peter, we must always be prepared to give a reason for the Hope that is within us. Christianity dictates that neither our schools, our students or ourselves should be hopeless in the broader sense.

Please continue to be a faith presence in your school. Please continue to support and celebrate faith in your school and do keep in contact with the religious trustee of your school.

May God bless your work.