

A Manual for Boards of Management

of
Catholic Voluntary Secondary
Schools



published by

JMB (Joint Managerial Body for Secondary Schools)

AMCSS (Association of Management of Catholic Secondary Schools)

Secretariat of Secondary Schools

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Introduction

The voluntary secondary school plays a very important role in the Irish education system with approximately 50% of all second level pupils attending one of these schools.

The board of management plays a vital role in the management of the voluntary secondary school. It is a wonderful tribute to the generosity of Irish people when one realises that three thousand people have committed on a voluntary basis to giving their time and expertise as members of boards of management.

The roles and responsibilities of boards of management are clearly set out in the Articles of Management for Catholic Secondary Schools. These Articles of Management receive general recognition in Section 7 (4) iv of the Education Act, 1998. In addition, Sections 14 to 21, inclusive, of the Education Act, 1998, have set out in legislation the roles and responsibilities of boards of management. Other pieces of legislation that have been introduced since 1998 also impact directly or indirectly on the role of boards.

The Manual for Boards of Management of Catholic Secondary Schools or the “Blue Book” was first published in 1985 to support members of boards of management in fulfilling their key roles and responsibilities. The manual was previously revised in 1991, 1999, 2003, 2009, 2014 and 2017 in order, as with this revision, to respond to a wide number of changes that have taken place, not just in legislation but also in recognised ‘good practice’.

Information on employment legislation and its implication for boards of management as employers is available on the JMB (Joint Managerial Body for Secondary Schools) website at www.jmb.ie. Financial management advice is available in the Financial Management Guidelines for Voluntary Secondary Schools, published by the Financial Support Services Unit which can be accessed through the JMB website and at www.fssu.ie. Likewise, the Schools Procurement Unit (SPU) which is based at Emmet House provides detailed information for schools regarding public procurement legislation and good procurement practices (see JMB website and www.spu.ie).

The council of AMCSS (Association of Management of Catholic Secondary Schools) would like to acknowledge the outstanding work of Michael Madigan on updating and editing the manual. Our thanks are due also to Jack Cleary for his work on this document and, of course, to all of the staff of the Secretariat of Secondary Schools who contributed.

In congratulating you on your selfless commitment to Catholic education, it is the hope of the council of AMCSS that this publication, allied to the other available documents, will provide you and your colleagues on the board of management of your school with a clear understanding and insight into the roles and responsibilities of boards of management.

John Curtis
General Secretary, JMB / AMCSS
October 2021

Abbreviations

AMCSS	Association of Management of Catholic Secondary Schools (www.jmb.ie)
AMRI	Association of Missionaries and Religious of Ireland (www.amri.ie)
AoM	Articles of Management for Catholic Secondary Schools
API	Assistant Principal level 1
APII	Assistant Principal level 2
APTCS	Association of Patrons and Trustees of Catholic Schools (www.aptcs.ie)
ASTI	Association of Secondary Teachers, Ireland (www.asti.ie)
CBA	Classroom Based Assessment (www.ncca.ie)
CEIST	Catholic Education, an Irish Schools Trust (www.ceist.ie)
CEP	Catholic Education Partnership
CID	Contract of Indefinite Duration
CPD	Continuing Professional Development
CPOR	Child Protection Oversight Report (www.pdst.ie)
CPSI	Child Protection and Safeguarding Inspections
CSL	Centre for School Leadership (www.cslireland.ie)
DDLP	Deputy Designated Liaison Person
DE	Department of Education (www.education.ie)
DES	Department of Education and Skills
DEIS	Delivering Equality of Opportunity in Schools (www.education.ie)
DLP	Designated Liaison Person
DP	Deputy Principal
EPT	Eligible part-time teacher
ERST	Edmund Rice Schools Trust (www.erst.ie)
ETB	Education Training Board (www.etbi.ie)
EWO	Educational Welfare Officer
EWS	Educational Welfare Service (www.tusla.ie)
FSSU	Financial Support Services Unit (www.fssu.ie)
GDPR	General Data Protection Regulation (www.jmb.ie)
HSA	Health and Safety Authority (www.hsa.ie)
HSE	Health Service Executive (www.hse.ie)
ICT	Information and Communication Technology
ISA	Irish School Heads' Association
JCPA	Junior Cycle Profile of Achievement (www.jct.ie)
JMB	Joint Managerial Body for Secondary Schools (www.jmb.ie)
LCA	Leaving Certificate Applied (www.ncca.ie.senior-cycle)
LCVP	Leaving Certificate Vocational Programme (www.ncca.ie.senior-cycle)

Abbreviations (contd.)

NAPD	National Association of Principals and Deputy Principals (www.napd.ie)
NCCA	National Council for Curriculum and Assessment (www.ncca.ie)
NCGE	National Council for Guidance in Education (www.ncge.ie)
NCSE	National Council for Special Education (www.ncse.ie)
NEPS	National Educational Psychological Service (www.education.ie)
NEWB	National Educational Welfare Board
NPC	National Parents Council (www.npc.ie)
NPCPP	National Parents Council Post Primary (www.npcpp.ie)
OCLS	On-line Claims System
OECD	Organisation for Economic Co-operation and Development (www.oecd.org)
PBST	Presentation Brothers Schools Trust (www.pbst.ie)
PDST	Professional Development Service for Teachers (www.pdst.ie)
PISA	Programme for International Student Assessment (www.oecd.org)
PWT	Permanent Whole-time Teacher
POR	Post of Responsibility
QQI	Quality and Qualifications Ireland (www.qqi.ie)
RSE	Relationships and Sexuality Education (www.sphe.ie)
RPT	Regular Part-time Teacher
SDPI	School Development Planning Initiative (www.sdpi.ie)
SEC	State Examinations Commission (www.examinations.ie)
SENO	Special Educational Needs Organiser (www.ncse.ie)
SESS	Special Education Support Service (www.sess.ie)
SIP	School Improvement Plan (www.schoolself-evaluation.ie)
SLAR	Subject Learning and Assessment Review (www.ncca.ie)
SNA	Special Needs Assistant (www.sess.ie)
SOLAS	Seirbhís Oideachais Leanúnaigh agus Scileanna (has replaced FÁS) (www.solas.ie)
SPHE	Social Personal and Health Education (www.sphe.ie)
SPU	Schools Procurement Unit (www.spu.ie)
SSE	School Self Evaluation (www.schoolself-evaluation.ie)
SSS	Secretariat of Secondary Schools (www.jmb.ie)
TESS	Tusla Education Support Service (www.tusla.ie)
TWT	Temporary Whole-time Teacher
TUI	Teachers Union of Ireland (www.tui.ie)
WSE	Whole School Evaluation (www.education.ie)
WSE-MLL	Whole School Evaluation – Management, Leadership and Learning

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Chapter 1

The Powers & Responsibilities of the Trustees

CHAPTER 1

THE POWERS & RESPONSIBILITIES OF THE TRUSTEES

The Education Act, 1998 states:

“the persons who..... stand appointed as Trustees.....of a post-primary school.....shall be deemed to be the Patron for the purposes of this Act.....” **Section 8(1)(b)** and

“it shall be the duty of a Board to manage the school on behalf of the Patron (Trustees).....” **Section 15(1).**

1.1 CATHOLIC SCHOOLS AND THE STATE: THE HISTORICAL BACKGROUND

The original Catholic schools established by dioceses and religious congregations were run at the discretion of their owners and the state exercised little or no control of these schools. The **Intermediate Education (Ireland) Act 1878**, which became law in August 1878, provided funding for secondary school managers who fulfilled certain regulations. This funding would be disbursed to schools on the basis of results achieved by students in public examinations. In 1924, a Department of Education was established by the new State and in June of that year the **Intermediate Education (Amendment) Act** introduced a new system of payment to schools. Grants would no longer be paid on the basis of results but on a capitation basis for pupils following approved courses. Schools would pay a minimum basic salary to teachers and the state would pay the incremental portion. A new programme of studies was introduced, with the Intermediate and Leaving Certificate examinations replacing the old examinations system.

The introduction of the free education scheme in 1967 for secondary education and the provision of building grants for school extensions meant increasing involvement on the part of the State in the domain of second-level education in the ensuing years. The State assumed considerable control in areas such as appointment and payment of teachers, curriculum and assessment, and provision of grants not only for new school buildings but also for furniture and equipment.

However, State aid was, and continues to be, given without prejudice to the private ownership of voluntary secondary schools or the denominational character of the education offered.

1.2 WHO ARE THE TRUSTEES?

The Education Act, 1998 defines the patron of a post-primary school as follows:

“the persons who, at the commencement of this Section 8(1)(b), stand appointed as trustees or as board of governors of a post-primary school and, where there are no such trustees or such board, the owner of that school, shall be deemed to be patron for the purpose of this Act and the Minister shall enter his, her or their name, as appropriate, in a register kept for that purpose by the Minister”.

Traditionally, the trustees of Catholic voluntary secondary schools were the religious congregations and bishops or dioceses who founded the schools. In order to comply with the provisions of civil law, bishops and religious congregations registered their religious and educational enterprises as charitable trusts. Trusts are eligible for charitable status when they have to do with ‘public benefit’. Trusts that exist for the purpose of ‘advancement of religion’ and ‘advancement of education’ are regarded as being in the ‘public benefit’. What the trustees of Catholic schools hold in trust is the enterprise of Catholic education as represented in Church documents, in deeds, schedules, charters or educational philosophy statements that set out the founding intention or purpose of the school or network of schools, as well as the land, buildings and other resources that support this enterprise. In recent times, new models of trusteeship have been established and today trusteeship is exercised by a variety of different bodies:

- (a) Religious congregations
- (b) Bishops or diocesan trusts
- (c) Trust bodies or companies
- (d) Lay individuals or groups
- (e) Any combination of the above

The patrons/trustees carry out the functions and exercise the powers conferred by the Education Act 1998, Section 8(6) and such other functions as may be conferred by any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school.

Due recognition is given to the practices and traditions of schools and the right to manage their own affairs in Section 7(4)(a)(iv) of the Education Act 1998, which states:

“The Minister shall have regard to . . . the practices and traditions relating to the organisation of schools or groups of schools existing at the commencement of this Part and the right to manage their own affairs in accordance with this Act and any charters, deeds, articles of management or other such instruments relating to their establishment or operation”.

It can be inferred from the Section quoted above that the Articles of Management for Catholic Secondary Schools which were in operation prior to the Education Act, 1998 are recognised by the Act. The role, composition and operating procedures for boards of management set out in the Articles of Management reflect what is stated in Section 14(1) of the Education Act:

“It shall be the duty of the patron, for the purposes of ensuring that a recognised school is managed in a spirit of partnership, to appoint where practicable a board of management the composition of which is agreed between patrons of schools, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and the Minister”.

A board established under the relevant subSection of the Act: *“shall fulfil in respect of the school the functions assigned to the school by this Act, and . . . each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name”, Section 14(2).*

1.3 THE FOUNDING INTENTION

The characteristic spirit of a voluntary secondary school flows from the intention for which it was founded and the values that were articulated at the time of its foundation. The introduction of boards of management, the appointment of lay principals together with the establishment of new trust bodies, have led to a revisiting of the founding intention and a reappraisal of the core values that guide the operation and activities of the school. This reappraisal has led to schools articulating their primary goal or purpose in a Mission Statement. The Mission Statement is the culmination of dialogue involving patron/trustees, board of management, staff, parents and pupils. The Mission Statement reflects the aims and objectives set out in the religious and educational philosophy which trustees have appended to the Articles of Management under the Second Schedule. The Articles of Management state:

“the school shall be conducted in accordance with the religious and educational philosophy of the patron/trustees”.

The ethos or characteristic spirit is the practical expression of this philosophy as it is lived in an evolving way, true to certain core fundamentals but open to new challenges and operating procedures.

The ethos or characteristic spirit of the school, animated by the values of the Gospels, will be evident not only from the specific religious rituals of the school but also from the quality of the interactions between all of the partners involved in the life of the school and from the school's Christian commitment to the needs of people beyond the school community. Essential ingredients in the ethos of the school are instruction in the Catholic faith, Masses and liturgical celebrations, retreats, social awareness projects and provision of chaplaincy services.

The rights of patron/trustees of faith schools are implicitly recognised in the Education Act, 1998 which requires the board of management to:

“uphold, and be accountable to the patron (trustees) for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school . . .”
Section 15(2)(b).

1.4 THE PATRON/TRUSTEES DETERMINE THE ETHOS OF THE SCHOOL

The patron/trustees determine what kind of school they will run. They decide what their purpose is in establishing or maintaining the school, and what they expect it to achieve. Decisions as to whether a school will be fee-charging or within the free education scheme, single sex or co-educational, a day or boarding school, are matters for the trustees. Decisions which might change the ethos or status of the school are matters for the trustees alone. Thus, decisions with regard to amalgamations, closure of boarding sections, payment of fees by pupils etc., can be made only by the patron/trustees. Neither the Department of Education (DE), nor the board of management, has the power to alter the fundamental nature of the school, as determined by the trustees.

1.5 THE CATHOLIC ETHOS IN PRACTICE

The interpretation of how a Catholic education may be imparted may differ from congregation to congregation, from diocese to diocese, from trust body to trust body.

Catholic schools from their foundation will have their own unique understanding of the Christian story, based on how the life of Jesus Christ has been presented and celebrated. In the case of schools founded by religious congregations, the Christian story will be influenced by the particular charism and insights of the congregations' founders.

Diocesan schools derive their characteristic spirit from their founding patrons and the particular circumstances or purposes which gave rise to their foundation. This characteristic spirit will have been sustained by the ongoing Christian commitment of key personnel. This will also apply in the case of voluntary Catholic schools founded by lay people.

1.6 THE TRUSTEES OF YOUR SCHOOL AND ITS ETHOS

At this point, it may be useful to consider the following questions:-

- Who are the trustees of your school?
- What was their founding intention?
- What is the religious and educational philosophy of your trustees ?
- What is the characteristic spirit of the school?
- How is that spirit evident in the day-to-day operation of the school?
- What is the **Mission Statement** of the school?

1.7 THE TRUSTEES & THE BOARD OF MANAGEMENT

Through the Articles of Management, the conduct, management and financial administration of the school are devolved to the board of management, subject to the general supervision and control of the trustees. Underpinning the board of management's approach to the conduct and management of the school is the religious and educational philosophy statement provided by the trustees in the Second Schedule which accompanies the licence to enter and use the school for the purposes determined by the said trustees (Cf. Articles of Management, 2, a, b and c). It is a matter for each religious institute, diocese, education trust or owner of the enterprise to append to the Articles of Management the deed, educational philosophy statement or charter which represents the founding intention and traditions of their school or network of schools.

Along with providing the school with the religious and educational philosophy in Schedule Two, in order to promote and safeguard the ethos or characteristic spirit of the school, the practical involvement of the trustees is required in the following areas:

- ensuring an appropriate level of awareness among the school community of the founding purpose and ethos
- ensuring that the characteristic spirit is reflected in the school mission statement
- providing opportunities for all the partners to acquire insights into the values and beliefs that are inherent in the founding intention
- ensuring that school management links the policies and activities of the school with its characteristic spirit
- appointment and training of members of boards of management
- selection of principals and deputy principals
- support for principal and teaching staff
- regular contact with key personnel in the school
- approval of the school plan
- approval of policies regarding admissions and other important issues
- evaluation of the school's progress, especially in the context of the characteristic spirit
- curriculum and timetabling, with particular reference to the characteristic spirit

1.8 THE TRUSTEES & THE FINANCES OF THE SCHOOL

The trustees, as owners of the school, may ultimately be responsible for any debts incurred by the school. The Articles of Management make specific reference, in Article 2(a), to the duties of the board of management in respect of school finances:

"The conduct, management and financial administration of the school shall be under the control of the board of management subject . . . to the general supervision and control of the trustees for the time being". For this reason, any expenditure in excess of income must be approved by the trustees.

Articles 15 and 27 also address matters relating to property and finance.

The board is also required to:

- submit a forward budget and financial report to the trustees annually
- see that the school is adequately insured in the name of the trustees
- obtain advance written approval from the trustees for capital expenditure, major repairs, any hire-purchase or loan agreements, bank overdrafts and lease agreements
- ensure that all income, from whatever source, and expenditure are documented in the school's annual financial report
- engage in best practice as set out in FSSU guidelines and regular bulletins

1.9 THE TRUSTEES & THE SCHOOL BUILDINGS

Decisions with regard to changes which will affect the structure of the school buildings are matters for trustees alone. For major items of capital expenditure such as new buildings, extensions, temporary accommodation, altering or renovating the school premises, the board of management with the prior approval of the trustees, seeks capital funding from the Department of Education.

There are good and valid reasons why the prior approval of the trustees must be sought for extensions or alterations to the school premises. Firstly, any proposed change to the existing school may not be in line with the trustees' plans for the school and may constitute an altering of the status of the school. Secondly, any such decisions could involve significant capital expenditure for which the trustees may not have made, or may not be willing or able to make, provision.

The school property and grounds to be managed by the board of management are defined in SCHEDULE ONE which is attached to the Articles of Management.

1.10 MAINTENANCE OF THE SCHOOL BUILDINGS

The maintenance of the school plant is the responsibility of the board of management and should be provided for in the annual school budget.

1.11 THE TRUSTEES & THE STAFF

The board of management has the sole right to appoint, promote or dismiss staff. However, this right is qualified by the following provisions:-

1.11.1 POST OF PRINCIPAL

The trustees reserve the right to appoint a religious / cleric to the post of principal.

The appointment is then ratified by the board, Articles of Management 20.

The decision to appoint a lay principal is also a matter for the trustees who will authorise the board to make the appointment, Articles of Management 21(a).

1.11.2 TEACHING STAFF

The trustees reserve the right to appoint a suitably qualified member of the order / cleric to the staff of the school, if there is a vacancy, Articles of Management 23(a).

1.11.3 DISPUTES IN RELATION TO APPOINTMENTS

The trustees are the final arbiters in disputes arising out of the appointment of staff.

For example, if the board considers that there is “good and sufficient reason” for not appointing the lay person recommended by the selection committee for the post of principal, the matter must be submitted to the trustees for determination, Articles of Management 21(d)(iii).

The procedure is similar for the appointment of lay teachers, Articles of Management 23(b)(iii).

1.12 INDEMNITY FOR BOARD MEMBERS

Since the board of management is acting on behalf of the trustees, the board itself and each of its members are indemnified by the trustees against any claim for capital debts or expenditure properly incurred by the board (i.e., debts incurred with the foreknowledge and written approval of the trustees). The board is also covered by a professional indemnity which protects its members both collectively and individually should legal action be taken against it as a result of any of its actions, provided the terms of the insurance policy and the Articles of Management have been complied with.

1.13 CONSULTATION AND INFORMATION

The board of management is required by the **Education Act, 1998** to “*consult with and keep the Patron (Trustees) informed of decisions and proposals of the Board*”, Section 15(2)(c).

The Board is also required by the Act to “*supply the Patron (Trustees) and the Minister with such information regarding the performance of the Board’s functions as the Patron or the Minister... may from time to time require*”, Section 19(4).

To ensure the fulfilment of the mutual obligations of the board of management and trustees, effective systems of communication need to be established.

In this connection, representatives of the trustees may arrange formal and informal visits to the school, thus enabling trustees, boards of management, principal and staff to develop relationships of mutual respect and support.

Such meetings will also enable the board to keep in touch with the inspiration and philosophy which is the reason for the school's existence.

Trustees and schools may need to develop appropriate reporting mechanisms for schools to demonstrate their commitment to the characteristic spirit.

As part of the school's annual report, a self-evaluation form or other reporting structure will help to remind schools of their obligations in this respect and make it easier to report formally to trustees.

1.14 EDUCATION OFFICES

Some trustees, who have responsibility for significant numbers of schools, have established Education Offices to support the work of boards of management and of principals through training, information, publications, etc. Education Offices may also provide support for boards in filling of vacancies for principals & deputy principals.

1.15 DISSOLUTION OF A BOARD

Subject to the approval of the Minister, the trustees may at any time resume the direct management of the school or may nominate another manager, Articles of Management, 31.

Sections 16 & 17 of the **Education Act, 1998** provide for the dissolution of a board of management by the trustees, with the consent of the Minister, or at the request of the Minister, following due process. There is provision for the re-establishment of a dissolved board within six months

Section 16 of the Act also provides for the removal from office by the trustees of a member of the board "for good and valid reasons stated in writing".

Such actions would only be taken by the trustees, or by the Minister, for a grave reason and in exceptional circumstances.

1.16 NEW MODELS OF TRUSTEESHIP

Given the reduced numbers of Religious personnel in schools and the desire for collaboration with lay colleagues who carry key responsibility within Catholic education, many religious congregations have established new structures to ensure appropriate trusteeship of their schools into the future.

Some groups of congregations have come together to form new trusts, others have decided to form trusts alone or to retain trusteeship within the congregation itself. A number of these new trusts are now well established and structures are in place that will ensure the ongoing trusteeship of Catholic schools.

1.16.1 TRUSTEE BODIES

CEIST: Catholic Education - an Irish Schools Trust

CEIST, the new trustee body for the voluntary secondary schools of the Daughters of Charity, the Presentation Sisters, the Sisters of the Christian Retreat, the Sisters of Mercy and the Missionaries of the Sacred Heart, came into operation in 2007.

For more information, see www.ceist.ie

Spiritan Education Trust (SET)

SET, formerly known as the DEA, was formed in 1999 by the Congregation of the Holy Spirit as a company to carry out the functions of Patron of the Colleges owned by the Spiritan Congregation in Ireland.

For more information see www.spiritaneducation.ie

The Edmund Rice Schools Trust (ERST)

The Christian Brothers transferred the trusteeship of their schools to the Edmund Rice Schools Trust in September 2008. For more information, see www.erst.ie

Le Cheile Trust

The following Congregations have joined together to form the Le Cheile Trust for their schools: Cross & Passion Sisters, De La Salle Brothers, Dominican Sisters, Faithful Companions of Jesus, Holy Faith Sisters, Patrician Brothers, Poor Servants of the Mother of God, Sisters of Christian Education, Sisters of Jesus & Mary, Sisters of St. Louis, Sisters of St. Paul, Society of the Holy Child, St. Joseph of Cluny and the Ursuline Sisters.

For more information see www.lecheiletrust.ie

Presentation Brothers Schools Trust (PBST)

The Presentation Brothers have transferred the trusteeship of their schools to the Presentation Brothers Schools Trust.

For more information see www.pbst.ie

Loreto Education Trust Board

The Loreto Education Trust Board is responsible for Loreto Schools in Ireland.

For more information see www.loreto.ie

Trust companies have also been established for diocesan secondary schools, stand-alone secondary schools run by religious congregations and stand-alone lay Catholic secondary schools.

1.17 THE ASSOCIATION OF PATRONS AND TRUSTEES OF CATHOLIC SCHOOLS (APTCS)

In the past, CORI, as the representative group of all religious congregations, has offered leadership to trustees and provided opportunities for trustees to reflect on how they fulfil their role. With the emergence of the new trust structures, this arrangement is no longer appropriate.

A new body, the Association of Patrons and Trustees of Catholic Schools (APTCS), has been established to provide leadership and to act as a collective voice in consultations and negotiations pertaining to patron/trustee issues. The APTCS which works in collaboration with the Catholic Education Partnership will also provide support services to the new trust structures.

1.18 THE CATHOLIC EDUCATION PARTNERSHIP

The Catholic Education Partnership (CEP) was established in November 2020 by the Catholic Education Services Trust (CEST) as a company limited by guarantee and as a registered charity. (A previous company, the Catholic School Partnership, had earlier been dissolved). The main object of CEP is the advancement of education in accordance with Catholic ethos through promotion of Catholic faith-based education and supporting and developing Catholic schools and other relevant environments within the Irish education system, in accordance with the requirements and statutes issued from time to time by the Irish Episcopal Conference. CEP has a mandate for primary, post-primary, 3rd level and adult education and, among other responsibilities, will;

- (a) exercise a mandate to provide an authoritative and unified voice for Catholic education in the public forum and with educational bodies and the Government,
- (b) exercise a governance and ownership role in respect of Catholic organisations involved in education and faith promotion inclusive of the Secretariat for Secondary Schools (SSS), the Association of Patrons and Trustees of Catholic Schools (APTCS) and, should it be decided and approved, the Catholic Primary Schools Management Association (CPSMA),
- (c) enhance cohesion and connectivity between the partner organisations,
- (d) articulate and keep the agreed vision, values and understanding of what Catholic education means in contemporary Ireland,
- (e) have a lead role in supporting the formation needs of the family of Catholic education communities while recognising the unique character of each such community.

The CEP board members include nominees from the Irish Episcopal Conference (IEC), the Association of Leaders of Religious and Missionaries of Ireland (AMRI), Catholic Trustees, Catholic third level education as well as the president of AMCSS, the chairperson of APTCS (and the chairperson of CPSMA should it come under the membership of CEP) along with others of relevant expertise.

The Secretariat of Secondary Schools (SSS) was set up as a company limited by guarantee in 1973. To comply with the Charities Act 2009 and the Companies Act 2014, and to regularise the operation of its AMCSS and JMB divisions, the constitution of SSS comprising a Memorandum of Association and Articles of Association has been revised. In conjunction with the revision of the constitution, internal regulations have been drawn up and approved. These regulations set out the composition, roles and functions of various committees of the Company and replace the Manual on Procedures first drawn up in 1987 and revised in 1993 and 2000.

The objects and powers of SSS are laid out in the Constitution. In legal terms, the Catholic Education Partnership (CEP) is the sole member of SSS and appoints its board of directors. The business of SSS is managed by its board of directors in accordance with the provisions of its constitution. As a company, SSS has autonomy in relation to its activities and operation. CEP is the holding company for SSS with the normal reserved powers in relation to any SSS debts and the purchase/disposal of assets. In particular, CEP has a reserved power in relation to the Catholic ethos of the SSS company.

The Articles of association of SSS state that the chairperson of the board of directors shall be the president of the council of AMCSS. It is noteworthy that the term Council of Management of Catholic Secondary Schools (CMCSS) has been dropped and has been replaced by the council of AMCSS.

Chapter 2

The Religious & Educational Character of the School

CHAPTER 2

THE RELIGIOUS & EDUCATIONAL CHARACTER OF THE SCHOOL

“The school shall be conducted in accordance with the religious and educational philosophy of the aforesaid institute (trustees)...as contained in the second schedule hereto...”

Articles of Management 2(c)

2.1 CATHOLIC EDUCATION

In a Catholic school, students are seen as unique human beings with many different aptitudes, intelligences and needs. Catering for their needs and abilities entails the provision of a rounded curriculum where the students’ spiritual, intellectual, emotional, social, cultural and physical potential are developed.

Vatican II defined Catholic Education as *“the formation of the human person with respect to his/her ultimate goal, and simultaneously with respect to the good of those societies of which, as a human being, s/he is a member, and in whose responsibility as an adult s/he will share”*.

2.2 AIMS OF THE CATHOLIC SCHOOL

The Catholic school:

- aims to bring the Catholic faith alive in the life of the student
- fosters a love of, and trust in, Christ that is a real source of strength, comfort and motivation to the student
- aims to pass on a set of values which will influence the student to act kindly, responsibly and justly
- tries to develop each and every student, in accordance with his / her level of ability
- aims to prepare the student for the Certificate examinations

The Catholic school also:

- recognises that intellectual formation goes beyond the narrow confines of the examination syllabus
- introduces the student to a variety of educational experiences by endeavouring to provide a broad curriculum
- cherishes and nurtures all students equally
- encourages, supports and cares pastorally for all members of staff
- aims, through its curriculum, to give all students clear educational goals and opportunities to achieve success and develop their full potential

- fosters the pastoral, caring role of the teacher
- provides for counselling for individuals and groups
- sees as of paramount importance the Christian example of the teachers in dealing with the students
- encourages the involvement of parents in the education of their children through effective home / school links
- provides education in the Catholic tradition and welcomes students from other faiths, traditions or cultures

In short, the Catholic school aims to produce a mature adult who:

- derives strength and fulfilment from his / her faith
- is intellectually well formed
- is motivated to play an active, caring and responsible role in society.

2.3 CATHOLIC SCHOOLS MAY DIFFER

Catholic schools offer a Catholic education. However, this does not mean that all Catholic schools are exactly alike.

Their aims may be the same, but their methods of achieving these aims will differ.

Each congregation/trustee body will interpret its duties in a way that is particular to, and in keeping with, the philosophy and charisms of its founding body and will, therefore, have its own characteristic spirit which will be reflected in the school's mission statement and the day to day life of the school.

2.4 THE ROLE OF THE BOARD OF MANAGEMENT

The board of management is entrusted with the responsibility of ensuring that the curriculum of the school is in accordance with the religious and educational criteria defined by the trustees in Schedule Two to the Articles of Management.

The board should pay particular attention to the following:-

2.4.1 THE ETHOS IN PRACTICE

The board must ensure that the whole organisation of the school is characterised by Gospel values in practice.

This function is delegated to the principal. The school provides for:

- formal instruction and formation in the Catholic faith
- regular Masses and other liturgical celebrations
- involvement of students in social awareness projects
- retreats
- visits by clergy

2.4.2 CHAPLAINCY

In a school community, where the dignity of each individual is respected, the chaplain/ coordinator of chaplaincy services has an important pastoral role in ensuring that a reflective, spiritual approach permeates the daily life of the school.

The **Education Act, 1998**, Section 9(d) notes the obligation placed on schools to “*promote the moral, spiritual, social and personal development of students in consultation with parents, having regard to the characteristic spirit of the school*”.

Community schools and ETB schools have employed chaplains who are funded by the DE. In voluntary secondary schools the employment of chaplains is not funded by the DE.

Meanwhile, the board should examine what, if any, arrangements for chaplaincy are currently in place in the school and keep the matter under review.

2.4.3 APPOINTMENT OF TEACHERS

The sphere of influence of teachers goes beyond the subjects they teach and the board must always keep this in mind when making appointments.

The support and example of adult Christians are essential at every stage of the development of the student, and in this context, the board ensures, as far as possible, that the school is staffed by committed and well qualified Catholic teachers.

Great care should be exercised in the selection of teachers and only those who believe in and support the aims and objectives of the Catholic school should be appointed.

2.4.4 HOME-SCHOOL LINKS

The board of management should ensure that the school creates and maintains channels of communication, information and consultation with the parents / guardians of the students in the school.

2.4.5 ADULT EDUCATION

Catholic education stresses the overall personal development of the student - a process which does not stop when s/he leaves the school.

Adult education is seen as an essential element in the continuing Catholic formation of the individual and in the reinforcing and strengthening of the values and ideals promoted during the student’s time in secondary school.

The board of management should, therefore, give every practical support and encouragement to the development of an adult education programme.

An adult education programme could involve:-

- full-scale night courses or
- inviting regular guest speakers to address parents and other interested parties on relevant topics.

Further information is available from the JMB / AMCSS secretariat.

Adult education programmes with specified levels of enrolment may also be eligible for a Post of Responsibility (Director of Adult Education). It is expected that the DES circular 46/2000 will be superseded by a new circular.

2.4.6 A VISION FOR CATHOLIC EDUCATION IN IRELAND

The bishop has ultimate responsibility for Catholic education in his diocese. In May 2008, the Irish Bishops' Conference set out their vision for Catholic education in Ireland in the pastoral letter Vision 08. Vision 08 speaks of Catholic schools aspiring to be 'warmly participative communities' which comprise not only pupils and teaching staffs but also parents, ancillary staff, board members and others who may be associated with the school. The importance of full collaboration between the school and Catholic parents is emphasized so that the school can assist parents in their task of handing on the faith to their children. Vision 08 can be accessed through the website: www.catholicbishops.ie

Chapter 3

Setting Up the Board of Management

CHAPTER 3

SETTING UP THE BOARD OF MANAGEMENT

The trustees are responsible for setting up the board of management and ensuring its competence.

This chapter explains the procedures for establishing a board of management or replacing a board whose term of office has expired.

3.1 TIMESCALE

The Articles of Management 3 (d) state that the term of office of an outgoing board expires on the 15th October in the third year after the board was constituted. Arrangements are made for the nomination and election of members of the incoming board at least one month before that date, i.e. by mid-September, Articles of Management 3(e).

The new board assumes its duties on the 16th October. Up to that date, the outgoing board remains in office and should continue to function.

3.2 COMPOSITION OF THE BOARD

The board of management consists of eight persons, constituted as follows, Articles of Management 3(a):

- (i) Four members nominated by the trustees of the school;
- (ii) Two parents / legal guardians of children currently attending the school, elected by parents / legal guardians whose children also currently attend the school;
- (iii) Two teachers, elected by all teachers holding current pro-rata contracts, non-casual part-time teachers, job-sharing teachers and teachers holding permanent contracts/ contracts of indefinite duration on the staff of the school on the day of the election.

Following their nomination or election, all eight members of the board are appointed by the patron/trustees, Articles of Management 3(a) and Education Act Section 14(4).

3.3 GENDER BALANCE

Trustees, parents and teachers should take account of gender balance when nominating or electing members of the board.

3.4 DECLARATION

Each member of the board must, before taking up office, sign a declaration of his/her willingness to act as a member of the board.

This declaration will be retained by the trustees of the school, Articles of Management 3(f).

3.5 SECRETARY TO THE BOARD

The principal acts as secretary to the board but is not a member of the board and has no voting rights, Articles of Management 11(a).

3.6 NOMINATIONS BY THE TRUSTEES

The trustees nominate four members of the board and appoint one of their nominees as chairperson.

3.7 ELECTION OF PARENTS

Only parents/legal guardians whose children currently attend the school are eligible to be elected to the board and only parents / legal guardians whose children are currently in the school are eligible to vote in the election.

Candidates for election as parents' nominees should be nominated and elected through a formal nomination and election process notified to all parents, Articles of Management 3(b)(i).

The election must be open to all parents and not confined to the parents' association or nominees drawn from the parents' association. The parents' association or parents' council ought to be consulted in advance for:-

- **Informing all parents** of the forthcoming election to the board.
- **Nomination of candidates:** Parents nominated must indicate their willingness to serve on the board, prior to the election.
- **Conduct of the ballot:** e.g., a postal ballot or a ballot held at a properly convened general meeting of parents.
- **Method of election:** The method is not prescribed. It could be by proportional representation, (PR), voting 1,2,3,4 etc. in order of choice or by simple majority, based on a single non-transferable vote. In the event of a tie, the elected parent will be determined by lot, Articles of Management 3(b)(i).
- **Replacement of an elected parent:** During the term of office, a parent may cease to be a member of the board because s/he no longer has a child attending the school, or for any other reason. Article 5(c) of the Articles of Management states that 'the board

of management may recommend to the trustees the election or the co-option of a parent in accordance with Article 3(a)(ii)'.

- **Informing the trustees:** The principal will inform the trustees of the names and addresses of the two parents elected and the trustees will then appoint them to the board.
- **Co-option:** The trustees or their representatives may retain the voting returns from the election of parents for the purpose of co-option to fill vacancies occurring during the term of office of the Board, Articles of Management 3(b).

For further information, see bulletin issued each September by the Secretariat of Secondary Schools.

3.8 ELECTION OF TEACHERS

Two teachers are elected by all the teachers holding current pro-rata contracts, non-casual part-time teachers, job-sharing teachers and teachers holding permanent contracts/ contracts of indefinite duration on the staff of the school on the date of the election, Articles of Management 3(b)(iii). The elected teachers must have at least one year of service in the school except in the case of new or amalgamated schools, and shall be lay members of the staff.

The candidates must be proposed and seconded at properly convened staff meetings, and the election must be by secret ballot. Prior to the election, staff members must agree, at a staff meeting, on the method of election and what to do in the case of a tied vote.

The names of duly elected teacher nominees are forwarded by the principal to the trustees who will then appoint the teacher nominees to the board.

3.9 TERM OF OFFICE

The term of office of the board is three years.

It expires on the 15th day of October in the third year after the date on which the board was first set up.

Members of the outgoing board are eligible for re-nomination or re-election, unless otherwise disqualified, Articles of Management 4.

3.10 CASUAL VACANCIES ON THE BOARD

During the term of office of the board, casual vacancies may occur.

For example,

- an elected parent might no longer have a child in the school
- an elected teacher might have retired or resigned
- a nominee of the trustees might have resigned.

When a vacancy occurs, and is filled, it should be recorded in the minutes of the board. The trustees should be informed of the vacancy and they will arrange, through the BOM secretary, for the vacancy to be filled, in accordance with Articles of Management 5, as follows:

- **Trustee nominees**
The trustees will nominate a replacement
- **Teachers**
The teachers will hold an election, as in Par 3.8 above
- **Parents**
A by-election may be held by the parent body or procedures may have been put in place for a co-option by the board. (See Par.3.7 above)

A board member who is nominated, elected or co-opted to fill the casual vacancy will hold office for the period which remains of the board's term of office, Articles of Management 5(c). When a casual vacancy occurs and is filled, this should be recorded in the minutes of the board.

3.11 REMOVAL FROM THE BOARD

Removal from office is addressed in Articles of Management 7 and, partially, in 8(b).

A trustee, the nominator/nominating body, may remove a member of a board, subject to the consent of the Minister, for good and valid reasons stated in writing, Education Act 1998, Section 16. Such consent is also required where the electorate, in the case of parents or teachers, seek to remove a parent or teacher nominee.

Subject to Section 16 of the Education Act 1998, Article 8(b) allows for the removal of a board member:

- if s/he refuses to act or becomes incapable of doing so
- if in the opinion of the nominating body concerned, s/he has rendered herself/himself unfit to continue as a member of the board.

Otherwise, Article 8(b) addresses circumstances where a member ceases to be a member of the board, as distinct from being removed from the board.. A person ceases to be a member of the board if s/he fails to attend any meetings of the board for one year, without satisfactorily accounting for such absence, or resigns of their own volition, or on death.

A vacancy arising from a person ceasing to be a member of the board, or where a person is properly removed with the consent of the Minister, should then be filled as outlined in par. 3.10 above. The filling of such vacancies should be recorded in the minutes of the board.

3.12 INDUCTION OF NEW MEMBERS

The management of the school is a complex task and the board has obligations to the trustees, to the Dept. of Education, to the parents, pupils and staff.

To ensure that the board functions as efficiently and effectively as possible, it is strongly recommended that board members attend a pre-service induction course at which they will be introduced to the various functions they will have to carry out during their term of office.

Induction courses for new boards of management are provided each autumn by the Secretariat of Secondary Schools, in conjunction with the Association of Patrons and Trustees of Catholic Schools (APTCS), and the dates/venues for these courses are advertised in the JMB/AMCSS bulletins and on the JMB website.

In addition, individual trustee bodies may provide training for boards in accordance with their own particular ethos.

Chapter 4

Education &
The Law:

Statutory Duties
of the Board of
Management

CHAPTER 4

EDUCATION & THE LAW: STATUTORY DUTIES OF THE BOARD OF MANAGEMENT

Boards of management have many statutory duties under various Government Acts. This chapter summarises sections of Acts which impose obligations on school boards but it is not intended to be an interpretation of the law nor does it offer legal opinion. Where changes occur in current legislative provisions relating to aspects of education or school governance, attention will be drawn to these in JMB bulletins.

4.1 THE EDUCATION ACT, 1998

All sections of the **Education Act, 1998** were commenced by 22 December 2000. The Act has been amended a number of times since, including most recently by the Education (Admission to Schools) Act 2018.

4.1.1 FUNCTIONS OF A SCHOOL

This Section of the act is reproduced below in its entirety as it is the framework within which the school, managed by the board, must now operate.

Section 9

A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to:—

- (a) ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for,
- (b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with Section 30,
- (c) ensure that students have access to appropriate guidance to assist them in their educational and career choices,
- (d) promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,

- (e) promote equality of opportunity for both male and female students and staff of the school,
- (f) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters,
- (g) ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,
- (h) in the case of schools located in a Gaeltacht area contribute to the maintenance of Irish as the primary community language,
- (i) conduct its activities in compliance with any regulations made from time to time by the Minister under this Act,
- (j) ensure that the needs of personnel involved in management functions and staff development needs generally in the school are identified and provided for,
- (k) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students,
- (l) establish or maintain contacts with other schools and at other appropriate levels throughout the community served by the school, and
- (m) subject to this Act establish and maintain an admissions policy which provides for maximum accessibility to the school.

4.1.2 ROLE OF THE BOARD

Section 14(2)

The board “shall fulfil in respect of the school the functions assigned” by the Act. Each board “shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name”.

4.1.3 MANAGEMENT OF THE SCHOOL

Section 15(1)

“It shall be the duty of a board to manage the school on behalf of the patron (the trustees) and for the benefit of the students and their parents and to provide.....an appropriate education for each student.”

Section 15(2)

This Section deals with the following matters:-

4.1.4 MINISTERIAL POLICY

The board shall “perform the functions conferred on it” by the Act “in accordance with the policies determined by the Minister from time to time”, Section 15(2)(a).

4.1.5 SCHOOL ETHOS (CHARACTERISTIC SPIRIT)

The board shall “uphold the characteristic spirit of the school” and “be accountable to the patron (trustees) for so upholding”, Section 15(2)(b).

4.1.6 LEGISLATION

The board must “act in accordance with any Act of the Oireachtas” relating to “the operation of the school”, Section 15(2)(b).

4.1.7 CONSULTATION WITH TRUSTEES

The board must “consult with and keep the patron (trustees) informed of decisions and proposals of the board”, Section 15(2)(c).

4.1.8 ADMISSION POLICY

Section 15(2)(d) requires the Board to publish the admission policy of the school.

The Education (Admission to Schools) Act 2018 amended the Education Act, 1998 by inserting a new Part X Admission to Schools into the Act.

Section 15(2)(d), as amended, provides that the Board shall “subject to this Act, publish the admission policy of the school and ensure that, as regards that policy, principles of inclusion, equality and the right of parents to send their children to a school of the parents’ choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with”.

(Note: The Education (Admission to Schools) Act 2018 inserted Part X Admission to Schools into the Education Act, 1998. As of 1 February 2020, sections 60-66 inclusive of Part X had been commenced. Please see section 4.5 for further information on admission policies).

4.1.9 DEMOCRATIC PRINCIPLES

The board is required to “have regard to the principles and requirements of a democratic society” and to respect “the diversity of values, beliefs, traditions, languages and ways of life in society”, Section 15(2)(e).

4.1.10 RESOURCES & ACCOUNTABILITY

The board must have regard to “the efficient use of resources (and, in particular, the efficient use of grants provided under Section 12), the public interest in the affairs of the school and accountability to students, parents/guardians, the patron (trustees), staff and the community served by the school”, Section 15(2)(f).

4.1.11 STUDENTS WITH SPECIAL NEEDS

The board is required to “use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment”, Section 15(2)(g).

4.1.12 ACCOUNTS

Section 18

The board is required to “keep all proper and usual accounts and records of all monies received by it or expenditure incurred by it” and “ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice”. The school accounts “shall be made available for inspection by the Minister and by parents of students in the school” in so far as they relate to monies provided by the State.

(**Note:** Regular bulletins are published by the FSSU to advise boards of management and principals about any changes to current practice, timing and other relevant issues.)

4.1.13 INFORMATION ON PERFORMANCE OF THE BOARD’S FUNCTIONS

Section 19(4)

The board “shall supply the patron (trustees) and the Minister with such information regarding the performance of the board’s functions as the patron or the Minister...may from time to time require”.

4.1.14 INFORMATION FOR PARENTS

Section 20

The board is required to “establish procedures for informing the parents...of matters relating to the operation and performance of the school”.

Such procedures “may include the publication and circulation to parents, teachers and other staff and a student council ...of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the School Plan”.

4.1.15 THE SCHOOL PLAN

Section 21

This Section requires the board to “make arrangements” for the preparation of a School Plan and “ensure that the plan is regularly reviewed and updated”.

Regular review of the School Plan requires boards of management to take account of Department of Education initiatives and circular letters which are designed to promote current best practice, for example “**Looking at our Schools 2016 – A Quality**

Framework for Post-Primary Schools” and **Circular Letter 0003/2018** – “Leadership and Management in Post-Primary Schools”. This circular refers to the statutory duty placed on the board of management to ensure that an appropriate education is provided to all of the school’s students. The circular goes on to state that “In order to carry out this duty effectively, appropriate and regular oversight by the board of management or ETB, as appropriate, can and should play a key role in improving standards in the school. In this regard, boards of management have significant responsibilities in setting the direction of a school”.

The board is required “to make arrangements for the circulation of copies of the school plan to the patron (trustees), parents, teachers and other staff of the school”.

Significant changes to the school plan should be a part of the ongoing reporting process established between the patron/trustees and the school.

4.1.16 APPOINTMENT OF TEACHERS AND OTHER STAFF

Section 24

Subject to the conditions laid down in Section 24(1) of the Education Act 1998 (as amended), a board “may appoint such and so many persons as teachers and other staff of the school as the board from time to time considers necessary for the performance of its powers and functions under this Act”. Section 24(2) states that “the numbers and qualifications of teachers and other staff of a recognised school, who are, or who are to be, remunerated out of monies provided by the Oireachtas, shall be determined from time to time by the Minister with the concurrence of the Minister for Public Expenditure and Reform”.

The issue of redeployment of teachers or other members of staff of a recognised school remunerated out of monies paid by the Oireachtas is treated in Section 24(5)(a) and (b) of the Education Act 1998 (as amended). The Minister, after consultation with representatives of patron/trustee bodies, recognised school management associations, recognised trade unions and staff associations representing teachers or other staff, may cause teachers or other staff to be redeployed to another recognised school in accordance with procedures determined from time to time by the Minister. In accordance with the provisions of this Section of the Act, a teacher or other member of staff so redeployed shall become an employee of the board of management of the recognised school to which he or she is redeployed.

Section 24(11) states the following:

“The board of a recognised school may, in accordance with procedures determined from time to time by the Minister following consultation with bodies representative of patrons/ trustees, recognised school management organisations and with recognised trade unions and staff associations representing teachers and other staff as appropriate, appoint, suspend or dismiss any or all of the principal, teachers and other staff of a school, who are remunerated or are to be remunerated out of monies paid by the Oireachtas”.

Issues relating to the suspension and dismissal of principals and teachers are set out in the **DES Circular 0049/2018, ‘Revised Procedures for Suspension and Dismissal of Teachers and Principals’**.

4.1.17 PARENTS' ASSOCIATION

SECTION 26

A Parents' Association "may advise...the board on any matter relating to the school and...the board...shall have regard to any such advice".

The board "shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a Parents' Association and to a Parents' Association when it is established."

4.1.18 FORMING STUDENTS COUNCIL

Section 27

The board "shall establish and maintain procedures for the purposes of informing students of the activities of the school". Such procedures "shall facilitate the involvement of the students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers".

The board "shall encourage the establishment by students of a student council and shall facilitate and give all reasonable assistance to" the student council.

The board shall draw up "the rules for the establishment of a student council" in accordance with guidelines issued by the Minister.

The rules "may provide for the election of members and the dissolution of a student council".

4.1.19 APPEAL AGAINST A DECISION OF THE BOARD

Section 7 of the **Education (Admission to Schools) Act 2018** substituted a new section 29 into the **Education Act, 1998**. The section came into force on 12 November 2020. New Section 29 appeal procedures have applied since that date.

Section 29 provides that, where "a board or a person acting on behalf of the board"

- (a) permanently excludes a student from a school or
- (b) suspends a student from attendance at the school for a period or periods totalling not less than 20 school days in a school year, or
- (c) refuses to admit a student in a school, or where the decision to refuse admission is due to –
 - (i) The school being oversubscribed or
 - (ii) A reason other than the school being oversubscribed,

"the parent of the student, or in the case of a student who has reached the age of 18 years, the student (each of whom is, in this section and sections 29A to 29F, referred to as an applicant), may, within such period as may be determined in procedures under section 29B, and following the conclusion of any review under section 29C or any appeal procedures provided by the school in accordance with

this Act, appeal a decision in accordance with this section and sections 29A to 29F.”

The amendment to section 29 means that there are two types of appeal against a decision to refuse to enrol a student: (1) where the refusal is due to the school being oversubscribed and (2) where the refusal is due to a reason other than the school being oversubscribed. In the case of a refusal due to the school being oversubscribed, the parent must request a review by the board of management before appealing under Section 29(1)(c). In the case of a refusal where the reason for the refusal is other than the school being oversubscribed, the parent may request a review by the board of management before appealing under Section 29(1)(c) but is not required to do so.

Updated procedures for section 29 appeals are available here: <https://www.education.ie/en/Parents/Services/Appeal-against-Permanent-Exclusion-Suspension-or-Refusal-to-Enrol/Appeals.html>

4.1.20 CURRICULUM

Section 30

Section 30(2)(d) states that the Minister shall ensure that the instruction time allotted for subjects in each school day shall “allow for such reasonable instruction” as the board, with the consent of the patron (trustees), determines for subjects (e.g., Religion) “relating to or arising from the **characteristic spirit** of the school”.

4.1.21 OBJECTS OF THE EDUCATION ACT

Section 6

This Section requires “**every person concerned in the implementation of this Act**” to “have regard to the following objects in pursuance of which the Oireachtas has enacted this Act”:

Thirteen objects of the Act are listed and these can be summarised as follows:-

- (a) to give practical effect to the constitutional rights of children
- (b) to provide that “a level and quality of education appropriate to meeting the needs and abilities” of people resident in the State is made available, “having regard to the resources available”
- (c) to promote equality of access to and participation in education
- (d) to promote opportunities for adults
- (e) to promote the right of parents to send their children to a school of the parents’ choice
- (f) to promote best practice in teaching methods
- (g) to promote effective liaison and consultation
- (h) to contribute to the realisation of national educational policies and objectives
- (i) to contribute to the achievement of a greater use of the Irish language
- (j) to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas
- (k) to promote the language and cultural needs of students
- (l) to enhance the accountability of the education system
- (m) to enhance transparency in the making of decisions in the education system both locally and nationally.

4.2 THE EDUCATION (WELFARE) ACT 2000

The Act established the National Educational Welfare Board (NEWB), now replaced by Tusla Education Support Service (TESS), and provides for the appointment of Educational Welfare Officers (EWOs).

The Sections of the Act which impose obligations on boards of management are:-

4.2.1 EDUCATIONAL WELFARE OFFICERS

Section 11(4)

This Section requires the board to assist an Educational Welfare Officer in the performance of his / her functions.

4.2.2 ANNUAL REPORT ON ATTENDANCE

Section 21(6)

This Section requires the board to submit a report not later than 6 weeks after the end of each school year, setting out the levels of attendance at the school during the immediately preceding school year, to:-

- The Educational Welfare Officer assigned to the school, and
- The Parents' Association of the school.

4.2.3 SCHOOL ATTENDANCE STRATEGY STATEMENT

Section 22

This Section requires the board, following consultation with the principal, teachers, parents and the EWO assigned to the school, to prepare and submit to the Tusla Education Support Service (TESS)-

“a statement of the strategies and measures it proposes to adopt for the purposes of fostering an appreciation of learning among students attending that school and encouraging regular attendance at school on the part of such students.”

TESS is obliged by the Act to “issue guidelines to boards of management for the purposes of this Section”.

The board of management is required to include the statement of strategy in the school plan.

4.2.4 CODE OF BEHAVIOUR

Section 23

The board, following consultation with the principal, teachers, parents and the EWO assigned to the school, is required to prepare and publish a Code of Behaviour. The Code of Behaviour ought to accentuate the benefits to the student and the school that accrue from good behaviour. It is very important that that students through the Student Council

have an input into the Code of Behaviour and that incentives to promote good behaviour are identified.

A Code of Behaviour must specify:-

- (a) The standards of behaviour to be observed by the students
- (b) The measures that may be taken when a student fails or refuses to observe these standards
- (c) The procedures to be followed before a student may be suspended or expelled
- (d) The grounds for removing a suspension
- (e) The procedures to be followed relating to notification of a child's absence from school.

The Code of Behaviour must be prepared in accordance with:

“Developing a Code of Behaviour: Guidelines for Schools”, (NEWB, May 2008).

4.2.5 EXPULSION OF A STUDENT

Section 24

When the board “is of the opinion that a student should be expelled” it must, before expelling the student, notify the EWO assigned to the school, in writing, “of its opinion and the reasons therefor”.

Section 24(4) states that: “a student shall not be expelled from a school before the passing of 20 school days following the receipt of a notification” by the EWO.

This is “without prejudice to the right of a board of management to take such other reasonable measures as it considers appropriate to ensure that good order and discipline are maintained in the school concerned and that the safety of students is secured”.

EXPULSION PROCEDURE

It is important to follow Section 24(1) of the Education (Welfare) Act 2000. Where the board of management, having considered all the facts of the case, is of the opinion that the pupil should be expelled, the board must notify the Educational Welfare Officer (EWO) in writing of its opinion and the reasons for this opinion. The pupil cannot be expelled before the passage of twenty school days from the date on which the EWO receives this written notification.

The board should inform the parents in writing about its conclusions and the next steps in the process. Within twenty days of receipt of a notification from a board of management of its opinion that a pupil should be expelled, the EWO must:

- Make all reasonable efforts to hold individual consultations with the principal, the parents and the pupil and anyone else who may be of assistance
- Convene a meeting of those parties who agree to attend.

Pending these consultations about the pupil's continued education, a board of management may take steps to ensure that good order is maintained and that the safety of pupils is secured. A board may consider it appropriate to suspend a pupil during this time.

Where the twenty school days following notification to the EWO have elapsed and where the board of management remains of the view that the pupil should be expelled, the board should formally confirm the decision to expel. It is recommended that the board reconvene to confirm the decision to expel and to deal with any issues that may have surfaced since the board's initial notifications to the Education Welfare Officer (EWO) and the parents of the opinion that the pupil should be expelled.

Parents and the pupil should be notified immediately about the right to appeal and supplied with the standard form on which to lodge an appeal. A formal record should be made of the decision to expel the pupil.

Note: See jmb.ie re (1) "Procedures in respect of expulsion", and (2) sample "Letter to parents where the board has formed the opinion to expel a pupil".

4.3 THE EQUAL STATUS ACTS 2000 - 2018

While the **Equal Status Act 2000** (ESA) is not an Education Act, it applies to schools in the same way as it applies to other service providers. In addition, Section 7 deals specifically with education providers, including post-primary schools.

4.3.1 DISCRIMINATION

Section 7 provides that an educational establishment shall not discriminate in relation to:-

- (a) the admission or the terms or conditions of admission of a person as a student
- (b) the access of a student to any course, facility or benefit provided by the school
- (c) any other term or condition of participation in the school by a student
- (d) the expulsion of a student from the school or any other sanction against the student.

4.3.2 EXCEPTIONS

A post-primary school does not discriminate:-

- where, because it admits students of one gender only, it refuses to admit a student who is not of that gender
- where, because it promotes certain religious values, it admits persons of a particular religious denomination "in preference to others" or refuses to admit a person who is not of that denomination, and, in the case of a refusal, it is proved "that the refusal is essential to maintain the ethos of the school"
- where different treatment of students on the gender, age or disability ground in relation to sporting facilities or sporting events is necessary because of the nature of those facilities or events
- where compliance with any of the Section's provisions in relation to a student with a disability would, by virtue of the disability, "make impossible or have a seriously detrimental effect on" the provision by a school of its services to other students.

4.3.3 EQUALITY OF OPPORTUNITY

The Equal Status Acts promote equality of opportunity and prohibit discrimination on nine grounds:

Gender	Civil Status	Family Status
Sexual Orientation	Religion	Age
Disability	Race	Membership of the Traveller Community

4.4 THE EDUCATION FOR PERSONS WITH SPECIAL EDUCATIONAL NEEDS ACT, 2004 (EPSEN)

4.4.1 NATIONAL COUNCIL FOR SPECIAL EDUCATION

The Act established the National Council for Special Education (NCSE) and provides for the appointment of Special Educational Needs Organisers (SENO).

“Special Educational Needs’ means in relation to a person, a restriction in the capacity of the person to participate in and benefit from education on account of an enduring physical, sensory, mental health or learning disability, or any other condition which results in a person learning differently from a person without that condition...” EPSEN, Section 1(1).

The Act provides that children are to be educated in an inclusive setting unless this would not be in the best interests of the child or the effective provision of education for other children in mainstream education. Many children with disabilities or special needs are in mainstream classes in mainstream schools. They may get help from learning support and resource teachers and care support from special needs assistants (SNAs). Some children attend special classes in mainstream schools where they have low pupil/teacher ratios.

4.4.2 DES CIRCULAR 0014/2017

Through Circular 0014/2017, the Department of Education and Skills advised schools of the revised allocation process for special education teachers to mainstream post- primary schools from September 2017 onwards. Referring to this new model of allocation of resources, the circular goes on to state that additional allocations are being provided to schools on the basis that no child will be refused enrolment on the grounds that they do not have sufficient teaching resources to meet the child’s needs. In circumstances where schools refuse to enrol children, on the basis of their special education needs, and notwithstanding any other legislative provisions currently in place, or forthcoming, the Department of Education reserves the right to review the allocation of special educational needs teaching support allocations made to schools who do not enrol such students.

4.4.3 GUIDELINES FOR POST PRIMARY SCHOOLS

Circular 0014/2017 was accompanied by **Guidelines for Post Primary Schools – Supporting Students with Special Educational Needs** which addresses the following issues:

- the reasons for changing the allocation
- the main features of the revised model
- the effective implementation by schools of the revised model
- the allocation by schools of special education teaching resources to effectively meet needs
- a whole-school approach to enhancing provision for students with special educational needs.

4.4.4 DUTY OF SCHOOLS

The Board of Management shall:

- (a) ensure that the school complies with Section 2 of the EPSEN Act:-

“A child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless the nature or degree of those needs of the child is such that to do so would be inconsistent with:-

- (a) the best interests of the child as determined in accordance with any assessment carried out under this Act or
- (b) the effective provision of education for children with whom the child is to be educated.”

- (b) co-operate to the greatest extent practicable with the National Council for Special Education (NCSE) and its employees and, in particular, provide to the Council such information as the Council may, from time to time, reasonably request for the performance by it of its functions.

The Board is required to comply with a request by the Council under subsection (1)(c) within the timeframe specified by the Council, Section 14(4).

4.5 EDUCATION (ADMISSION TO SCHOOLS) ACT 2018

The Education (Admission to Schools) Act 2018 is designed to make school admission policies more structured, consistent and transparent. This Act has amended sections of the Education Act, 1998, the Education (Welfare) Act 2000, the Equal Status Act 2000 and the Education for Persons with Special Needs Act 2004. Every recognised school, after consultation with the patron/trustees, the staff of the school and parents of current pupils, is required to have an admission policy which is in accordance with the Act's requirements. Where a board of management proposes to make any amendments to its admission policy, it must consult with the patron/trustees, the staff of the school and parents of students in the school before preparing a draft policy which must be submitted to the patron/trustees for approval.

Some key provisions include the following:

- That the school admit all applicants, where the school has places and is not oversubscribed.
- Set out the manner and sequence in which selection criteria will be applied in the case of oversubscription.
- Where the school is oversubscribed, the school is required to compile a waiting list of unsuccessful applicants which must remain valid for the school year. The school is required to offer any places that may become available before or during the school year to applicants on the waiting list in order of their priority on that list.
- Schools cannot accept applications prior to 1 October of the year prior to which enrolment is being sought.
- Schools that have pre-existing waiting lists are permitted to use such lists for admissions up to the 2025/26 school year. Schools will not be permitted to use any pre-existing waiting lists for admissions after the 2025/26 school year.
- Set out requirements for schools to make offers and for applicants to accept offers and arrangements where offers may be withdrawn.
- Require all schools to consult with and inform parents where changes are being made to their admissions policies.
- Prohibit requiring parents or students to attend at an interview and consideration of a student's academic ability, skills or aptitude, in deciding on an application, apart from in the case of the stated exceptions.
- Prohibit consideration of a parent's occupation, financial status, academic ability, skills or aptitude in deciding on an application.
- Provide details of the school's arrangements in respect of students, where the parent, or the student if they are 18 years of age or over, has requested that the student attend the school without attending religious instruction.

Other provisions of the act that have been commenced:

- Prohibit the charging of fees or seeking payment or contributions for an application for admission to or for continued enrolment in a school. This prohibition does not apply to fee-charging schools.
- Allow for sharing of information between schools and provides the Minister with the power to require schools to co-operate in relation to admissions.
- Provide the Minister with a power, after a process of consultation with the National Council for Special Education (NCSE), the board of management and the patron of a school, to compel a school to open a special class.
- State that the admission policy of a school shall include an '**admission statement**' that the school shall not discriminate in its admission of a student on any of the following grounds:
 - i. Gender
 - ii. Civil status
 - iii. Family status
 - iv. Sexual orientation
 - v. Religion
 - vi. Disability
 - vii. Race
 - viii. Membership of the Traveller community
 - ix. Special education needs

In addition, depending on the type of school, some or all of the following statements may be required:

Gender: Where a school admits students of one gender only, it shall include a statement that it does not discriminate where it refuses to admit a student who is not of that gender.

Religion: A post-primary denominational school whose objective is to provide education in an environment which promotes certain religious values shall include a statement that it does not discriminate where it admits a student of its particular religious denomination in preference to others and a statement that it does not discriminate where it refuses to admit a person who is not of that religious denomination and it is proved that the refusal is essential to uphold the ethos of the school.

Special Class: Where the school has a special class, which provides an education exclusively for students with a category or categories of special educational needs, it shall include a statement that the school may refuse to admit a student who does not have the specified category of special educational needs.

Admission Policy

A template admission policy is available on the JMB website (www.jmb.ie). This template sets out all the provisions of the act that ought to be included in a school's admission policy. Schools are advised that individual trust and patron bodies may also issue guidance to schools.

Annual Admission Notice

Schools are required to publish an admission notice each year so that key information about the annual admission process is available to parents. This Annual Admission Notice saves schools having to change their Admission Policy on an annual basis. Schools are required to publish their Annual Admission Notice at least one week before the date on which the school will commence accepting applications for the school year concerned, which cannot be earlier than 1 October prior to the year into which admission is sought. The Annual Admission Notice will contain important information for parents regarding the application process, including access to the school's admission policy, key dates and the number of places being made available.

Where a school was oversubscribed in the previous year, it is required to provide a breakdown of the total number of applications received and places offered and accepted by reference to the oversubscription criteria. A template Annual Admission Notice is available on the JMB website (www.jmb.ie).

4.6 OTHER RELEVANT LEGISLATION

4.6.1 DATA PROTECTION ACT 2018

The new European-wide framework known as General Data Protection Regulation (GDPR) came into effect on 25 May 2018. The GDPR gives individual states limited discretion to make provisions or derogations in their countries. In Ireland this has been done through the enactment of the **Irish Data Protection Act (DPA) 2018**.

Organisations that collect or use personal data are designated in GDPR as data controllers and data processors. In the context of schools, the statutory responsibility of Data Controller is assigned to the Board of Management. The JMB template policy (see jmb.ie) sets out the responsibilities schools have regarding the control of personal data (data relating to its past, present and future staff, students, parents/guardians and other members of the school community), leaving it to each school to share these responsibilities between the board of management and the executive. In practice, the role of coordinating the implementation of the school's Data Protection Policy is assigned to the principal who has to ensure that all staff who handle or have access to personal data are familiar with their responsibilities.

There are seven key principles relating to the handling of data in order to comply with GDPR:

- Lawfulness, fairness and transparency – data and the information collected must be used fairly and users and providers of data must not be misled about how their data is used.
- Purpose limitation – the purpose of processing and recording data must be clear and changed only if there is user consent.
- Data minimization – only data required for the stated processing purpose should be collected.
- Accuracy – reasonable steps must be taken to ensure the collected data is accurate and up to date.
- Storage limitation – data should not be kept longer than is necessary.
- Integrity and confidentiality – appropriate security measures must be taken to protect the personal data being stored.
- Accountability – organisations are accountable for how they handle data and comply with GDPR.

While a board of management may determine that the principal should notify all data breaches to the board, it is not necessary for any personal data to be shared with the board as part of the notification process. A starting point for a review of a school's Data Protection Policy might be to address the following questions:

- Has the school documented its processing activities (e.g. data audit of some sort)?
- Has the school conducted a risk assessment?
- Has the school confirmed that it has appropriate data sharing arrangements in place (e.g. a lawful basis for sharing with controllers; a signed agreement for sharing with processors)?
- Has the school publicised appropriate transparency information (privacy notices)?
- Has the school provided the staff with training?
- Has the board agreed appropriate reporting measures with executive staff (e.g. notification of data breaches/rights requests)?

Along with providing a template policy, the website www.jmb.ie (GDPR) also provides principals and boards of management with explanation of terms, descriptions of various types of data, examples of data breaches and how to deal with them, guidance on how to deal with a Data Access request, issues that have arisen due to COVID-19 and references sites where further information can be sourced.

4.6.2 THE SAFETY, HEALTH & WELFARE AT WORK ACT 2005 (as amended)

Under Section 8 of the Act the board of management, as the employer, has a duty to ensure employees' safety, health and welfare at work as far as is reasonably practicable. In order to prevent workplace injuries and ill-health the employer is required, among other things, to:

- Provide and maintain a safe workplace which uses safe plant and equipment
- Prevent risks from use of any article or substance and from exposure to physical agents, noise and vibration
- Provide instruction and training to employees on health and safety
- Provide protective clothing and equipment to employees
- Appoint a competent person as the organisation's Safety Officer.

The board is required to ensure, as far as reasonably practicable, that students, parents and visitors, who may be on the school premises, are not exposed to risks to their health and safety.

The legislation also requires the board to conduct its business, as far as reasonably practicable, in ways that prevent improper conduct or behaviour likely to put the safety, health or welfare at work of employees or the health and safety of students, parents or visitors, at risk.

Boards are advised to consult the **Health and Safety Authority** website www.hsa.ie/education, which has comprehensive resources, including **Guidelines on Managing Safety, Health and Welfare in Post-Primary Schools** and template **Safety Statements and Risk Assessments**.

The Health and Safety Authority (HSA) and the Workplace Relations Commission have jointly published the **Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2021**. This Code provides guidelines for employers and employees on how to deal with bullying in the workplace. The guidelines include steps to be undertaken in preparing a bullying prevention policy and procedures to be followed when a complainant alleges bullying.

All schools are advised to have a Dignity at Work policy.

4.6.3 EMPLOYMENT EQUALITY ACTS 1998-2015

As an employer, a board of management is required to comply with the provisions of the **Employment Equality Acts 1998-2015** ("the EEA"), which prohibit discriminatory treatment on any of the nine prohibited grounds:

- Gender to include pregnancy and maternity leave
- Civil status
- Family status
- Sexual orientation
- Religion
- Age
- Disability
- Race, colour, nationality or ethnic or national origins
- Membership of the Traveller Community

The EEA are far-reaching, applying to prospective employees, current employees and former employees, regardless of whether the employment was terminated by the employer or employee.

In addition, the EEA prohibit harassment on any of the discriminatory grounds and sexual harassment. Boards of management should ensure that the school has a policy in place which addresses harassment and sexual harassment in the workplace. The Employment Equality Act 1998 (Code of Practice)(Harassment) Order (SI 208/2012) may be used as a guide in preparing such a policy.

4.6.4 THE OMBUDSMAN FOR CHILDREN ACT 2002

The Ombudsman for Children has the power to investigate complaints made by children, or on behalf of children, in respect of any action taken by or on behalf of a school in connection with the performance of its functions under Section 9 of the Education Act, 1998.

For further information see www.oco.ie

4.6.5 PUBLIC PROCUREMENT LEGISLATION

The Irish public procurement regime is based on European legislation which has as its objective the free movement of goods and services within the European Union. The Schools Procurement Unit based in JMB headquarters at the offices of the Secretariat of Secondary Schools has published Guidance for Schools on Good Procurement Practices on the website www.spu.ie.

Why is compliance required?

- As the majority of secondary schools receive more than 50% of their funding from the state they are required by law to demonstrate where public monies are spent, with proof that their procurement processes have been conducted in a fair and transparent manner.
- A competitive process should be used at all times, except in exceptional and unforeseen circumstances.
- Obligations under EU and national legislation must be respected.
- There is an increased focus on accountability and governance.

A table setting out the Current National and EU Procurement Thresholds for the purchase of goods and services is available on the JMB website. This table indicates the requirements and best practice relating to seeking quotes and preparing documentation for the various thresholds. A school can achieve the best outcomes by placing value for money at the centre of all planning decisions. Value for money (VFM) can be summarised by the three Es: Economy (cost/inputs), Efficiency (inputs/outputs), Effectiveness (outputs/outcomes).

For further information, see: www.jmb.ie (SPU) or www.spu.ie

Chapter 5

Child Protection Procedures

CHAPTER 5

CHILD PROTECTION PROCEDURES

Paramount among the many functions of a board of management is the duty of care to pupils. This chapter sets out in detail the various measures a board needs to undertake in order to safeguard children and comply with the procedures for schools that are based on the Children First Act 2015.

5.1 ADOPTION OF CHILD PROTECTION PROCEDURES

The board of management should formally adopt and implement the **Child Protection Procedures for Primary and Post-Primary Schools 2017** published by the DES, as school policy. These procedures replace and supersede previous procedures issued in 2011. The 2017 Procedures are based on the **Children First Act 2015** which places a statutory obligation on schools to ensure, as far as practicable, that each child attending school is safe from harm while attending school or otherwise participating in school activities. Schools are also required under Section 11 of the Children First Act to prepare and publish a **Child Safeguarding Statement**.

5.2 APPOINTMENT OF DESIGNATED LIAISON PERSON

It is the responsibility of the board of management to appoint a senior full-time member of the teaching staff of the school as the designated liaison person (DLP) for the school (Section 3.5 of the Procedures). This member of the teaching staff will be the principal. It is also the responsibility of the board of management to appoint another senior full-time member of the teaching staff to assume the responsibilities of deputy liaison person (deputy DLP). It is recommended that the DDLP be a deputy principal of the school as s/he will act a principal in the absence of the principal. The board of management shall ensure that arrangements are in place so that the deputy DLP can effectively assume his/her responsibilities in the absence of the DLP by having access to all relevant records when required. The Child Protection Procedures of 2017 also require that the DLP shall be appointed as the 'relevant person' in accordance with Section 11 of the **Children First Act, 2015**, for the purposes of being the first point of contact in respect of the school's **Child Safeguarding Statement**.

5.3 CHILD PROTECTION OVERSIGHT REPORT

At each board meeting, the principal's report shall include a **Child Protection Oversight Report** (CPOR), with information under 4 headings, as follows:

- (a) Allegations of abuse made against members of school personnel
- (b) Other child protection concerns in respect of pupils in the school
- (c) Child protection concerns arising from bullying behaviour among pupils, and
- (d) Summary data in respect of reporting.

The principal's report to the board of management, as a further aspect of the **Child Protection Oversight Report**, shall:

- (a) State the total number of reports made to Tusla by the DLP since the last board meeting in respect of an allegation of abuse against a member of school personnel
- (b) State the number of cases, since the last board meeting, where the DLP sought advice from Tusla in relation to an allegation of abuse against a member of school personnel and the matter was not reported by the DLP based on the advice of Tusla
- (c) State the number of cases, since the last board meeting, where an allegation of abuse has been made against a member of school personnel and the DLP has not sought any advice from Tusla in relation to the matter and has not reported the matter to Tusla, and
- (d) State the number of cases, since the last board meeting, where an allegation of abuse has been made against a member of school personnel and the DLP did not report the matter to Tusla in circumstances where Tusla has advised the DLP that it should be reported.
- (e) Where there were no such cases at (a) to (d) above, state this fact.

5.4 WHERE ALLEGATIONS OR CONCERNS RELATE TO THE DLP

Where allegations or concerns relate to the DLP, the member of school personnel shall, without delay, report the matter to the chairperson of the board of management. The chairperson shall assume the responsibility for seeking advice from and/or for reporting the matter to Tusla. The chairperson will follow the procedures set out in Chapter 7 of the **Child Protection Procedures for Primary and Post-Primary Schools 2017** and, where the need for immediate action arises, the protocol set out in chapter 7 and in appendix 3.

5.5 CHILDREN FIRST ACT 2015

Section 17 of the Act refers to information shared by Tusla with a "relevant person" in the course of carrying out an assessment of a mandated report under Section 14 of the Act. The Children First Act makes it an offence to share such information with a third party, save in accordance with law, or unless Tusla has given written authorisation to do so.

Failure to comply with the provisions in this Section of the Act is an offence liable to a fine or imprisonment.

5.6 ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE REGARDING SCHOOL PERSONNEL

School personnel include not only paid staff but also unpaid volunteers.

Abuse refers to the types of abuse described in Chapter 2 of the 2017 Procedures.

The protection of children and their safety and wellbeing are of paramount importance in a school context. Where an allegation of abuse is made against a member of school personnel, the DLP shall always inform the employer (the board of management or ETB) whether or not the matter has been reported to Tusla.

Where allegations or suspicions of abuse occur in regard to a school employee, the employee shall be treated fairly which means that the employee shall not be judged in advance of a full and fair process and, as applicable, in accordance with the relevant disciplinary procedures.

The first priority of the employer (board of management) is to ensure that no child is exposed to unnecessary risk. Where there is an urgent child safeguarding requirement, the employer shall take the necessary protective measures to immediately absent the employee from the school. To deal with this eventuality, the employer must have a written protocol in place (see chapter 7 and appendix 3 of the 2017 Procedures). This protocol will apply where the need for immediate action arises during the course of a school day, or just immediately prior to the commencement of a school day, and where the immediate safeguarding of children requires that such action cannot be delayed pending or contingent on the convening of a meeting of the board of management or the receipt of legal advice. Such action may also be triggered by the school being informed by Tusla or An Garda Síochána of a risk to children.

It is understood when this immediate action is initiated that it is precautionary, not disciplinary, and is followed by the convening of an emergency meeting of the board of management. Tusla shall be informed that the protocol has been activated and that the employee will be absent from school pending the emergency meeting of the board of management.

The protocol which authorises immediate action is set out in appendix 3 of the **Child Protection Procedures for Primary and Post-Primary Schools 2017**:

“In the context of these procedures, where circumstances warrant it, as an essential precautionary measure in order to protect the children in the school, the school principal is authorised by the school management authority to direct an employee to immediately absent himself or herself from the school without loss of pay until the matter is considered by the employer. It is very important to note that the action under the protocol is intended to be precautionary and not disciplinary. The action under this protocol is an interim measure pending the employer’s further consideration of the matter.”

The employee will be invited to a meeting with the principal, the purpose of which is to inform the employee of the allegation and the action being taken. The employee may be accompanied by an appropriate person of his or her choice and will be so advised”.

The employee will also be advised of the allegation, in writing. The principal shall make a record of the meeting and this record shall be retained on the relevant case file.

At the emergency board of management meeting, the board will have to consider formally placing the employee on administrative leave and proceeding within the disciplinary process. Legal advice should always be sought in these circumstances. Immediately after the emergency meeting of the board of management, Tusla shall be informed as to whether the decision has been to formally place the employee on administrative leave or not to place the employee on administrative leave.

It is essential, at all times, that the matter is treated with the strictest confidence and that the identity of the employee is not disclosed, other than as prescribed in the procedures. Apart from the provision of information to any investigation undertaken by the employer, a third party or the person who has made the complaint does not have any entitlement to information about the progress or conduct of the investigation or proceedings

Any action taken in relation to the employee, including whether he or she shall be put on administrative leave while the matter is being investigated, is exclusively a matter for the employer. Once the matter has been reported to Tusla, the employee shall be offered the opportunity to respond to the allegation in writing to the employer within a specified period of time. The employee shall be told that his or her explanation to the employer will have to be passed on to Tusla. Tusla can advise a school employer as to the adequacy, from a child protection perspective, of any steps the school employer proposes to take to protect children.

Any information or details that might identify a child should not be recorded in the minutes of the board of management. Board members are reminded of the confidentiality of board meetings and that a board member who breaches this requirement may be removed from the board by the patron in accordance with Section 16 of the **Education Act, 1998**. Moreover, a board member so removed may not be protected in any legal proceedings taken against him or her by the general indemnity provided to board of management members under Section 14(7) of the **Education Act, 1998**.

5.7 FOLLOW-UP REQUIRED OF THE BOARD OF MANAGEMENT

- Legal advice should always be sought in relation to any proposed actions in respect of the employee.
- Disciplinary action should be in accordance with established procedures and shall be taken only after consultation with Tusla (and An Garda Síochána if involved).
- A stay may be put on disciplinary procedures pending the outcome of a Tusla assessment or an investigation by An Garda Síochána. The necessity for an employee to remain absent from work pending the outcome of a Tusla assessment or a Garda investigation should be kept under review, in consultation with Tusla and having regard to legal advice.

5.8 INFORMATION FROM TUSLA

- Tusla may be restricted in certain circumstances to just confirming that an assessment is still ongoing
- If, after its investigation, Tusla reaches a conclusion that an allegation is “founded” it will inform the employer and the relevant registration body (i.e. the Teaching Council in the case of registered teachers)
- Where Tusla has concluded that an allegation is “not founded”, it will not share any further information with the school employer.

5.9 THE MAIN STATUTORY OBLIGATIONS ON A BOARD OF MANAGEMENT UNDER THE CHILDREN FIRST ACT 2015 ARE TO:

- ensure, as far as is practicable, that children are safe from harm while availing of school services (i.e. while attending school or participating in school activities)
- carry out an assessment of any potential for harm to children while they are attending school or participating in school activities (this is known as a risk assessment)
- prepare and display a written **Child Safeguarding Statement** in accordance with the requirements of this Act
- appoint a “relevant person” as the first point of contact in respect of the school’s **Child Safeguarding Statement**. Chapter 3 of **Child Protection Procedures for Primary and Post-Primary Schools 2017** requires that the DLP shall be appointed to this role
- provide a copy of its **Child Safeguarding Statement** to the patron, members of school personnel and, when requested, to parents, members of the public and Tusla.

5.10 OVERSIGHT BY THE BOARD OF MANAGEMENT

Part of the principal’s report at each board of management meeting shall include the items listed in 5.3 above. In cases where (a) a report was made by the DLP to Tusla in respect of an allegation against a member of school personnel, and (b) where a report was not made to Tusla based on advice received from Tusla in respect of an allegation against a member of school personnel, the board shall be provided with and review the following at the board meeting:

- copies of all records and notes pertaining to how the allegation came to be known by the DLP
- copies of any notes and records pertaining to the seeking of Tusla advice and to the advice given

- copies of any report submitted to Tusla
- copies of any other records of communication with Tusla, An Garda Síochána or any other party in relation to the allegation (including any acknowledgement of receipt of the report by Tusla)
- copies of any notification issued under Section 5.6 of the Child Protection Procedures
- copies of any statement provided to a member of school personnel under **Section 5.3.8 of the Child Protection Procedures for Primary and Post-Primary Schools**.

All of the documents listed shall be returned after the matter has been dealt with at the board meeting and placed in the appropriate case file by the DLP. No document shall be retained by any board member. The board minutes shall not name any employee or any children referred to in the documentation but shall record the matter by reference to the unique code or serial number assigned to the case/parties concerned.

It should be noted that these records must be treated in the strictest confidence by all board members and that they are reviewed solely for the purposes of oversight of the reporting procedures set out in the Child Protection Procedures. Under no circumstances shall the board members enter into any discussion or investigation in relation to the substance, credibility or otherwise of the allegation in question when undertaking the oversight role.

Regarding cases referred to under (c) and (d) in par. 5.3 above, the DLP shall immediately inform the chairperson of the board of management where (c) an allegation has been made against a member of school personnel and the DLP did not seek advice from Tusla, or (d) where an allegation was made against a member of school personnel and the matter was not reported to Tusla in circumstances where Tusla had advised that it should be reported. An emergency meeting of the board of management shall be immediately convened. Prior to this emergency meeting the chairperson shall, on behalf of the board, seek the advice of Tusla as to whether the allegation should be reported and shall report the matter on behalf of the board where advised to do so.

The chairperson shall provide the board of management with (1) a copy of his/her records or notes pertaining to seeking of Tusla advice in relation to the allegation and the advice given, (2) a copy of the report submitted to Tusla in respect of the allegation and any acknowledgement of receipt of that report by Tusla.

Where the board of management has not complied with the procedures set out in Section 9.5.8 of the Child Protection Procedures, it shall notify the school patron of this fact and this action shall be recorded in the minutes of the relevant board of management meeting.

It should be noted that failure by any member of school personnel to report a matter to Tusla where advised by Tusla to do so, or otherwise fail to comply with the Child Protection Procedures, is a disciplinary matter.

5.11 OVERSIGHT RE STUDENT REPORTS

The principal's **Child Protection Oversight Report** to the board of management shall also specify the number of cases that have arisen since the last board meeting under each of the following headings:

- (a) Any case where a member of school personnel has submitted a report to Tusla in respect of a child in the school in circumstances where the DLP has decided that the matter did not warrant reporting
- (b) Any case where the DLP has sought the advice of Tusla in respect of any concern about a child in the school and Tusla has advised that the matter should not be reported
- (d) Any case where the DLP has sought the advice of Tusla in respect of a concern about a child in the school and Tusla has advised that the matter should be reported but the DLP has not reported the matter in question.

In each of these cases, the board of management will be provided with and review all records and notes pertaining to the matter in question including notes on advice received from Tusla. It should be noted that records provided to the board of management under Section 9.6.2 of the Child Protection Procedures shall be anonymised and redacted as necessary to ensure the identities of any children and any other parties to whom the concern or report relates are not disclosed. These records are to be reviewed solely for the purposes of oversight and must be treated with the strictest confidence.

5.12 CHILD PROTECTION CONCERNS ARISING FROM BULLYING BEHAVIOUR AMONGST PUPILS

The steps set out in Section 9.7 of the Child Protection Procedures ought to be followed where concerns arise from alleged bullying behaviour among pupils. These steps are required only in cases that are deemed sufficiently serious to warrant seeking advice from Tusla. Notes and records provided to the board of management in relation to bullying allegations shall be redacted and anonymised and must be treated in the strictest confidence. It should be noted that any discussion or decisions about further action to be taken in respect of the alleged bullying behaviour shall be undertaken separately in accordance with the school's **Anti-Bullying Policy** and the **Department of Education Anti-Bullying Procedures for Primary and Post-Primary Schools**.

5.13 BOARD OF MANAGEMENT OVERSIGHT OF CHILD SAFEGUARDING STATEMENT REQUIREMENTS

The board of management shall ensure that the Child Protection Procedures are implemented in full. To this end, the board of management shall:

- formally adopt the **Child Safeguarding Statement** and the minutes of the relevant board meeting shall record this fact
- satisfy itself and record in the relevant board minutes that each of the requirements for display, publication and circulation of the Statement as set out in the Child Protection Procedures have been met in full

- undertake an annual review of the **Child Safeguarding Statement** and issue the notification confirming completion of that review to the patron and the Parents' Association as set out in Chapter 8 of the Child Protection Procedures. The board of management shall also publish the notification confirming completion of the review on the school website. The minutes of the relevant board meeting shall record that it has undertaken the review and has issued/published the notifications confirming same.

Any complaints or suggestions for improvement made by a member of school personnel regarding the school's Child Safeguarding Statement shall be brought to the attention of the board at the following board meeting. The board shall review the matter and shall, where appropriate, implement any improvement considered necessary or remedy any deficiency identified regarding its compliance with the Child Protection Procedures' requirements in respect of the school's **Child Safeguarding Statement**.

As part of its annual review of the **Child Safeguarding Statement**, the board of management must seek feedback from parents in relation to the school's compliance with the child safeguarding requirements. The views of pupils on the school's safeguarding arrangements should also be sought by the board. This should be done in a manner appropriate to the age and maturity of the children concerned.

5.14 ROLE OF THE PATRON

The patron shall be provided with a copy of the **Child Safeguarding Statement** and the notification regarding the annual review of the **Child Safeguarding Statement**. Where an allegation or suspicion of child abuse or neglect regarding a member of the board of management has been reported by the DLP to Tusla, the board of management shall inform the patron that such a report has been made. The patron must also be informed where the board of management has not complied with the procedures set out in Section 7.3.6 of the Child Protection Procedures and has not reported an allegation of abuse against an employee where advised by Tusla to do so.

5.15 STATUTORY RESPONSIBILITIES

In the context of prevention of child abuse and neglect, it is the responsibility of all schools to have **Social, Personal and Health Education (SPHE)** as a mandatory part of the curriculum for all pupils in primary schools and in the Junior Cycle of post-primary schools. All post-primary schools are also required to have a **Relationships and Sexuality Education (RSE)** programme at senior cycle.

Since September 2017, all schools must deliver a wellbeing programme for those students entering first year from September 2017 onwards.

5.16 TRAINING

It is imperative that boards of management ensure that all school personnel and board members have the necessary familiarity with the Child Protection Procedures to enable them to fulfil their responsibilities therein.

5.17 RISK ASSESSMENT

Under the **Children First Act 2015**, all boards of management are statutorily obliged to undertake a risk assessment in accordance with the Act. It should be noted that the Children First Act defines “risk” as any potential for harm to a child while availing of a service. Harm in this context means:

- (a) assault, ill-treatment or neglect of the child in a manner which affects or is likely to affect the child’s health, development or welfare, or
- (b) sexual abuse of the child.

Under the Child Protection Procedures, all boards of management are required to complete the risk assessment template (**Mandatory Template 1**) published by the Department of Education and Skills. The completed risk assessment template shall be included in the school’s **Child Safeguarding Statement**. The **Child Safeguarding Risk Assessment Template (Mandatory Template 1)** is available on the JMB website (www.jmb.ie > child protection).

Where a school provides any after-school activity or service, it must ensure that it has in place adequate child protection measures and that these include clear reporting procedures. Such procedures should include clear documented measures for ensuring that the DLP of the school is kept appropriately informed of any child protection concerns that arise within the activity or service. In accordance with the **Children First Act 2015**, the school’s risk assessment and **Child Safeguarding Statement** must also take account of any such activity or service.

5.18 CHILD SAFEGUARDING STATEMENT

Section 11 of the **Children First Act 2015** places a statutory duty on providers of a relevant service, including all recognised schools, to prepare a **Child Safeguarding Statement** (see **Mandatory Template 2** on the JMB website). This written statement must:

- specify the services being provided by the provider
- specify the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the services is safe from harm
- include a written risk assessment carried out in accordance with the Act
- specify the procedures that are in place to manage any risk identified
- Specify the procedures that are in place, (a) in respect of any member of staff who is the subject of any investigation, (b) for the selection or recruitment of any person as a member of staff, (c) for provision of information and, where necessary, instruction and training, to members of staff, (d) for reporting to Tusla by the provider (whether a mandated person or otherwise) in accordance with the **Children First Act 2015**, (e) for maintaining a list of persons in the relevant services who are mandated persons, and (f) for appointing a relevant person as the first point of contact in respect of the provider’s safeguarding statement.

Under the Act, a board of management is obliged to provide a copy of the **Child Safeguarding Statement** to all school personnel and must make it available to parents,

Tusla and members of the public on request. The Child Protection Procedures require that a copy of the **Child Safeguarding Statement** shall be provided to the patron and the Parents' Association and shall also be published on the school's website. The Procedures also require that the name of the DLP shall be displayed next to the **Child Safeguarding Statement** which is posted in a prominent place near the main entrance to the school.

The Child Protection Procedures stipulate that a review of the **Child Safeguarding Statement** must be completed every year or as soon as practicable after there has been a material change in any matter to which the **Child Safeguarding Statement** refers. As part of the overall review process, the board of management should assess relevant school policies, procedures, practices and activities vis a vis their adherence to the principles of best practice in child protection and welfare as set out in the school's **Child Safeguarding Statement**, the **Children First Act 2015** and the **Child Protection Procedures for Primary and Post-Primary Schools 2017. Mandatory Template 2** (Checklist for Review of the Child Safeguarding Statement) is available on the JMB website (www.jmb.ie > child protection). **Mandatory Template 3** (Notification regarding the board of management's review of the Child Safeguarding Statement) is also available on the JMB website (www.jmb.ie > child protection).

A series of optional templates are also provided on the JMB website (www.jmb.ie > child protection), as follows: Optional Template A (Child Protection – Record of how the allegation and/or concern came to be known to the DLP and record of DLP's phone call seeking advice of Tusla – see Sections 5.1.1 and 5.3.3 of the Procedures); Optional Template B (Child Protection - Template statement from DLP to a member of school personnel as to the reason why a report has not been made to Tusla – (see Section 5.3.8 of the Procedures); Optional Template C – Record of DLP informing or not informing a parent/carer that a report concerning his or her child is being made – see Section 5.3.6 of the Procedures); Optional Template D – Template for written notification from DLP to a parent where a child protection concern about a member of school personnel has been raised by a parent – see Section 5.6.2 of the Procedures); Optional Template E (Checklist for preparing the Principal's **Child Protection Oversight Report** (CPOR) to the board of management in accordance with Sections 9.4 to 9.8 of the Procedures); Optional Template F for recording documents provided to the board of management as part of the **Child Protection Oversight Report** (CPOR).

5.19 CHILD PROTECTION AND SAFEGUARDING INSPECTIONS (CPSI)

The central purpose of CPSI is to support schools in the implementation of the 2017 Child Protection Procedures. CPSI is intended to be a formative process where the safety and welfare of the child is central and where there is respectful engagement with the school. Section 9.13.2 of 2017 Child Protection Procedures requires the Inspectorate to:

- Use a range of models to monitor implementation of the 2017 Procedures
- Conduct intensive, full-range inspections focused on the implementation of the 2017 Procedures during a model of inspection designed specifically for this purpose

There are 10 overarching checks which are intended to guide the Inspectorate and schools in promoting best practice as it relates to child protection and in monitoring the

implementation of the 2017 Procedures. These checks, each of which has a number of sub-checks, are as follows:

1. Communication - the school has communicated the required aspects of the Child Protection Procedures to all relevant stakeholders
 - The name of the DLP is prominently displayed near the main entrance
 - The **Child Safeguarding Statement** is prominently displayed near the main entrance
 - The Risk Assessment is on display with the **Child Safeguarding Statement**
 - A copy of the **Child Safeguarding Statement** was provided to all school personnel
 - The school has arrangements in place to provide parents with a copy of the **Child Safeguarding Statement** on request
 - A copy of the **Child Safeguarding Statement** was provided to the patron/trustees
 - A copy of the **Child Safeguarding Statement** was provided to the Parents' Association
 - The **Child Safeguarding Statement** is published on the school's website
 - School personnel are informed when a review of the **Child Safeguarding Statement** has taken place
 - The Parents' Association receives written notification that a review of the **Child Safeguarding Statement** has taken place
 - Notification that the **Child Safeguarding Statement** has been reviewed is placed on the school's website
2. DLP/DDLP – have been appointed by the board of management
 - The DLP and Deputy DLP are named in the school's **Child Safeguarding Statement**
 - The DLP and Deputy DLP are current senior members of the full-time teaching staff
 - If the DLP is not the principal, the school authority has put arrangements in place to ensure that the DLP will keep the principal appropriately informed of child protection matters.
3. Information and Training – the board of management has discharged its responsibilities to provide information relevant to child protection to all school personnel and has ensured that training is available to some or all staff members as required
 - The board has arrangements in place to ensure that the DLP has the necessary familiarity with the **Child Protection Procedures 2017**
 - The board of management has put arrangements in place to enable the Deputy DLP to effectively assume his/her responsibilities in the absence of the DLP and to ensure that s/he has access to relevant records when required
 - The board has arrangements in place to ensure that all school personnel have the necessary familiarity with the **Child Protection Procedures 2017** to enable them to fulfil their responsibilities
 - All registered teachers who were interviewed during the inspection were aware of

their responsibilities

- All members of school personnel who were interviewed during the inspection were aware of the actions to take if they receive an allegation or a have a suspicion that a child may have been abused or neglected, is being abused or neglected or is at risk of abuse or neglect
 - The board has arrangements in place to ensure that all board members have the necessary familiarity with the **Child Protection Procedures 2017** to enable them to fulfil their responsibilities
4. Vetting of all school personnel – the board of management is aware of its responsibilities in relation to the vetting of all school personnel and reports that it discharges these responsibilities
- The chairperson of the board and the principal orally report that the board is aware of its responsibilities in relation to vetting of school personnel and that they discharge these responsibilities
 - The chairperson of the board and the principal sign the declaration that the board is aware of its responsibilities in relation to vetting of all school personnel and that they discharge these responsibilities
 - The chairperson and the principal confirm that all employees of the board of management are vetted
5. **Child Safeguarding Statement and Risk Assessment** – the board members have carried out a review of their duties in accordance with the template and requirements in the **Child Protection Procedures 2017**
- The **Child Safeguarding Statement** is in the format published by the Department
 - The **Child Safeguarding Statement** is reviewed annually
 - A record of the review and its outcome has been retained by the board
 - If areas of improvement are identified in the **Child Safeguarding Statement** the school has an action plan in place to deal with the issues
 - A risk assessment, having regard to the particular school’s context, has been completed, based on the template provided with the **Child Protection Procedures 2017**
 - The school has specified, in its written risk assessment, the policies and procedures in place to minimise the risk of harm
6. **Child Protection Oversight Report (CPOR)** – provided to the board of management at each board meeting and recorded in the minutes
- The minutes of each board meeting that were checked contain a **Child Protection Oversight Report (CPOR)**
 - The CPOR is fully completed on the template provided by the Department or contains all the information required under each of the headings on the template
 - Where there are cases under Section 9.5 of the Procedures (involving school personnel) the board was provided with all of the documents specified in Section 9.5.2 of the Procedures in respect of each such case
 - Where there were cases under Section 9.6 of the Procedures (that were not

- reported to Tusla by the DLP) the board was provided with all of the documents specified in Section 9.6.2 of the Procedures in respect of each case
- Where there were cases under 9.7 of the Procedures (arising from alleged bullying behaviour), the board was provided with all of the documents specified in Section 9.7.2
 - The minutes of the board meeting use unique identifiers to refer to the individuals, including children, involved and do not record the names of the individuals involved
7. Record Keeping – correct record keeping procedures were found in the records examined
- A hard copy file is available for all child protection concerns which contains original records of the concern, all correspondence relevant to the concern and the names of all relevant individuals
 - All parties referenced in all files are assigned a unique identifier number
 - All files relevant to child protection are kept in a secure location
 - The DDLP is aware of the location of the child protection files and can access them if required
8. Procedures to report allegations of abuse were fully implemented in the records examined
- A written record from the DLP of how the concern came to his/her attention is retained on the relevant file for all concerns in respect of learners in the school
 - A copy of the report submitted to Tusla is available for all concerns that were reported to Tusla
 - A record of further action taken by the DLP and of any further communication with Tusla, An Garda Síochána or other parties in relation to that report is available for all concerns reported to Tusla
 - A record of the information communicated by the DLP to the parent/carer of the child about whom the report is being made to Tusla, or a record of the decision made by the DLP not to inform the parent/carer and the reasons for not doing so, is available for all concerns that were reported to Tusla
 - A record of any consultation with Tusla which includes the date, the name of the Tusla official and the advice given is available for all concerns where the advice of Tusla was sought and evidence that a report was submitted to Tusla where Tusla advised to do so
 - Where a registered teacher brought a concern to the DLP, a record that the registered teacher was informed that advice was being sought, is available for all concerns where the advice of Tusla was sought
 - A record that the registered teacher was provided with the advice received is available for all concerns where the advice of Tusla was sought
 - A record of a clear statement in writing provided to the relevant staff member as to the reasons why his/her concern is not being reported and that the staff member was advised that s/he may still report that concern to Tusla is available for all concerns that were not reported to Tusla

9. Procedures in reporting allegations or suspicions of abuse against school personnel were fully implemented in the records examined
- A written record from the DLP of how the concern came to his/her attention is available in all cases of allegations made against a member of school personnel
 - A record that the school employer (board of management) was informed is available in all cases of allegations made against a member of school personnel
 - A record that the DLP has sought advice from or made a report to Tusla is available in all cases of allegations made against a member of school personnel
 - A record that the DLP reported to Tusla where Tusla advised to do so
 - A record of the DLP's notification under Section 5.6 of the Procedures to the parent/guardian informing him/her of whether or not the concern has been reported to Tusla, and, if not, the reason for not referring it, is available if the allegation is made against a member of school personnel by a parent/guardian
 - A record that the chairperson of the board has assumed the role of the DLP for reporting the matter is available if the allegation is made against the DLP
 - A record that the chairperson of the board sought advice from or made a report to Tusla is available if the allegation is made against the DLP
 - A record that Tusla has been informed that the school's protocol authorising immediate action has been operated and/or that the employee has been formally placed on administrative leave is available
 - A record that the DLP sought advice from or made a report to Tusla is available if the allegation is made against a member of the board
 - A record that the DLP reported the allegation against a member of the school board to Tusla where Tusla advised the DLP to do so
 - A record that the board informed the patron/trustees is available if the allegation is made against a member of the board
10. Curricular aspects – quality of planning for and implementation of the SPHE, RSE and Wellbeing programmes was evident during the inspection
- There is an SPHE programme for all Junior Cycle students in the school
 - There is an RSE programme for all students in the school
 - SPHE subject planning documents, RSE programme planning documents and school timetable information indicate that the school has planned appropriately for the implementation of the SPHE curriculum and the RSE programme
 - The individual teacher planning documents reviewed indicate that the teachers are implementing the SPHE curriculum and the RSE programme appropriately
 - The interactions with students indicate that they have a satisfactory or better understanding of a number of key topics of SPHE and RSE

For each of the first 9 of the 10 checks, the Inspectors arrive at a finding of:

- Fully compliant
- Substantially compliant
- Partially compliant
- Not compliant

In forming a judgement as to the overall quality of planning for and implementation of the SPHE Curriculum and RSE programme, inspectors make reference to the appropriate quality level of the Inspectorate's Quality Continuum:

- Very good
- Good
- Satisfactory
- Fair
- Weak

Reporting

Two reports will be published: an **Initial Child Protection and Safeguarding Inspection** report and a **Final Child Protection and Safeguarding Inspection** report. The reports state the extent to which a school was compliant with each of the ten overarching checks undertaken during each inspection.

Where a school is less than fully compliant with a particular requirement, the report provides additional evaluative comment on the check. Where a school is non-compliant, the Inspectorate will continue to engage with the school and will use a range of actions to follow up on non-compliance. These actions may include further **Child Protection and Safeguarding Inspections**.

The **Initial Child Protection and Safeguarding Inspection** report and the **Final Child Protection and Safeguarding Inspection** report will be published in accordance with the **Guidelines for the Publication of Inspection Reports (September 2015)**. This means:

- The school will have 5 working days to factually verify each draft
- Each finalised report will be re-issued to the school and the school will have 10 working days in which to respond to the report
- The finalised reports and the school's response to each will be published simultaneously on the Department's website.

Chapter 6

The Powers & Responsibilities of the Board of Management

CHAPTER 6

THE POWERS & RESPONSIBILITIES OF THE BOARD OF MANAGEMENT

The overall powers and responsibilities of the board derive from:-

- **the Articles of Management:-**
“The conduct, management and financial administration of the school shall be under the control of the board of management...subject to the general supervision and control of the trustees for the time being”, Articles of Management 2(a).
- **the Education Act, 1998:-**
“It shall be the duty of a board to manage the school on behalf of the patron (trustees) and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility”, Section 15(1).

This chapter summarises the areas of responsibility of the board.

6.1 RESPONSIBILITIES WITH REGARD TO THE TRUSTEES

The Trustees

The trustees, through the Articles of Management, delegate power to the board of management, which now becomes legally responsible for the operation of the school.

The Property

The property to be managed is defined in the FIRST SCHEDULE, a document attached to the Articles of Management, in which the trustees give details of the buildings and grounds assigned to the school.

Note that the **Education Act, 1998** states that *“nothing in this Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which that board is responsible”, Section 15(3)*

The Ethos of the School

The board is obliged to conduct the school in accordance with the religious and educational philosophy (the ethos) of the trustees, Articles of Management 2(c).

This is defined in the SECOND SCHEDULE, a document which accompanies the Articles of Management.

Consultation

The **Education Act, 1998** obliges the board of management to consult with the patron/trustees and keep them informed of board decisions and proposals, Section 15(2)(c)

6.2 RESPONSIBILITIES WITH REGARD TO THE DEPARTMENT OF EDUCATION

It is the duty of the board to ensure that the school is being run in accordance with the rules and regulations of the Department of Education (DE).

The board is required to perform its functions under part iv of the **Education Act, 1998** in accordance with the policies of the Minister.

The board must also supply the Minister with any information s/he requires regarding the performance of its functions.

6.3 RESPONSIBILITIES WITH REGARD TO FINANCE

The board of management gives an undertaking to the trustees that, in its financial administration of the school, it will not enter into financial commitments for which it has not made adequate provision in its annual budget and which would result in the trustees incurring liability for unforeseen or unapproved debts.

Article 15 of the Articles of Management and Section 18 of the Education Act, 1998 set out the following financial responsibilities of the board:-

- opening an account in a bank in the State in the name of the board, to which all monies received in relation to the school shall be lodged
- keeping proper accounts of all income and expenditure which must be audited or certified each year in accordance with best accounting practice, Section 18(1)
- making the school accounts available for inspection by the Minister and by parents insofar as they relate to monies provided by the State, Section 18(2)
- making an annual contribution to the trustees to service any debts as to interest, capital and licence fee on the school property (the trustees may, in exceptional circumstances, waive all or any part of this commitment in any one year)
- ensuring that expenditure does not exceed income
- submitting a forward budget and financial report to the trustees annually
- setting up a sub-committee on finance
- making all payments by cheque or through the epayment system, signed/authorised by the principal and by one other person approved by the board
- managing all bank accounts held in the name and on behalf of the school
- deciding on the use of the school premises and facilities outside of school hours by outside bodies, subject to any particular provisions made by the trustees
- ensuring that the school premises, furnishings and equipment are kept in good repair and condition

- ensuring that the school is adequately insured and reviewing the terms of the school's insurance policies at the board's first meeting in each school year
- ensuring that the school is compliant with procurement legislation in its purchase of goods and services and that it is following School Procurement Guidelines in regard to value for money.

The board of management must also ensure that the school is compliant with the Charities Act 2009, that board of management membership details are up to date and reflected in the school's Charities Regulator account.

(In all matters relating to school finances, the board of management ought to be guided by the FSSU guidelines, regular bulletins issued by the Financial Services Support Unit/ FSSU and School Procurement Unit).

6.4 RESPONSIBILITIES WITH REGARD TO THE STAFF

The board of management is the legal employer of all the staff in the school and has the following responsibilities:-

- complying with current employment legislation
- advertising for, selecting and appointing teachers, in accordance with the Dept. of Education schedule/allocation and the current Redeployment Scheme
- ratifying the appointment, by the principal, of part-time or non-teaching staff
- ensuring that contracts of employment are presented and signed
- terminating contracts of employment (grounds for terminating contracts have to be substantial and fair procedures have to be followed)
- paying staff and making the appropriate PAYE / PRSI returns to the Revenue
- promoting teachers, in accordance with current agreements on In-School Management Posts (See **DES publication Looking at our Schools 2016**, circular letters published by the DES and JMB bulletins).
- adjudicating on any grievances by members of staff against the principal
- implementing agreed procedures in relation to professional competence issues
- implementing agreed disciplinary procedures for teachers
- drawing up and implementing a Safety Statement as required by the **Safety, Health and Welfare at Work Act 2005** (see www.hsa.ie/education for **Guidelines (Revised) on Managing Safety, Health and Welfare in Post-Primary Schools**)
- making provision for communication and consultation between management and staff
- ensuring the on-going professional development of staff through support for in-service training and qualifications
- arranging for the setting up, by the principal, of an Advisory Board of Studies, elected by and from the full-time teaching staff.

6.5 RESPONSIBILITIES WITH REGARD TO STUDENTS

The **Articles of Management (19)**, the **Education Act, 1998**, the **Education (Welfare) Act 2000**, the **EPSEN Act 2004** and the **Education (Admission to Schools) Act 2018** give the board the following responsibilities in relation to students:-

- publishing the Admissions Policy of the school
- ensuring that the school complies with Section 2 of the EPSEN Act
- ensuring that parents of a student with special educational needs are informed and consulted
- drawing up, in consultation with the principal, teachers, parents and the Educational Welfare Officer assigned to the school and publishing a **Code of Behaviour**
- establishing and maintaining procedures for informing students of the activities of the school and facilitating their involvement in the operation of the school
- assisting students in the establishment of a Student Council in order to facilitate the student voice in regard to school policies and school activities
- drawing up a School Attendance Strategy Statement
- rewarding students who have good attendance records

6.6 RESPONSIBILITIES WITH REGARD TO PARENTS

Home/school links are essential in the education of a pupil and the board must devise and maintain effective channels of communication with the parents of all pupils.

Under the **Education Act, 1998** and the **Education (Welfare) Act 2000**, the board has the following responsibilities in relation to parents:-

- establishing procedures for informing parents of matters relating to the operation and performance of the school
- consulting parents in the preparation of the School Plan
- circulating copies of the School Plan
- facilitating and assisting a Parents' Association
- reporting to the Parents' Association on the levels of attendance at the school during the previous school year
- consulting parents in the preparation of a Code of Behaviour under Section 23 of the **Education (Welfare) Act 2000**
- acting in accordance with such directions as may be given by an Appeals Committee following an appeal under Section 29 of the Education Act, 1998.

6.7 RESPONSIBILITIES WITH REGARD TO THE SCHOOL PLAN

Section 21 of the **Education Act, 1998** requires the board, in consultation with the trustees, parents, staff and students:-

- to make arrangements for the preparation of a School Plan
- to ensure that the School Plan is regularly reviewed and updated
- to arrange for the circulation of copies of the School Plan to the trustees, parents, teachers and staff.

6.8 RESPONSIBILITY WITH REGARD TO PROMOTING AND SUPPORTING TEACHING AND LEARNING

Looking at our School 2016: A Quality Framework for Schools is a DES publication which was developed through collaboration between the Inspectorate and the education partners. It sets standards for both school self-evaluation (SSE) and external evaluation by the Inspectorate. As the board of management has over-all responsibility for school development planning and the operation and performance of the school in a particular year, with particular reference to the achievement of objectives as set out in the school plan (Section 20, **Education Act, 1998**), School Development Planning should be a standard item on the agenda at board meetings.

In the context of **Whole School Evaluation** (WSE and MLL), while the school information form is normally completed by the principal, the board should be familiar with the answers to the following:

1. Please identify any important contextual factors that are relevant to your school (e.g. enrolment trends, student profile, self-evaluation priorities).
2. Please identify significant trends in teaching and learning in your school.
3. What are the board's current priorities for school improvement?
4. Please identify significant strengths in support for students in your school (e.g. the wellbeing of all students, students with special needs, students who belong to minority groups and students for whom English is an additional language).

The board of management meets the inspectors the week before the WSE. The board is invited to make a presentation using the following headings:

- The school context
- The school's self-evaluation process and its impact on school improvement
- The strengths of the school and the areas for development identified by the board
- The implementation of recommendations of previous evaluations
- The quality of partnership within the school community

A trustee representative is invited to attend this meeting

The board of management is invited to meet with the inspectors at the end of the evaluation process to receive verbal feedback. The board may be involved in the factual verification and the school's response to the written report.

6.9 THE BOARD FUNCTIONS COLLECTIVELY

The functions of the board must be performed collectively. In this context, members of the board of management must act in the best interests of the school and not in a representative capacity. To do so would potentially involve a conflict of interest and could subsequently undermine or negate a decision of the board. When the board arrives at a decision, either through majority approval of written policies or adopted resolutions, all members are obliged to support the board's position. Being a body corporate means that individual board members do not possess authority as individuals. This would undermine the principle that a board must speak and act as one.

The proper procedure for bringing an issue before the board is that the matter should be notified in advance, in writing, to the secretary to the board.

Individual members have no power to act on behalf of, or in the name of, the board.

The board, however, may authorise the chairperson and / or another member, to act on its behalf for a specified period of time in respect of a particular function or functions.

Chapter 7

Meetings of the Board of Management

CHAPTER 7

MEETINGS OF THE BOARD OF MANAGEMENT

In this chapter we look at how the board arranges and conducts its meetings.

7.1 CHAIRPERSON & SECRETARY

The chairperson of the board will be appointed by the trustees. The principal will act as secretary to the board.

7.2 THE ROLE OF THE CHAIRPERSON

- The chairperson presides at all meetings.
- The chairperson assists the principal in deciding on the items to be included on the agenda.
- The chairperson has the discretionary power to summon special meetings of the board, Articles of Management 13(a).
- When workplace procedures are invoked (complaints by parents, teacher grievances, disciplinary procedures, complaints relating to dignity in the workplace), it is most important that the involvement of the board complies with what is stated in the particular procedure. Where there is any doubt, the Chairperson should seek advice before involving the board. Procedural errors may lead to unnecessary complications and leave the board open to allegations of prejudice. When a letter relating to a complaint or a grievance is addressed to the board, the chairperson should establish with the principal whether the initial stages of the relevant procedure have been followed correctly before allowing such a letter to be read at a board meeting.

7.3 THE ROLE OF THE SECRETARY

The principal acts as secretary to the board and is entitled to attend and speak at meetings but does not have a vote.

As secretary to the board, the principal has the following duties:

- to prepare the agenda for meetings of the board in consultation with the chairperson
- to ensure that notice of meetings and the agenda are received in time by members
- to summon and, if possible, attend all the meetings of the board, to take (or cause to be taken) the minutes of the meeting

- to brief the members on various aspects of items under discussion, thus facilitating prompt and correct decisions
- to prepare documentation for the meetings of the board
- to receive correspondence and, on instruction from the board, deal with it
- to convene, in consultation with the chairperson, special and emergency meetings of the board.

In the event of the secretary being unable to attend a meeting, the members shall make arrangements for the performance of the secretary's duties at that meeting, Articles of Management 14(a).

If, in the opinion of the board, the duties of the secretary are such that s/he requires the services of a paid official, the board may appoint a recording secretary, at a salary that it considers just.

Any suitable person employed in the school may be appointed. The person who is appointed as recording secretary shall be made aware of the confidential nature of the role. S/he shall not contribute to the discussion at the meeting unless required by the board to contribute on a specific matter.

Such a paid official will continue to perform his/her other duties and shall not be a member of the board, Articles of Management 11(b).

7.4 INTRODUCTORY INFORMATION

At the first meeting of a new board, it is advisable that members be given information on matters such as:-

- **First Schedule**
Details of the property to be managed by the board and any terms/conditions laid down by the trustees. A tour of the building and grounds may be worthwhile.
- **Second Schedule**
A written statement of the ethos/educational philosophy or charter of the trustees of the school
- Staffing arrangements
- Class arrangements
- Curriculum and programmes offered
- The School Plan and existing policy statements
- Current educational issues

7.5 FREQUENCY OF MEETINGS

The board is obliged to meet at least once in every school term, Articles of Management (9).

In practice, most boards find it useful to hold a meeting each month during the school year.

In addition to ordinary meetings, special or emergency meetings may be convened to deal with particular or urgent matters.

7.6 NOTICE OF MEETINGS

Ordinary Meetings

The secretary (principal) will ensure that each member of the board receives not fewer than seven clear days' notice of every ordinary meeting.

The agenda for the meeting should be included with the notice so that members may be aware of, and prepared for, the matters to be discussed.

Special Meetings

A special meeting may be summoned by the secretary at the direction of the chairperson, or on receipt of a requisition signed by no fewer than three members of the board.

At least three clear days' notice of the special meeting shall be given to every member of the board.

The notice must state the business to be transacted at the special meeting which will be confined to that business, Articles of Management 13.

Emergency Meetings

The secretary, with the approval of the chairperson, has power to call an emergency meeting of the board should the need arise.

Such a meeting will take place as soon as possible after notification has been conveyed to all available members of the board, Articles of Management 25.

Online/Virtual Meetings

During the period of Covid-19 with restrictions on meetings and gatherings of people, on-line or virtual meetings became the norm for transacting board business. It is important when starting a virtual meeting to ensure that all participants can hear one another clearly and that they are in a quiet location where no one apart from the participants can overhear the business of the meeting. The chairperson should establish that the virtual meeting meets the quorum requirement; otherwise the meeting ought not to commence until a quorum is present or the meeting should be deferred to a new date.

Following the closure of schools in March 2020, the department of education advised schools that the requirement to provide a **Child Protection Oversight Report** (CPOR) would not apply to board meetings held remotely. It was thought not possible, in the context of such meetings, to meet the requirement to provide the board with the specified documentation in the secure and confidential manner required by the procedures. The department advised, at that time, that principals should continue to maintain the relevant data and records so that the CPOR could be provided at the next face to face meeting of the board and the data in that next report must reflect all cases arising since the previous CPOR was provided to the board,

In the context of schools having reopened and having regard to the ongoing public health emergency, the updated requirements in relation to the provision by the principal of a Child Protection Oversight Report are as follows:

A face-to-face meeting of the board must be held at least once in every school term for the CPOR, along with the required supporting documentation to be provided to the

board so that the board can continue to carry out its important oversight role in respect of the reporting of child protection concerns in accordance with the procedures. A board meeting for these purposes is considered essential work. The following shall apply to such a meeting:-

- the face-to-face meeting may be convened to deal solely with the CPOR
- a quorum must be physically present at the face-to-face meeting
- no board members are permitted to join remotely
- the relevant requirements of the procedures must be fully adhered to in respect of the CPOR, including those relating to the provision and recovery of documents at the meeting
- the CPOR shall set out under each of the required headings the number of cases arising since the last CPOR was provided to the board
- appropriate social distancing and other public measures and guidance must be followed.

The CPOR shall not be provided at any board meeting that is held remotely **except in circumstances where**, since the last CPOR was provided to the board, there have been no cases arising under each of the headings set in sections 9.5 to 9.7 (incl.) of the procedures. This is the only exception to the general rule prohibiting the provision of the CPOR at remote meetings, because the procedures do not require any supporting documentation to be provided in circumstances where the CPOR does not contain any cases under sections 9.5 to 9.7 (incl.).

7.7 QUORUM

At every meeting of the board, at least four members must attend to form a quorum, Articles of Management 9.

7.8 ABSENCE OF THE CHAIRPERSON

If the chairperson is unable to attend a meeting, the voting members present must, before any other business is transacted, choose one of their number to preside at that meeting, Articles of Management 10(b).

7.9 VOTING

In practice and ideally, the board operates and takes decisions collectively and by consensus.

However, should a vote be necessary, each of the eight members of the board has a vote.

A simple majority of votes will normally decide the issue. If there is a tied vote, the presiding chairperson will have a second, or casting, vote, Articles of Management 12.

7.10 DECLARATION OF INTEREST

Members of the board may not participate in discussions or vote on any matters in which they, or any company or partnership or firm of which the member is a director or partner, may have a personal or financial interest.

It is the duty of members to declare any such interest. Where such a matter arises, the member(s) involved will, on request from the chairperson, retire from that part of the meeting at which such discussion and/or decision takes place, Articles of Management 6(a).

7.11 NO SUBSTITUTION

No proxy or substitute is permitted to replace any member at any meeting of the board, Articles of Management 8(a).

7.12 THE AGENDA

The secretary draws up the agenda in consultation with the chairperson.

The purpose of the agenda is to give sufficient information and detail to members to enable them to come to the meeting prepared to fulfil their obligation to manage the school.

Members may propose items for inclusion on the agenda.

The secretary, in consultation with the chairperson, will assess whether or not items are relevant or appropriate. Requests for the inclusion of any additional items on the agenda must reach the secretary a minimum of three days before the meeting, Articles of Management 14(b).

The agenda is circulated to board members only and is not published.

7.13 SAMPLE AGENDA

The notice and agenda should be typed on the school letter- head and could include the following:-

NOTICE OF THE MEETING

An ordinary meeting of the board of management will be held in the school on day / date / time.

AGENDA

- 1 Apologies
- 2 Minutes
- 3 Matters arising
- 4 Correspondence

- 5 Reports of sub-committees
- 6 Financial report
- 7 Ratification of staff appointments
- 8 Report from AMCSS regional meeting
- 9 Whole school development - progress report
- 10 Principal's report
- 11 Child protection oversight report
- 12 On-line Claims System (OLCS) Report
- 13 Any Other Business
- 14 Date for Next Meeting
- 15 Agreed Report

7.14 PROCEDURE AT MEETINGS

In this Section we look at procedure at a meeting in the context of the sample agenda above.

1 Apologies

The chairperson asks for apologies for absences and these should be recorded in the minutes.

2 Minutes

Minutes must be kept of every meeting of the board.

This is the responsibility of the secretary. In the absence of the secretary, the meeting shall make such arrangements as may be necessary for the performance of the secretary's duties, Articles of Management 14(a).

The board must decide whether or not the draft minutes of the previous meeting should be circulated with the agenda.

If they are, great care must be taken by members to **ensure that there is no breach of confidentiality**.

There is no obligation to circulate the draft minutes in advance of the meeting. The secretary may simply read them at the meeting. Minutes should always begin by recording the date and type (ordinary, special, emergency) of the meeting.

Those in attendance should be listed, apologies noted and absentees recorded.

All decisions of the board must be recorded. In summarising discussions at meetings it is unnecessary to personalise opinions expressed by individual board members.

An item which might be the subject of a dispute, or an appeal or litigation should be dealt with very carefully in the minutes. The record should show that correct procedure was followed, that all statutory requirements were met and that the board has fulfilled its legal obligations to all concerned.

The minutes should be kept in an official Minute Book.

At each meeting, the draft minutes of the previous meeting are read, unless they have previously been circulated.

When the adoption of the minutes has been proposed, seconded and agreed by the board, the chairperson signs them.

Any amendments to the minutes, agreed by the board, are incorporated in the official minute of the meeting.

3 Matters arising from the Minutes

This item allows members to check whether decisions taken at the previous meeting have been implemented.

4 Correspondence

Under this heading, all correspondence which does not require prolonged discussion should be listed and noted.

This might include:-

- non-contentious circulars from the (DE)
- acknowledgements of letters received
- confirmation of appointments
- request for hire of rooms and decision taken.

Many DE circulars will need to be copied, circulated and explained to members and may even merit separate inclusion on the agenda for discussion and decision on action.

It is important that all relevant correspondence be made available to the board and the minutes should show that the board has considered such correspondence and acted on it.

All items of correspondence addressed to the secretary to the board must be brought to the attention of the board of management.

5 Reports from Sub-Committees

Any reports from the board's sub-committees on finance, curriculum, fund-raising, ethos, building etc. can be considered under this heading.

6 Financial Report

Finance should be an item on the agenda for each of the board's regular meetings. Under Section 18 of the Education Act, 1998 the board is required:

- "to keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it"
- "to ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice"
- to ensure that accounts are "made available for inspection by the Minister and by parents of students in the school", Section 18 (1) & (2).

The Financial Support Services Unit (FSSU) was set up “to enable all voluntary secondary schools to comply with the requirements of the **Education Act, 1998** in terms of accountability, transparency and financial responsibility for State funds” (DES Circular M36/05).

As part of this process, all voluntary secondary schools are obliged to submit a copy of their annual audited or certified accounts to the FSSU.

A copy of the annual audited or certified accounts is also submitted to the trustees.

All voluntary secondary schools are required to present their annual accounts in the agreed standardised format as determined by the FSSU. The board of management and its finance sub-committee should monitor the school’s actual income and expenditure compared to budget on a monthly basis to ensure that expenditure does not exceed income as required under Article 15(c) of the Articles of Management.

The board also has an obligation to ensure that a comprehensive set of financial controls is in place which covers all aspects of the school’s financial management.

The financial obligations on school management and best financial practice are outlined in detail in **Guidelines for Financial Management in Voluntary Secondary Schools**, published by the FSSU as a sub-unit of JMB/AMCSS.

7 Ratification of Staff Appointments

Under this heading, the board may hear reports from the principal or from selection committees set up by the board with recommendations for appointment to teaching positions or to promotion posts, Articles of Management 23(c).

The board will be asked to ratify or approve the proposed appointment(s). It is advisable to follow the same procedure for appointments to non-teaching posts.

8 Report from AMCSS Regional Meeting

The board is a member of the Association of Management of Catholic Secondary Schools (AMCSS) which, together with representatives of the Catholic Bishops and the Association of Missionaries and Religious of Ireland (AMRI), forms the council of Management of AMCSS.

The council of AMCSS is joined by representatives of the Protestant schools (ISA) to form the Joint Managerial Body (JMB).

The chairperson and secretary represent the board at the regional meetings of the AMCSS, which are usually held following council of AMCSS / JMB meetings.

Each region is represented on the council of AMCSS / JMB by two elected officers, one a BoM chairperson, the other a BoM secretary (principal).

It is good practice to arrange the board of management meeting for a date shortly after the regional meeting of AMCSS as this allows the chairperson and secretary to give a report on that meeting and bring members up to date on current educational and school management matters.

9 Whole School Development – progress report

The board ought to receive a progress report at each meeting on the school's current priorities and targets in the ongoing cycle of school self-evaluation (SSE) and School Improvement Planning (SIP).

10 Principal's Report

This item should always be on the agenda.

It gives the principal an opportunity to bring the board up to date on school events - educational matters, examinations, functions, games, etc.

Serious disciplinary issues, including all suspensions, should be reported to the board while maintaining the anonymity of the students.

Matters that the board should be aware of such as accidents, maintenance issues, etc. should also be reported and considered.

11 Child Protection Oversight Report

Please refer to chapter 5.

12 On-line Claims System (OLCS) Report

A short report is given at every board meeting listing the names of substitute and part-time teachers for whom OLCS claims have been made since the last board meeting.

13 Any Other Business

This is usually restricted to items that came too late for inclusion on the agenda.

The chairperson, briefed by the secretary, should mention the items and, if they are non-contentious, should deal with them.

However, if the matters raised are too important to be dealt with in this manner, the chairperson should arrange to have them discussed at the next meeting.

14 Date for Next Meeting

Before the meeting ends, the usual practice is to arrange a time and date for the next meeting.

The secretary will send the official notice of meeting in writing to all members at least seven days before the next meeting.

15 Agreed Report

While the business of the board is confidential (see Par 7.17), this does not prohibit the board from issuing an agreed report to teachers, parents, trustees.

The content of the report should be agreed before the meeting concludes.

7.15 DISCUSSION

The chairperson presides over the meeting and directs discussion, ensuring that speakers keep to the point and do not stray to other matters.

The chairperson secures approval for the agenda at the commencement of the meeting. Items brought up by members for inclusion under AOB should be listed on the agenda of the next ordinary meeting.

Members should speak “through the chair”- directly to the chairperson.

All matters on the agenda should be dealt with in order and in sufficient detail to give members a comprehensive view of what is involved.

It is for the chairperson to assess whether or not there has been sufficient discussion on a topic.

The principal, as secretary, will also lend his/her expertise to the discussion.

The chairperson may be able to achieve consensus on the matter under discussion and the agreed decision will be recorded in the minutes.

7.16 FORMAL MOTIONS

If a member makes a formal proposal, it must be seconded, amendments sought, and the amendment(s) and proposal put to the meeting.

The amendment is put first, and if accepted, becomes the substantive motion.

If the amendment is rejected, the original motion is put, a vote taken and the chairperson declares the motion accepted or rejected. The decision is recorded in the minutes.

The chairperson may reject an amendment if he/she considers it is not a proper amendment or it is so different as to be a new proposal entirely.

7.17 CONFIDENTIALITY

- The business of the board is conducted in private and no disclosures of the business may be made without the authority of the board, Articles of Management 14(a).
- Particular care must be taken to preserve confidentiality in all matters pertaining to child protection (See chapter 5)
- Members should be very careful in preserving confidence and confidential information.
- Information given by candidates for posts and the observations of referees are matters only for the members of the particular interview board/selection committee.
- Similarly, information given to the board by the principal about individual pupils or teachers should never be discussed with non-members.
- In addition to personal matters which would normally be regarded as permanently confidential, there may be occasions when other matters should be regarded as confidential for an agreed period of time.

- This obligation to confidentiality does not prevent the board from issuing an agreed report as discussed above.

Neither does it require members to throw a cloak of secrecy over all information and discussion about the school.

That would negate one of the aims in setting up a board of management, which is to make the school part of the wider community.

7.18 NO CRITICISM OF A TEACHER

Article 18 states: *“No criticism of an individual teacher shall take place at board meetings without notice from the principal to that teacher (and / or the school steward). An opportunity shall be afforded to the teacher to be present and heard and / or be represented at the board before the matter at issue is concluded”.*

7.19 THE BOARD AS A BODY CORPORATE

“...each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name”, Education Act, Section 14(2).

The board functions collectively and any decisions taken are the collective responsibility of the board.

In this context, members of the board of management do not act in a representative capacity. To do so would potentially involve a conflict of interest and could subsequently undermine or negate a decision of the board.

It is accepted, however, that members of the board, in their contributions to meetings, are informed by their experience, expertise and background, which may influence their point of view in any discussion.

7.20 INDEMNITY

The actions and decisions of a board of management are protected under the Allianz Custodian School Protection Policy, subject to the board acting in good faith within the terms of the relevant legislation and the Articles of Management. Individual members are protected in these circumstances and are not liable to be sued on a personal basis as long as no individual acts outside the remit of the board of management.

In addition, the trustees indemnify the board and each member thereof against any claim for capital debts or expenditure properly incurred, provided Articles 15(c) and 27(a) of the Articles of Management have been complied with by the board.

In summary, provided that boards of management act in good faith within the law and the Articles of Management, individual members are not exposed to personal claims brought against them.

Chapter 8

The Role of the Principal & Deputy Principal

CHAPTER 8

THE ROLE OF THE PRINCIPAL & DEPUTY PRINCIPAL

This chapter examines the role and functions of the principal in relation to the board and in relation to the school. It also deals with the role and duties of the deputy principal.

8.1 STATUTORY DUTIES & ENTITLEMENTS

The principal has statutory duties and entitlements under various pieces of legislation:-

8.1.1 THE EDUCATION ACT, 1998

Section 19(4) - Information on the Board's Performance

A principal (or board) "shall supply the patron (trustees) and the Minister with such information regarding the performance of the board's functions as the patron or the Minister, as the case may be, may from time to time require".

Section 22 - Functions of Principal and Teachers

Section 22(1) states:

"The principal...and the teachers.. under the direction of the principal, shall have responsibility...for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school."

Section 22(2) requires the principal and teachers to:-

- (a) encourage and foster learning in students
- (b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents
- (c) collectively promote cooperation between the school and the community which it serves
- (d) subject to the terms of any applicable collective agreement and their contract of employment, carry out those duties that -
 - (i) in the case of teachers, are assigned to them by or at the direction of the principal, and
 - (ii) in the case of the principal, are assigned to him or her by the board of management.

Section 23 - The Principal

In addition to the functions conferred on the principal by section 22, the principal shall:-

- (a) be responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school and the implementation of the admission policy of the school and be accountable to the board for that management
- (b) provide leadership to the teachers and other staff and the students
- (c) create (together with the board, parents and teachers) a school environment which is supportive of learning among the students and which promotes the professional development of the teachers
- (d) set objectives for the school and monitor the achievements of those objectives (under the direction of the board and in consultation with teachers, parents and students (as appropriate to their age and experience)
- (e) encourage the involvement of parents in the education of the students and in the achievement of the objectives of the school.

Section 23(2) - Powers

This Section states that:-

“for the purpose of carrying out his/her functions under this Act, a principal shall have all such powers as are necessary or expedient in that regard and shall carry out his/her functions in accordance with such policies as may be determined from time to time by the board and regulations made under this Act”.

Section 23(3) - Membership of Committees

The principal is “entitled to be a member of any and every committee appointed by a board”

Section 23(4) - Consultation with Staff

The principal is required to consult with teachers and other staff “wherever practicable” in exercising his/her functions under Section 23.

Section 26(2) - Parents’ Association

The principal (or the board) “shall have regard to any advice” offered by the Parents’ Association on any matter relating to the school.

The principal is entitled to be consulted by the Parents’ Association in relation to any programme of activities which will promote the involvement of parents in the school.

8.1.2 THE EDUCATION (WELFARE) ACT 2000

This Act established the National Educational Welfare Board, now replaced by Tusla Education Support Service (TESS), and provides for the appointment of Educational Welfare Officers (EWO).

Section 11(4) - Assistance to Educational Welfare Officer

The principal is obliged to “give all such assistance as may reasonably be required” to an EWO in the performance of his/her functions.

Section 14(17) - Removal of Child’s Name from School Roll

This Section obliges the principal to remove a child’s name from the school register on receipt of written notification from Tusla.

Section 18 - Notification of Reasons for Absence

This Section entitles the principal to be notified by a parent of the reasons for a child’s absence for part of, all of or more than a school day, in accordance with the procedures specified in the school’s Code of Behaviour.

Section 20 - Register of Students

This section sets out the following obligations for the principal in relation to the school register:-

- (i) to maintain a register of all students attending the school
- (ii) to enter the child’s name, date of first attendance and such other particulars as may be prescribed by the Minister
- (iii) to inform, in writing, the principal of the child’s former school of the new registration
- (iv) to remove a child’s name from the school register when informed by the principal of another school that the child has been registered at that school
- (v) to notify the principal of the child’s new school of:-
 - (a) any problems relating to school attendance that the child concerned had and
 - (b) such other matters relating to the child’s educational progress as the principal considers appropriate
- (vi) not to remove a child’s name from the school register unless notified that the child has been registered in another school or that the child has been registered with Tusla.

Section 21 - School Attendance Records Sub-sections (1), (2) & (3)

of this Section oblige the principal to “cause to be maintained” a record of the attendance or non-attendance on each school day of each student registered, with reasons for failure to attend, in such form as may be specified by Tusla.

Sub-section (4) of this Section obliges the principal to inform an Educational Welfare Officer (EWO) in writing where:-

- (a) a student is suspended for 6 days or more
- (b) a student has been absent for a total of 20 days
- (c) a student’s name has been removed from the school register for any reason
- (d) a student, in the opinion of the principal, is not attending regularly.

Sub-section (5) entitles the principal to be consulted by the EWO in relation to any information supplied under SubSection (4).

Section 23 - Code of Behaviour

Sub-section (4) of this Section requires the principal, before registering a child as a student, to provide the child's parents with a copy of the school's Code of Behaviour.

This sub-Section also entitles the principal, as a condition of registering a child, to require the parents / guardians

“to confirm in writing that the Code of Behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child”.

Sub-section (5) requires the principal to provide, on request, a copy of the Code of Behaviour to a student or parent.

Section 25 - School Attendance Notice

Under **Sub-Section (3)(b)** the principal of a school that the NEWB proposes to specify in a School Attendance Notice is entitled to be consulted before such a notice is made.

8.1.3 THE EDUCATION FOR PERSONS WITH SPECIAL EDUCATIONAL NEEDS ACT 2004 (EPSEN)

In response to a question in the Dáil on 16 January 2018 about aspects of the EPSEN Act, the then Minister for Education, Mr Richard Bruton, T.D., stated that the Sections of the EPSEN Act which have **not** been implemented are those which would have conferred a statutory entitlement to:

- an educational assessment for all children with special educational needs
- consequent development of a statutory individual education plan (IEP)
- the delivery of detailed education services on foot of this plan
- an independent appeal process.

The Minister went on to refer to guidelines that had been provided for schools on educational planning and monitoring of outcomes. In the case of second level schools, the guidelines to which the Minister was referring are: **The Guidelines for Post Primary Schools: Supporting Students with Special Educational Needs in Mainstream Schools** which accompanied Circular **0014/2017**. These guidelines set out a revised model for allocating special education teaching support for schools, together with principles to guide the implementation process.

Referring to the role of the principal in supporting students with special educational needs, the guidelines state:

“Under current legislation the principal of the school has overall responsibility for ensuring that the special educational needs of students are met. As a consequence, the principal has the general responsibility for establishing and promoting whole-school policies and procedures that are supportive of the learning of all students, including those with special needs”.

The Guidelines go on to state that the role of the principal includes the following:

- Assume overall responsibility for the development and implementation of the school's policies and procedures relating to the inclusion of students with special educational needs
- Oversee a whole-school approach to assessment and screening to identify needs and to guide the allocation of the appropriate supports
- Ensure effective engagement with feeder primary schools to support the transition of students with special educational needs
- In collaboration with the in-school management team, discharge a key function in the employment of staff, allocation of resources, organisation of students and time-tabling
- Ensure that systems are in place for effective sharing of relevant information on students' needs with all subject teachers
- Facilitate the continuing professional development of all teachers in relation to the education of students with special educational needs, and ensure that all school staff (subject teachers and special education teachers, guidance counsellors, special needs assistants) are clear regarding their roles and responsibilities in this area
- Ensure that whole-school procedures are established to facilitate the effective involvement of parents, students and external professionals/agencies.

In implementing the new resource allocation model, the principal should give careful consideration to the formation of a special needs team whose members have expertise and interest in special education, so that provision can be coordinated efficiently and flexibly to meet a range of needs. Subject to his/her over-all statutory responsibilities, the principal may delegate the performance of specific responsibilities to other staff members, including members of the special educational needs team.

8.2 AUTHORITY TO ACT ON BEHALF OF THE BOARD

If the school were compared to a company, the board of management would be the board of directors and the principal the non-voting chief executive. The board of management is legally responsible for the operation of the school while the principal ensures that management functions are fulfilled in the day-to-day operation of the school.

The board delegates its management functions to the principal and s/he is given the authority to act on behalf of the board.

8.3 EX-OFFICIO AUTHORITY

The principal also has ex-officio authority, authority that comes from the office of principalship and from education legislation.

The principal acts on this authority when dealing with the internal organisation, management and discipline of the school, Articles of Management 22.

However, the board must be satisfied that, in the overall administration, the school is being managed in accordance with the philosophy of the trustees.

8.4 RESPECTIVE FUNCTIONS OF THE BOARD AND THE PRINCIPAL

There are certain functions which the board alone may perform, other functions which it may delegate to the principal and functions which are the responsibility of the principal alone.

The lists below are not exhaustive, and in the event of any question arising in relation to the conduct, management and financial administration of the school which is not specifically provided for in the Articles of Management, such questions will be decided by the trustees, Articles of Management 30.

8.4.1 FUNCTIONS WHICH THE BOARD ALONE MAY PERFORM:-

- The appointment of a religious / cleric as principal, on the nomination of the trustees
- the appointment of religious / clerics to vacant posts in the school, on the nomination of the trustees
- the appointment of a lay principal
- the appointment of a lay teacher
- inviting applications for vacant assistant principal posts in accordance with current agreements
- the appointment of teachers to assistant principal posts in accordance with current agreements
- the granting of leave of absence to teachers
- sanctioning applications for career breaks and job sharing, in accordance with board policy
- sanctioning maternity leave, parental leave, force majeure leave, etc. in accordance with current (DE) circulars
- establishing policy for release of teachers to act as examiner in oral or practical examinations
- offering contracts of employment to teachers
- termination of contracts
- arbitrating in disputes between teachers and the principal
- dismissal of teachers
- dismissal of non-teaching staff
- establishing an Admissions Policy as required by the **Education Act, 1998** and the **Education (Admission to Schools) Act 2018** and publishing the **Annual Admission Notice**
- preparing a Statement of Strategy on School Attendance for Tusla
- the expulsion of pupils
- preparing a Code of Behaviour, in consultation with the principal, teachers, parents and the Educational Welfare Officer (EWO) assigned to the school, in accordance with the **Education (Welfare) Act 2000** and the NEWB publication “**Developing a Code of Behaviour: Guidelines for Schools 2008**”.

8.4.2 FUNCTIONS OF THE BOARD DELEGATED TO THE PRINCIPAL:-

- dealing with all correspondence to and from the board
- implementing decisions taken at board meetings
- organising the curriculum of the school in accordance with the religious and educational criteria established by the trustees
- administering payments to substitute teachers, any teachers paid from school funds and any other school-paid employees
- making PAYE / PRSI returns to the Revenue
- dealing with correspondence to / from the Dept. of Education
- effecting payment of outstanding bills
- administering, in conjunction with the sub-committee on finance, the finances of the school
- ensuring that the school is adequately insured
- arranging for the maintenance and repair of the school premises, equipment, furniture and fittings
- disciplining teachers, in accordance with agreed procedures
- ensuring that the school is run in accordance with the Rules and Regulations of the Dept. of Education
- preparing the School Plan in consultation with the trustees, parents, staff and students
- authority to suspend a student (See JMB Bulletin 06 2008 / 2009 and Par. 11.1 of Developing a Code of Behaviour: Guidelines for Schools - NEWB 2008)

8.4.3 AREAS OF RESPONSIBILITY OF THE PRINCIPAL

ACADEMIC MATTERS

In relation to academic matters, the principal's responsibilities include:-

- organising the school calendar
- time-tabling of classes
- allocation of teachers to classes
- deciding on subject options
- deciding on the school's examinations policy
- organising school examinations
- deciding on guest speakers for pupils
- deciding on school outings
- deciding on the suitability of programmes offered by external sources
- deciding on extra-curricular activities.

STUDENTS

In relation to students, the principal is responsible for:-

- ensuring that students are familiar with the school's Code of Behaviour
- allocating students to classes
- creating a supportive environment
- organising a system of pastoral care
- adjudicating in disputes between teachers and students
- arranging for the keeping of attendance records
- liaison with the EWO assigned to the school
- maintaining contact with parents in relation to student behaviour
- evaluating academic performance and reporting to students and parents

- suspending students for serious breaches of discipline (under authority formally delegated by the board of management)
- dealing with complaints from students aged 18 years or over, providing them with a copy of the Complaints Procedure where relevant and involving the board of management as the procedure prescribes.

STAFF

In relation to staff, the principal is responsible for:-

- appointing non-teaching staff
- assigning duties to teachers and ancillary staff
- guidance and direction of teachers and other staff
- monitoring the performance of newly appointed teachers and other staff so as to be in a position to advise the board as to their suitability
- disciplining / suspending non-teaching staff
- liaising with the school steward and staff representatives on matters relating to the school
- consultation with staff “wherever practicable”
- acting as Safety Officer under Health & Safety legislation.
- responding to grievances initiated by teachers in accordance with agreed procedures and involving the chairperson/board of management as the procedures prescribe
- dealing with dignity in the workplace complaints and ensuring that the procedures set out in the school’s policy are followed and that the board of management is informed as prescribed in the procedures.

PARENTS

In relation to parents, the principal is responsible for:-

- providing parents with a copy of the school’s Code of Behaviour before registering a child as a pupil
- obtaining confirmation in writing from the parents of their acceptance of the school’s Code of Behaviour
- organising the time, date and format of parent-teacher meetings
- reporting to parents re pupil behaviour / performance in class
- organising Open Days, information meetings and other events which encourage parents to maintain contact with the school
- keeping parents informed in relation to their children and to the school in general
- dealing with complaints from parents, providing them with a copy of the Complaints Procedure where relevant and involving the board of management as the procedure prescribes

8.5 THE PRINCIPAL INFORMS THE BOARD ABOUT SCHOOL ACTIVITIES

The principal controls the internal organisation, management and discipline of the school, subject to such directions as may be given from time to time by the board, Articles of Management 22. The board has a right to be informed about school activities and the Articles of Management require the principal to submit, in writing, to the board all such statements and reports affecting the conduct of the school as the board shall require, Articles of Management 22.

8.6 THE BOARD HAS A DUTY OF LOYALTY & SUPPORT TO THE PRINCIPAL

The board has a duty of loyalty and support to the principal, and the principal has the right to expect that support and loyalty.

No member of the board in his / her individual capacity may in any way interfere with the administration of the school by the principal, or with the duties assigned to any officer or any member of staff, teaching or non-teaching, Articles of Management 17.

Under no circumstances should the board allow itself to be manipulated into acting against the principal; neither should any of its decisions be made in such a way as to undermine the authority of the principal and make it difficult for him / her to conduct the school.

Where a decision of the board is such that it goes against the wishes / decision of the principal, it must be presented in such a way as to ensure that the principal does not suffer a loss of face and / or of authority.

The unity and mutual loyalty and trust of the board and the principal should be apparent to the entire school community.

8.7 THE ROLE OF THE DEPUTY PRINCIPAL

Together, the principal and deputy principal(s) form the **senior management team** of the school.

The role of the deputy principal is to assist the principal in the day-to-day management of the school.

The deputy principal has specific administrative and management duties, and also has a leadership and motivational role in the direction of the school.

8.7.1 DUTIES

The role and duties of the deputy principal are outlined in DES circular 4/98 from which the following extracts are taken:-

- (i) *The deputy principal occupies a position of vital importance in the administration and development of the school. The deputy principal shall undertake responsibility under the direction of the principal for the internal organisation, administration and discipline of the school.*
- (ii) *The deputy principal shall enter into an agreement with the principal on the discharge of duties which arise outside of normal school hours or during school vacation periods.*
- (iii) *the deputy principal shall assist the principal through the carrying out of the specific professional duties for which responsibility is delegated (cf Schedule One, below, to Circular 4/98).*
- (iv) *The deputy principal shall also enter into an agreement with the principal to undertake*

other specific administrative duties from time to time, and commensurate with the responsibilities of the position.

- (v) *The deputy principal shall act as principal when the principal is absent, assuming the responsibilities and authority of the principal's role in accordance with the provisions of the Articles of Management. The deputy principal shall not, however, have automatic right of succession to the post of principal or acting principal.*
- (vi) *The deputy principal shall be consulted by the principal about the implementation of policy in the school and shall assist the principal with the day-to-day running of the school.*
- (vii) *The deputy principal shall be kept informed about the decisions of the board in accordance with the terms of the Articles of Management.*

8.7.2 SCHEDULE ONE TO CIRCULAR 4/98

Outline of specific professional duties, responsibility for which may be delegated, in whole or in part, to deputy principals:-

- *developing the education aims and objectives of the school and devising strategies to achieve them*
- *developing the school curriculum and assessment policies*
- *preparing the School Plan for approval by the board of management*
- *promoting an appropriate curriculum and methods of instruction which recognise the diverse aptitudes and needs of students*
- *promoting ongoing staff development and in-service*
- *developing effective communication systems with pupils, staff, parents and the wider community*
- *advising the board of management on staff requirements*
- *advising the board of management as to a probationary teacher's suitability for appointment to a permanent post*
- *monitoring and evaluating the professional performance of the school*
- *dealing with disciplinary problems both for teaching and non-teaching staff*
- *liaising with the school union representative on matters relating to the school*
- *conducting the ordinary activities of correspondence, making reports and returns of information as required by the Department of Education and the board of management and ensuring that arrangements are made for dealing with such administrative matters during vacation periods*
- *student discipline in the school*
- *ensuring that parents are informed regularly of the progress of their children at the school*

This list is not exhaustive

8.7.3 AN AGREED APPROACH

It is a matter for the principal and deputy principal to agree on the division of their professional duties in a manner which will enhance the performance and development of the school. In line with best practice as set out in 'Looking at our Schools 2016 - A Quality Framework

for Post Primary Schools’, the leadership model should align the roles and responsibilities of the identified and developing needs and priorities of the school. Flexibility in identifying the evolving leadership and management needs, and taking responsibility for meeting these needs, is an essential feature of this leadership model.

8.7.4 REVIEW OF DUTIES

The duties of the deputy principal will be reviewed periodically by the principal and deputy principal or a review will be undertaken at the request of either party. Such a review will take account of the workload and responsibilities of the post, the changing needs of the school and the level of performance of the duties.

8.7.5 TEACHING HOURS

The deputy principal’s maximum teaching hours are:-

No of Teachers	Teaching Hours in the School
30 and over	8 hours
17 - 29	10 hours
Under 17	15 hours

The deputy principal will normally be required to be in attendance in the school throughout the school day.

Appendices

APPENDIX 1

ARTICLES OF MANAGEMENT

FOR CATHOLIC SECONDARY SCHOOLS

1. Definitions

In these articles, unless the context otherwise requires, the following words or expressions have the meaning hereby assigned to them respectively: “The School” means the Secondary School referred to in the first Schedule hereto; “Institute” means the Religious Institute or Congregation referred to in the said first schedule hereto; “The Trustees” means the major religious superiors (or such person or persons as may be duly authorised by him or her to act on behalf of such Major Superior) of the aforesaid Religious Institute or Congregation, and in the case of a Diocesan School, the Roman Catholic Archbishop or Bishop, as the case may be, of the Diocese in which the school is situated; and shall also include, where applicable, person(s), such trustee companies or bodies of Catholic schools as may be recognised and registered as a Patron by the Minister for Education and Skills pursuant to Section 8 of the Education Act 1998.

2. Role of the Board of Management

- a) The conduct, management and financial administration of the school shall be under the control of the Board of Management (hereinafter called “The Board”) which shall exercise the powers hereinafter conferred, subject to the general supervision and control of the Trustees for the time being.
- b) The Trustees hereby grant to the Board the necessary licence to enter and use the school premises for the purpose of the management and administration of the School during such periods as shall be determined by the said Trustees.
- c) The School shall be conducted in accordance with the religious and educational philosophy of the aforesaid Institute as contained in the second schedule hereto and in accordance with such Statutory Rules and Regulations of the Department of Education of the Republic of Ireland as may be in force from time to time and as may have been agreed by the Trustees, and in accordance with the provisions of these Articles, and shall not be conducted for personal gain or farmed out to the Principal or any other person.

3. Composition of the Board of Management

- a) The Board of Management shall consist of eight persons (hereinafter called “the members”) appointed by the Trustees as follows:
 - i. By nomination of the Trustees: 4 members
 - ii. By election of parents / legal guardians of children currently in the school: 2 members

- iii. By election of all teachers holding current pro-rata contracts, non-casual part-time teachers, job-sharing teachers and teachers holding permanent contracts/contracts of indefinite duration on the staff of the school on the date of the election: 2 members.

b) Electoral Procedures

i. Parents:

- Candidates for election as parent members should be nominated and elected through a formal nomination and election process notified to all parents and legal guardians. In the event of a tie, the elected parent will be determined by lot.
- Should an elected parent or legal guardian no longer have a child attending the school as a pupil, such parent shall cease to be a member of the Board.
- The Trustees or their representatives may retain the voting returns from the election of parents for the purpose of co-option to fill vacancies occurring during the term of office of the Board.

ii. Teachers:

- The elected teachers shall have at least one year of service in the school, except in the case of new or amalgamated schools and shall be lay members of the staff.
- The candidates shall be proposed and seconded at properly convened staff meetings; elections shall be by secret ballot and arrangements for ballot shall be made by agreement at staff meetings.
- Should the elected teacher cease to be a teacher at the school, as defined in Article 3(a)(iii) above, he or she shall cease to be a member of the Board.

- c) The term of office of a Board shall be deemed to expire on the 15th day of October in the 3rd year after the Board was constituted.
- d) The members nominated and elected as prescribed shall remain members until the 15th day of October in the third year after the date when the Board was first constituted to the intent that the term of membership of any Board of Management shall not exceed three years.
- e) The nomination and election of members of an incoming Board shall be made and done at least one month before the date of expiry of the term of office of the then existing Board and the Board so constituted shall assume office forthwith on that expiry date.
- f) The Board of Management is a body corporate. Each member of the Board of Management, before entering on his/her duties, shall sign a declaration of his/her willingness to act as a member of the Board and such declaration shall be retained by the Trustee of the school.
- g) The composition of the Board of Management of new schools, either newly established or arising out of the amalgamation of a number of existing schools, pending the opening of the new school is set out in Appendix 1A. The term of this Board of Management will expire on 15 October following the opening of the new school, following which members shall be appointed by the Trustees in the normal manner in accordance with Articles 3(a) and (b) of these Articles.

4. Re-nomination or re-election

Retiring members will be eligible for re-nomination or re-election as the case may be, unless otherwise disqualified by these Articles.

5. Membership vacancy

Should a casual vacancy occur in the membership of the Board, the Trustees shall fill such vacancy as follows:

- a) When a vacancy occurs amongst the members of the Board who were nominated by the Trustees, the latter shall nominate a replacement.
- b) When a vacancy occurs among teacher nominees, such vacancy shall be filled by election in accordance with Article 3(a)(iii).
- c) When a vacancy occurs among parent nominees, the Board of Management may recommend to the Trustees the election or the co- option of a parent in accordance with Article 3(a)(ii).

Any member of the Board appointed to fill a casual vacancy shall hold office for the same period as the member would have held in whose place he/she has been appointed.

6. Conflict of Interest

- a) Members of the Board shall not participate in discussions or vote on any matters in which they, or any company or partnership or firm of which the member is a director or partner, may have a personal / financial interest, and to that intent shall on request from the Chairperson retire from that part of a meeting at which such discussion and/or decision shall take place. It shall be the duty of members of the Board to declare any such interest.

Nothing herein before contained shall be so construed as to preclude a member of the school teaching staff from membership of the Board.

- b) No member of the Board shall receive any financial remuneration for his or her services as a member of the Board.

7. Removal from office

After due notice, any member of the Board may be removed from office by his/her nominator, subject to section 16 of the Education Act 1998, or by the electorate in the case of the Parents' or Teachers' nominees.

8. Attendance at Meetings

- a) No proxy or substitute shall be permitted to replace any member at any meeting of the Board.
- b) Whenever any member of the Board shall fail to attend all meetings of the Board for one year, without satisfactorily accounting for such absence, or shall die, or resign under his/her hand, or refuse to act, or become incapable of acting, or in the opinion of the nominating body concerned render himself/herself unfit to continue as a member of the Board, his/her office shall become

vacant and such vacancy shall be recorded in the Minutes of the next meeting of the Board, which shall thereupon proceed to fill the vacancy in accordance with Article 5 above.

9. Ordinary Meeting

The Board shall, in addition to holding a meeting at least once in every school term, hold such other meetings as may be necessary for the efficient discharge of its functions. Not less than seven clear days' notice of every ordinary meeting of the Board, together with a copy of the agenda for the meeting, shall be sent to every member. At least four members shall form a quorum.

10. The Chairperson

- a) The Chairperson will be appointed by the Trustees.
- b) The Chairperson, if present, will preside at all meetings of the Board.

If the Chairperson is absent from any meetings, the voting members present shall, before any other business is transacted, choose one of their number to preside at that meeting.

11. Principal/Secretary to the Board

- a) The Principal of the school shall be entitled to attend and speak at meetings of the Board but shall not be entitled to vote.
- b) The Principal of the school shall act as secretary to the Board. If, in the opinion of the Board, the duties of the secretary are such that he or she requires the services of a paid official, then the Board may appoint such paid official at such salary as they shall consider fit and just, and shall have power to appoint to such paid post any person employed in the school who shall thereupon discharge the duties of both offices. Such paid official shall not be a member of the Board.

12. Voting

In the proceedings of the Board, members shall strive to reach consensus on matters but where not achievable a simple majority of votes shall normally decide, and in the case of equality, the presiding Chairperson shall have a second or casting vote. As a body corporate, all decisions of a Board shall enjoy the support of all the members.

13. Special Meeting

- a) The Chairperson shall have discretionary power to direct the Secretary to summon a special meeting. Not less than three clear days' notice of such special meetings, stating the business to be transacted thereat, shall be given to every member of the Board; and no business other than that specified in the notice shall be dealt with at such special meetings.
- b) On receipt of a requisition signed by not less than three members of the Board, such requisition stating the business to be transacted, the Secretary shall convene a special meeting of the Board and no business other than that specified in the notice shall be dealt with at such special meeting.

14. Role of Secretary

- a) The Secretary shall summon and, if possible, attend all the meetings of the Board and keep the Minutes thereof. In the absence of the Secretary at any meeting, the meeting shall make such arrangements as may be necessary for the performance of the Secretary's duties at such meeting.
- b) The Secretary shall draw up the agenda for the meeting in consultation with the Chairperson. The agenda shall be issued with the notice of the meeting. Requests for the inclusion of any additional items on the agenda must reach the Secretary a minimum of three days before the meeting.
- c) The Secretary shall have charge of the books and papers of the Board and shall act as correspondent for the Board unless, in special circumstances, the Board shall determine otherwise.
- d) Privacy of meetings and the Agreed Report

The business of the Board shall be conducted in private and no disclosure of the business shall be made without the authority of the Board. Nothing, however, in this clause prohibits the issue of an agreed report on meetings of the Board to interested parties.

15. Property and Finance (1)

- a) The Board shall be responsible for all business carried on in connection with or on account of the School. It shall provide and cause to be kept proper books for the entering of the accounts of the School and the Minutes of the proceedings. The Board shall open an account in a Bank, in the State, in its name to which all monies received in relation to the School shall be lodged.
- b) The Board shall be responsible for a sufficient annual contribution to the Trustees to service any debts as to interest, capital and licence fee on the school property, but the Trustees may, in exceptional circumstances, waive all or any part of this commitment in any one year.
- c) The Board shall be responsible for day-to-day running expenses and shall be charged with the responsibility of ensuring that expenditure does not exceed income. It shall submit a forward budget and financial report to the Trustees annually.
- d) The Board shall set up a Sub-Committee on Finance consisting of the Principal and two Board members, and shall have powers to invite additional persons having specific expertise in financial matters to membership of the Sub-Committee. The Sub-Committee shall propose, prior to the commencement of the accounting year, the annual budget to the Board for adoption. This Sub-Committee shall meet regularly and shall report to the Board at least once in each school term.
- e) All payments shall be made by order of the Board either electronically or by cheques drawn on the bank. All electronic transactions shall be independently authorised by the Principal and by one other person approved by the Board. All cheques shall be signed by the Principal and by one other person approved by the Board.

- f) Subject to the approval of the Trustees, the Board shall have power to sanction the use of the School premises outside school hours by outside bodies. The Board shall have discretion in determining such charges and conditions as it may consider appropriate for such use of the premises.
- g)
 - i. The Board shall ensure that the School premises are kept in good repair and condition, that the furnishings and equipment are suitable and adequate, and that the School premises, furnishings and equipment are adequately insured.
 - ii. The Board shall ensure all such insurances are effected and maintained as are necessary to safeguard the School, the Board and the Trustees against all public liability and against the consequences of negligence on the part of any person employed by the Board or any defect in the buildings, premises, furnishings or equipment of the School whereby loss or damage might result to any person in or upon the School premises.
 - iii. All insurances shall be in the name of the Trustees. The terms of the school insurance policy or policies shall be reviewed by the Board at its first meeting in each school year.

16. Special Committees

- a) Apart from its obligation to set up a Finance Sub-Committee, the Board may delegate any of the powers hereby given it to a sub-committee or sub-committees of its own members, who shall execute the functions entrusted to them by the Board. Such committees shall furnish to the Board a report on action taken.
- b) The Board shall be responsible for the setting up by the Principal of an Advisory Board of Studies, to be elected by and from the teaching staff. The role of this Board of Studies shall be to advise the Principal in his/her academic administration.

17. Day-to-day management of the school

No member of the Board in his/her individual capacity shall in any way interfere with the administration of the School by the Principal or with the duties assigned to any officer or any member of the staff, teaching or non-teaching.

18. Criticism of a teacher

No criticism of an individual teacher shall take place at Board meetings without notice from the Principal to that teacher (and/or the School Steward). An opportunity shall be afforded to the teacher to be present and heard and/or to be represented at the Board before the matter at issue is concluded.

19. Admission, suspension, expulsion, fees.

Admission

- a) The Board shall lay down such guidelines as it may deem necessary for the admission by the Principal of pupils to the School with due regard to Article 2(a) above.

Suspension

- b) The Principal may suspend any pupil for a limited period and shall report any such suspension to the Board of Management at its next ordinary meeting.

Expulsion

- c) If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision.

Fees

- d) Where the circumstances of the School permit, the Board shall, subject to the approval of the Trustees, have power to fix, alter or amend the scale of fees to be charged in respect of pupils.

20. Post of Principal

If the trustees of the Religious Order(s) or of the Diocesan College concerned wish to nominate a cleric/member of the Order(s) to the post of Principal, the Board of Management shall, subject to the prior approval of the Trustees, appoint the person proposed by these authorities, provided that person is qualified for the post in question. The terms of appointment, the duration of which shall be determined by the Trustees shall provide that should such aforementioned member cease to be a cleric/member of the said Order(s) his or her contract shall thereupon terminate.

21. (a) Appointment of the Principal

Where the authorities of the Religious Order(s)/Diocesan College do not wish to appoint a cleric/member of the Order(s) to the post of Principal in the manner proposed in Article 20 above, the appointment shall be made as follows:

The Board of Management shall publicly advertise the post and set up a Selection Committee consisting of two nominees of the Trustees, two nominees of the Board of Management and an independent external assessor to be agreed on by the Board. The Committee shall select its own Chairperson from among its members. The Board of Management shall have due regard to gender balance in the setting up of the Selection Committee.

(b) Appointment of the Deputy Principal

In the case of the post of Deputy Principal, the appointment shall be made as follows:

The Board of Management shall publicly advertise the post (except in schools of less than 17 teachers when the post shall be advertised in the school) and set up a Selection Committee consisting of two nominees of the Trustees, two nominees of the Board of Management (one of whom may be the Principal of the school) and an independent external assessor to be agreed by the Board.

The Committee shall select its own Chairperson from among its members. The Board of Management shall have due regard to gender balance in the setting up of the Selection Committee.

c) Selection Committee: Disclosure of Interest

A member of a Selection Committee who stands in a relationship to a person who is a candidate shall disclose to the Board of Management the fact of the relationship and the nature thereof. In this context the Selection Committee members are required to make a disclosure not only in the case of a family relationship but in respect of any personal, business or other relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.

Unless the Board is fully satisfied that the participation of the Selection Committee member during the selection process would not be prejudicial, the Board of Management shall direct that the Selection Committee member withdraw and another person shall be nominated in the appropriate manner to replace that person.

d) Selection Committee: Procedure

- i. The Selection Committee shall draw up a short list from the applications received and shall interview the candidates on that list.
- ii. Having interviewed such candidates as present themselves, the Selection Committee shall submit a written report to the Board of Management. In the report the Selection Committee shall nominate the candidate whom it considers most suitable for appointment unless it deems no candidate to be suitable for appointment to the particular post; in which case it shall include a statement to that effect in its report. A list of candidates in order of merit who are deemed suitable may be retained by the Selection Committee. In the event of the post not being filled by the first nominee, the Selection Committee shall nominate the next candidate in order of merit for the post.
- iii. The Board of Management shall appoint the person so nominated save where in any particular instance the Board shall consider that there is good and sufficient reason for not making the appointment, in which event the Board shall submit the matter to the Trustees for determination.

22. Role of the Principal

Subject to such direction as may be given from time to time by the Board, the Principal shall control the internal organisation, management and discipline of the School, including the assignment of duties to members of the teaching and non-teaching staff. The Principal shall submit, in writing, to the Board all such statements and reports affecting the conduct of the School as the Board shall require.

23. Appointment of teaching staff

- a) Where the Authorities of the Religious Order(s) or Diocese wish to nominate a cleric/member of the Order(s) to a post on the school staff, the Board of Management shall, subject to prior approval of the Trustees, appoint the person proposed by these Authorities, provided that the person is qualified for the post in question. The terms of appointment, the duration of which shall be determined by the Trustees, shall provide that should such aforementioned member cease to be a member of the said Order(s), his or her contract shall thereupon terminate.

- b) Where the Authorities of the Religious Order(s)/Diocesan College concerned do not wish to nominate a cleric/member of the Order(s) in the manner proposed in Article 23(a) above and subject to the provisions of the Redeployment Scheme for Secondary Teachers, the Board shall publicly advertise the post(s) and shall appoint members of the teaching staff on the advice of a Selection Committee. The membership of this committee will consist of the Principal, a nominee of the Trustees and a nominee of the Board of Management of the School. At least one of the members of the Selection Committee shall be a woman and at least one a man. The committee shall select its own Chairperson from among its members.
- i. The Selection Committee shall draw up a short list from the applications received and shall interview the candidates on that list.
 - ii. Having interviewed such candidates as present themselves, the Selection Committee shall submit a written report to the Board of Management. In the report the Selection Committee shall nominate the candidate whom it considers most suitable for appointment unless it deems no candidate to be suitable for appointment to the particular post; in which case it shall include a statement to that effect in its report. A list of candidates in order of merit who are deemed suitable may be retained by the Selection Committee. In the event of the post not being filled by the first nominee the Selection Committee shall nominate the next candidate in order of merit for the post.
 - iii. The Board of Management shall appoint the person so nominated save where in any particular instance the Board shall consider that there is good and sufficient reason for not making the appointment, in which event the Board shall submit the matter to the Trustees for determination.
- c) Appointment of casual part-time teachers shall be made by the Principal, who shall report such appointments to the Board at its next ordinary meeting, for ratification by the Board.

24. Posts of Responsibility

Appointments to Posts of Responsibility shall be made by the Board in accordance with the terms of the Department of Education and Science Circular 4/98 and any other terms which may be agreed from time to time between the parties.

25. Emergency Meetings

The Principal, with the approval of the Chairperson, shall have power to call an emergency meeting of the Board of Management should the need arise. This meeting should be held as soon as possible after notification of such meeting has been conveyed to all available members. The usual quorum of four members would be required.

26. Non-teaching staff

The Principal shall, with the prior approval of the Board, appoint all members of the non-teaching staff. The salaries and conditions of appointment of such staff shall be negotiated by the Principal with the Board. The Principal shall have the right of suspension of such staff. If the question of dismissal arises, it shall be a matter for decision by the Board.

27. Property and Finance (2)

- a) No extension, improvement or replacement of the School building shall be undertaken by the Board unless and until such have been approved in writing by the Trustees.
- b) The Board shall not enter into any contracts by way of hire purchase or otherwise which could involve the Trustees in a total liability exceeding a sum to be determined annually by the Trustees, provided that this Article shall not apply to any contract which shall be approved in advance in writing by the Trustees, and excepting always contracts of employment of teaching and non-teaching staff as provided in Articles 23(c) and 26.
- c) The Board shall have the power to borrow monies, in the sum(s) and subject to such terms and conditions as the Trustees may approve in writing.

28. Legal Indemnity

The Trustees shall indemnify the Board and each member thereof against any claim for capital debts or expenditure properly incurred, and provided always Articles 15(c) and 27(a) of these Articles of Management have been complied with by the Board.

29. Contracts of Employment

The Board and the Trustees shall be bound by the terms of Contracts of Employment entered into by the Headmaster/Headmistress, Manager or Principal for the time being of the School with lay teachers on the staff of the same and which said contracts are in existence on the date when these Articles of Management shall come into operation.

30. Trustee Powers

In the event of any question arising relating to the conduct, management and financial administration of the School, not specifically provided for in the foregoing Articles, such question shall be decided by the Trustees, who, upon decision, shall give the necessary instructions and authority to the Board to take the requisite and proper action.

31. Direct Management

Subject to the approval of the Minister for Education, the Trustees may at any time resume the direct management of the School or may nominate another Manager.

32. Copy of the Articles

A copy of these Articles shall be given to every member of the Board, and to the Principal, and to members of the teaching staff, and the non-teaching staff, upon their entry into office or employment.

33. These Articles of Management shall come into operation on the

_____ day of _____

_____ 20 _____

Signed by: _____

As agent for and on behalf of the Trustees, in the presence of

ARTICLES OF MANAGEMENT FOR CATHOLIC SECONDARY SCHOOLS

APPENDIX 1A

THE COMPOSITION OF THE BOARD OF MANAGEMENT OF NEW SCHOOLS

On the designation of a proposed school by the Minister for Education and Skills in pursuant to Section 10(1) of the Education Act 1998, the Trustees of the proposed school shall appoint members of the Board of Management of the new school in the following manner:

1. Newly Established Schools

- i. Parents [see below]
- ii. Teachers [see below]
- iii. By nomination of the Trustees: 4 members

Appointment Procedures

Parents

[Establish an interim parents' association from nominated parents from parents' associations in local primary schools. Request the interim parents' association to elect two parent nominees for the board.]

Teachers

[The Trustees to request nominations from teachers working or living in the local community. The Trustees to appoint two nominees from the group so nominated.]

2. Schools arising out of the amalgamation of a number of existing schools

- i. By nomination of the Trustees: 4 members
- ii. Parents: 2 members
- iii. Teachers: 2 members

Appointment Procedures

Parents

If the number of amalgamating schools is two, then one parent nominee from each of the amalgamating schools is to be nominated by his/her Board of Management for appointment to the new Board of Management.

Teachers

If the number of amalgamating schools is two, then one teacher nominee from each of the amalgamating schools is to be nominated by his/her Board of Management for appointment to the new Board of Management.

Amalgamation of more than two schools

In circumstances where the number of amalgamating schools is greater than two, the Trustees of the new school have discretion to nominate additional members to the Board in order to ensure that the parents and teacher constituencies of the amalgamating schools are sufficiently represented. The nomination of such additional members must be carried out in such a way as to maintain the balance of nominees on the board as per Article 3. Should the Trustees decide to exercise their discretion in this way, they shall seek nominations of parents and teachers by the boards of management of the respective schools.

General

However, on the expiry of the term of the Board of Management on 15 October following the opening of the school, the new Board of Management will be constituted in accordance with Article 3 (a) and (b) of the Articles of Management, i.e. a total membership of eight.

Secretary to the Board of Management in both new and amalgamating schools

Pending the appointment of a principal to the new school, the Trustees may appoint a person to act in the role of Secretary to the Board.

The term of office of a person appointed as Secretary to the Board of Management will expire automatically on the official appointment of the Principal of the new school.

General

In the case of an amalgamation, the appointment of an interim board to the new school will not in any way affect the statutory role of the boards in the existing schools.

APPENDIX 2

GRIEVANCE PROCEDURE

1st September, 2000

PROCEDURES FOR VOLUNTARY SECONDARY SCHOOLS
WITH BOARDS OF MANAGEMENT

Grievance Procedure

ASTI/JMB



ASSOCIATION OF SECONDARY TEACHERS,
IRELAND WINETAVERN STREET, DUBLIN 8



JOINT MANAGERIAL BODY
EMMET HOUSE, MILLTOWN,
DUBLIN 14

Preamble

- (a) The purpose of the procedure is to promote co-operation and orderly and harmonious relationships between the school management and the teaching staff members with a view to facilitating the effective operation of the school.
- (b) This procedure is agreed on the understanding that all of the parties involved are committed to the resolution of the grievance at the earliest stage possible through discussion and the application of fair procedures. The agreed procedures should be known and observed in the interests of good industrial relations and harmony in the school work environment.
- (c) Before the grievance procedure is invoked, every effort should be made to resolve the difficulties through discussions between the Principal and the teaching staff concerned.
- (d) In each school the management and teachers should agree structures for consultations through which any proposals for changes in working conditions or work practices affecting the terms of employment of the teachers may be discussed prior to their proposed implementation. In the absence of agreement about such proposals both parties should maintain the status quo. In the event of a dispute about the proposals the teacher or teachers concerned may process and determine the issue through the grievance procedure.
- (e) The grievance procedure will be reviewed jointly from time to time by the JMB and the ASTI. Disputes about the interpretation of the procedure should be referred to the JMB and to the ASTI.

Scope of Procedure

- (a) The procedure may be invoked by any teacher for the resolution of any grievance against the Manager or Board of Management of the school in respect of the exercise of any of their responsibilities for the government of the school or against the Principal, Deputy Principal or teachers with delegated responsibility, in respect of their duties and responsibilities for the organisation and conduct of the day to day activities in the school.
- (b) If a grievance, which concerns a matter covered by legislation is referred to the Labour Court, this procedure shall not be used.
- (c) School Managerial Authorities should inform staff members, when appointed, of the provisions of this agreement.

Procedures

Stage 1

- 1.1 The teacher shall discuss the grievance with the Principal teacher with a view to resolving it. The teacher may be accompanied by ASTI School Steward or by a colleague nominated by the teacher at this meeting.
- 1.2 If the complaint is unresolved, the teacher should be advised that, within a further ten school days, stage two may be invoked with a view to resolving the matter.

Stage 2

- 2.1 The teacher and/or the ASTI School Steward shall give notice in writing to the Principal and Manager or Chairperson of the Board of Management that Stage 2 of the Grievance Procedure is being invoked.
- 2.2 The teacher shall discuss the grievance with the Manager or Chairperson of the Board with a view to resolving it. The teacher may be accompanied by ASTI School Steward or by the nominated colleague at this meeting.
- 2.3 The Manager or Chairperson shall immediately take such steps as he/she considers appropriate to have the grievance resolved informally.
- 2.4 If the grievance is not resolved within ten school days the teacher shall be entitled to invoke Stage 3, within a further ten school days.

Stage 3

- 3.1 The teacher and/or the ASTI School Steward shall give notice in writing to the Chairperson of the Board of Management that Stage 3 of the Grievance Procedure is being invoked. In the case of a Manager, the teacher and/or School Steward may proceed to Stage 4.
- 3.2 The teacher and/or the ASTI School Steward shall make a written submission to the Chairperson for consideration formally by the Board of Management.
- 3.3 If the grievance involves the Principal, he/she shall be provided with a copy of the written submission and shall be requested by the Chairperson to prepare a written response to the submission.
- 3.4 The Chairperson shall invite the aggrieved teacher and the ASTI School Steward or the nominated colleague to be in attendance at a formal Board meeting which shall be held within ten school days of receipt of the submission. The Board shall give a hearing to the aggrieved teacher.
- 3.5 The Board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded.
- 3.6 If the Board is unable to resolve the grievance by conciliation it shall give a decision on the grievance.
- 3.7 The Chairperson shall convey the decision in writing to the aggrieved teacher and/or the School Steward and to any other party or parties concerned within five school days of the hearing specified at 3.4.
- 3.8 The teacher shall have the right to invoke Stage 4 of the procedure:
 - (a) if the Chairperson fails to convey the decision within the specified period;
 - (b) if the Board fails to give a hearing to the aggrieved teacher within the time specified in 3.4;
 - (c) if the teacher is unwilling to accept the decision.

Stage 4

Appeal

- 4.1 The Teacher who wishes to appeal or the School Steward at the request of the teacher, shall give notice in writing to the Manager or Chairperson of the Board of Management of the intention to appeal. The notice shall be given within ten school days of receiving the decision, or of the end of the period specified in 3.7 (or 2.4, in the case of Manager).
- 4.2 The teacher and/or School Steward shall provide the Manager or Chairperson of the Board with five copies of submission setting out the grievance and the redress which is sought.
- 4.3 The date on which the Manager or Chairperson receives the submission will be referred to as the “date of appeal”.
- 4.4 On the receipt of the submission the Manager or Chairperson of the Board of Management shall notify the General Secretary of the JMB and the General Secretary of the ASTI who shall arrange for the establishment of a tribunal to hear the appeal.
 - (a) The tribunal shall consist of:
 - (i) an agreed independent Chairperson;
 - (ii) two persons not associated with the school, one of whom shall be nominated by each of the organisations;
 - (b) The Manager or Chairperson of the Board of Management shall be notified within 10 school days of the date of the appeal of the names and addresses of the members of the tribunal.
 - (c) A meeting of the tribunal shall be convened within 20 school days of the date of the appeal.
- 4.5 On receipt of the submission the Manager or Chairperson of the Board shall:
 - (a) prepare for the tribunal a report on the proceedings at each of the previous stages including, if available, a copy of a letter stating the decision 3.7 and
 - (b) supply each member of the tribunal within 15 school days of the date of the appeal with a copy of the teacher's submission together with a copy of his/her report.
- 4.6 The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.
- 4.7 Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
- 4.8 The tribunal's decision shall be conveyed in writing by the Chairperson of the tribunal to all parties (including the teacher, the Board and the JMB and ASTI) within ten school days of the hearing.
- 4.9 Without prejudice to the rights of any parties involved to have recourse to litigation, the decision of the tribunal shall be final and binding on all of the parties.

Notes

- (i) Until such time as the dispute is resolved or determined the teacher shall continue to carry out the instructions of the Principal, Deputy Principal or teachers with delegated responsibility, or the Manager or Board as the case may be.
- (ii) The above procedure shall also apply where two or more teachers share a grievance.
- (iii) Where a principal has a grievance, or a Principal and one or more teachers share a grievance, Stages 2, 3, and 4 of the procedure shall apply. The Principal shall also have the right to be accompanied or represented by a union representative, or by a colleague of the Principal's own choosing.
- (iv) An aggrieved teacher or teachers may be represented at Stage 3 by the ASTI School Steward or by a teacher colleague, nominated by the teacher.
- (v) An aggrieved teacher or teachers may be represented by a member of the ASTI, CEC, or by a Branch Office or Head of Office official or by the ASTI School Steward or nominated teacher colleague at Stage 4.
- (vi) Any expenses other than legal expenses arising at Stage 4 shall be shared by the parties involved who nominate the tribunal.
- (vii) A school day is a day on which the school is in operation.
- (viii) Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.
- (ix) This Grievance Procedure shall be reviewed after three years or at the request of either party.

APPENDIX 3

COMPLAINTS PROCEDURE

1st September, 2000

PROCEDURES FOR VOLUNTARY SECONDARY SCHOOLS
WITH BOARDS OF MANAGEMENT

Complaints Procedure

ASTI/JMB



ASSOCIATION OF SECONDARY TEACHERS,
IRELAND WINETAVERN STREET, DUBLIN 8



JOINT MANAGERIAL BODY
EMMET HOUSE, MILLTOWN,
DUBLIN 14

Procedure for processing complaints made by parents / guardians or students (who have reached the age of 18 years) against a teacher

Introduction

Procedures are necessary to ensure fair treatment for all in the school and acceptable procedures should be known, agreed, and observed in the interest of good industrial relations and harmony in the school environment. Periodic review of all procedures should take place to ensure practices are good and adhere to any developments in employment legislation or other legislation or case law.

Purpose of Complaints Procedure

- (a) To provide a fair, consistent and equitable mechanism for processing complaints by parents/guardians or students (who have reached the age of 18 years) against teachers.
- (b) To do so in a manner that affords all concerned full rights in accordance with natural justice.
- (c) To outline the procedures which should be followed by all – employer, employees and their representatives – in the event of complaints being made against teachers.

Exclusions

- (a) When complaints are deemed by the Principal/Manager/Board of Management to be:
 - (i) on matters of professional competence which cannot be dealt with at school level and which are to be referred to the Department of Education and Science for investigation;
 - (ii) frivolous, vexatious, or anonymous complaints and complaints which do not impinge on the work of a teacher in a school;
 - (iii) complaints in which either party has had recourse to law or to another standard procedure;they shall be excluded from the scope of this procedure.
- (b) Verbal complaints may be processed informally through Stage 1 of the procedure. Where the complaint is made in writing initially, the complaint should be processed through Stage 1 but a copy of the complaint should be given to the teacher at Stage 1. Only those complaints which are written and signed by the complainants may be investigated through stage two and stage three of the procedure.

Procedures

Stage 1

- 1.1 A parent/guardian/student who wishes to make a complaint should, unless there are local arrangements to the contrary, make an appointment and discuss the matter with the teacher with a view to resolving the complaint.
- 1.2 Where the parent/guardian/student is unable to resolve the complaint with the teacher, she/he should approach the Principal with a view to resolving it.
- 1.3 The resolution and outcome of Stages 1.1 and 1.2 should be communicated verbally to both parties.
- 1.4 If after Stage 1.2 the complaint is still unresolved, the parent/guardian/student should be advised that they may raise the matter formally with the Board of Management as set out at Stage 2 with a view to resolving it.
- 1.5 In the case of a complaint against a Principal, the parent/guardian/student should discuss the complaint with the Principal in the first instance. If the parent/guardian/student is unable to resolve the complaint with the Principal, the complaint may be processed as provided for at Stages 2 and 3 of this procedure.

Stage 2

- 2.1 If the issue is not resolved at Stage 1 then the parent/guardian/student should lodge the complaint in writing with the Board of Management.
- 2.2 The Board should acknowledge receipt of the complaint, note it formally and appoint two authorised representatives, one of whom may be the Principal, to deal with the matter.
- 2.3 The authorized representatives should, subject to the general authorisation of the Board:
 - (a) supply the teacher with a copy of the written complaint, and
 - (b) arrange a meeting with the teacher and, where applicable, the Principal and the complainant, with a view to resolving the complaint.. Such a meeting should take place within 10 school days of receipt of the written complaint as specified at 2.1.
- 2.4 The teacher may be accompanied by a colleague or the ASTI School Steward at this stage of the procedure.
- 2.5 The authorised representatives should convey the outcome of these discussions / investigation, in writing, to the teacher, complainant and the Board of Management and indicate whether or not the matter has been resolved to the satisfaction of all parties.
- 2.6 If the complaint has not been resolved at this stage and the complainant wishes to proceed to Stage 3 s/he shall indicate this in writing to the Board of Management within 10 school days of receipt of the letter referred to in 2.5.

Stage 3

- 3.1 If the Board of Management considers the complaint is not substantiated, the teacher and the complainant should be so informed within three days of the Board meeting.
- 3.2 If the Board of Management considers that the complaint warrants further investigation, it should proceed as follows:
- (a) the teacher should be informed that the investigation is proceeding to the next stage;
 - (b) the teacher should be supplied with a copy of any written evidence relevant to the complaint;
 - (c) the teacher should be requested to supply a written statement to the Board of Management in response to the complaint;
 - (d) the teacher should be afforded an opportunity to make a formal presentation of their case to the Board of Management. The teacher would be entitled to be accompanied and assisted by a colleague or union representative at any such meeting, and
 - (e) the Board of Management may arrange a meeting with the complainant. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting, and
 - (f) the meeting/hearing of the Board of Management referred to in 3.2 (d) and 3.2 (e) will take place within 15 days of the meeting referred to in 2.3(b).
- 3.3 When the Board of Management has completed its investigation, the decision of the Board of Management should be conveyed in writing to the teacher and the complainant within five school days of the decision being taken.
- 3.4 The decision of the Board of Management shall be final, except in respect of matters governed by appeals procedures in the Education Act, 1998.
- 3.5 In the case of a complaint which is upheld the matter may be dealt with by the Board under the provisions of Stage 3 of the agreed Disciplinary Procedures. In such circumstances, members of the Board who have acted as authorised representatives in the investigation of the complaint should not participate in the decisions of the Board relating to the application of disciplinary action.

Notes

- (i) In this procedure a school day means a day on which the school is in operation.
- (ii) At all stages of the Complaints Procedure a written record should be kept of
 - (a) the investigation undertaken;
 - (b) communications to BOM/Parent/Guardian/Student and Teacher, and
 - (c) the steps and/or decision taken.

Copies of the written record may be made available for inspection to the parties to the complaint and to the teacher(s) concerned.

- (iii) The Complaints Procedure shall be reviewed by the parties every three years or at the request of any one of the parties.

APPENDIX 4

DISCIPLINARY PROCEDURES FOR TEACHERS AND PRINCIPALS

Procedures in relation to professional competence issues and general disciplinary matters for Teachers and Principals are set out in the Department of Education and Skills circular 0049/2018, available on the Department's website or the JMB website.

In the case of the *Professional Competence Procedure* the first stage of Board involvement is Stage 2. Strictly speaking, this procedure only becomes a disciplinary procedure with sanctions at Stage 4. Sometimes there is a temptation by the Principal to engage the Board earlier and/or to impose sanctions prior to the outcome of Stage 4. This is not permissible nor would such be fair or wise.

In the *Work and Conduct Procedure* sanctions may be imposed at all stages except the Informal Stage. At Stages 2 and 3, a nominee* of the Board is involved in the disciplinary meetings. The Board should not engage in an examination or a discussion of a case at any stage prior to it reaching Stage 4, where there is provision for the work or conduct issue to be considered by the Board. To do otherwise would leave the Board open to the allegation of prejudice at Stage 4.

* A nominee of the Board includes a person who is not a member of the Board.

