A Manual for Boards of Management

of

Voluntary Secondary Schools

published by

JMB (Joint Managerial Body for Secondary Schools)

AMCSS (Association of Management of Catholic Secondary Schools)

Secretariat of Secondary Schools

2026

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The Secretariat of Secondary Schools (SSS)

The Secretariat of Secondary Schools (SSS) is the recognised management body for voluntary secondary schools. Established in 1964 as a company limited by guarantee, the company has two divisions the Joint Managerial Body (JMB) and the Association of Management of Catholic Secondary Schools (AMCSS). The mission of SSS is to promote the value of denominational education in schools with a Catholic ethos and in schools under the aegis of the Irish Schoolheads' Association and to execute the functions of a recognised management body for all voluntary secondary schools.

A central function of the SSS is the provision of professional advice, support and training to boards of management and school leaders of all voluntary secondary schools. The organisation offers specialist guidance across a broad range of areas including human resources and industrial relations, school governance, recruitment and employment matters, child safeguarding, vetting, GDPR compliance, financial governance, school buildings, capital developments and school procurement. In addition, the SSS undertakes educational research, prepares submissions to inform national education policy, and delivers an extensive programme of professional learning opportunities for school leaders and board members. The development of leadership capacity in faith-based schools is a key aspect of the work.

The SSS also maintains a strong regional structure through the ten AMCSS regions which provide an important forum for communication, consultation and professional collaboration among school leaders and board chairpersons. Regional meetings, held regularly throughout the year, facilitate the dissemination of information, discussion of emerging issues and policy development. These regional networks foster mutual support, collegiality and the sharing of best practice, while ensuring that the views and experiences of schools inform the work of the organisation at national level. Through its national representation, specialist advisory services, professional learning programmes and regional structures, the SSS plays a vital role in supporting effective governance, leadership and management across the voluntary secondary school sector.

Introduction

This manual has been prepared to support boards of management in voluntary secondary schools in discharging their governance responsibilities with confidence, integrity and due regard for the distinctive ethos of their schools. It provides a practical overview of the legal, regulatory and organisational framework within which boards operate and outlines the respective roles of patrons and trustees, board members, chairpersons and school principals.

The voluntary secondary sector in Ireland is characterised by considerable diversity in its patronage and trusteeship arrangements. Schools operate under the patronage of Catholic religious congregations, dioceses, lay trusts, Educate Together, An Foras Pátrúnachta and other patron and trustee bodies, each with its own history, governance structures, ethos and characteristic spirit. The manual endeavours to respond to this diversity by providing guidance that is sufficiently broad and adaptable to support boards across the sector, while recognising the particular governance requirements applicable to individual schools.

As Catholic schools constitute the majority of schools within the voluntary secondary sector, this manual frequently refers to the Articles of Management for Catholic voluntary secondary schools. However, the sector encompasses a range of governing arrangements, including other instruments such as the Charter governing ISA schools. Accordingly, every board must at all times act in accordance with the governing document applicable to its particular school. Where the provisions of this manual differ from, or do not fully reflect, that governing document, the school's governing document must be adhered to.

In carrying out their responsibilities, boards must act collectively, oversee the effective governance of the school, exercise proper stewardship of its resources and promote high standards in teaching, learning and school improvement. Decision-making should be informed, fair and transparent and should comply with the school's governing document, relevant legislation, Department of Education and Youth requirements, and the ethos and characteristic spirit of the school.

The manual is intended both as an induction resource for newly appointed board members and as a continuing reference for experienced boards. It addresses the establishment and operation of the board, statutory and fiduciary duties, child safeguarding, board meetings, school leadership, finance, property, employment and other key areas of governance. It should be read in conjunction with the school's governing document, current legislation, circular letters, Department procedures and guidance issued by the patron/trustees and the Joint Managerial Body. As requirements continue to evolve, boards should consult the most up-to-date provisions and seek appropriate advice where necessary.

Abbreviations

AAC	Additional Assessment Component
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
DDLP	Deputy Designated Liaison Person
DEY	Department of Education and Youth (**www.education.ie**)
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 Schoolheads' 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**)
NAPD	National Association of Principals and Deputy Principals (**www.napd.ie**)

Abbreviations (contd.)

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**)
OLCS	On-line Claims System
OECD	Organisation for Economic Co-operation and Development (**www.oecd.org**)
PBST	Presentation Brothers Schools Trust (**www.pbst.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 (**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

Power and responsibilities of the Patron and Trustees

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CHAPTER 1
POWER AND RESPONSIBILITIES OF THE PATRON AND TRUSTEES

Section 8(6) of the Education Act 1998 provides that the patron of a school:

> *"shall carry out the functions and exercise the powers conferred on the patron by this Act and such other functions and powers as may be conferred on the patron 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."*

Section 8(1)(b) addresses patrons of post-primary schools, stating that:

> *"(b) the persons who, at the commencement of this section, stand appointed as trustees or as the 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 the patron for the purposes 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."*

Section 8(2) provides that in all cases other than 8(1)(b), "the patron shall be the person who requested recognition of the school or a nominee of such person, and the name of that person shall be entered in the register". Section 8(3) provides for amendment of the register on application of the registered patron whereas section 8(5) provides for the registration of joint patrons.

On the commencement of section 8 of the Act on 22 December 2000, the trustees or board of governors of a post-primary school were deemed to be the patron of that school. Where there were no trustees and no board of governors, the owner of a post-primary school was deemed to be the patron of the school.

The trustees are the legal owner of the school property, land, buildings and other resources that support the enterprise of education provided by the school. The trustees may act as patron of a school for the purposes of the Education Act 1998, or they may appoint a person or persons, or establish a trust company to act as patron in respect of one or more schools.

References to patron in the Education Act 1998 and in the manual should be understood as comprehending trustees where the trustees are carrying out the statutory functions of patron under the Education Act 1998.

1.1 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 patrons/trustees, board of management, staff, parents and students. 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.

1.2 THE TYPE OF SCHOOL

The patron/trustees determine what kind of school they will operate. 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 patron/trustees. Decisions which might change the ethos or status of the school are matters for the patron/trustees alone. Thus, decisions with regard to amalgamations, closure of boarding sections, payment of fees by students etc., can be made only by the patron/trustees. Neither the Department of Education and Youth (DEY), nor the board of management, has the power to alter the fundamental nature of the school, as determined by the patron/trustees.

1.3 THE PATRON/TRUSTEES and the BOARD OF MANAGEMENT

Through the Articles of Management and relevant governing documents, the operation, management and financial administration of the school are devolved to the board of management, subject to the general supervision and control of the patron/trustees. It is a matter for to the patron/trustees to provide a religious and educational philosophy statement which represents the founding intention and traditions of the school or the network of schools to the board. This may be appended 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.

In order to promote and safeguard the ethos or characteristic spirit of the school, the practical involvement of the patron/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
- consultation regarding 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
- the timetabling of RE in Catholic schools

1.4 THE PATRON/TRUSTEES and 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 patron/trustees. Articles 15 and 27 also address matters relating to property and finance.

The board is required to:

- submit a forward budget and financial report to the patron/trustees annually
- ensure that the school is adequately insured
- obtain advance written approval from the patron/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
- implement best practice as set out in FSSU guidelines and regular bulletins

1.5 THE TRUSTEES and the SCHOOL FACILITIES

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 and Youth.

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 and shall be provided to the board with the Articles of Management or governing document.

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

1.6 THE PATRON/TRUSTEES & THE STAFF

The board of management should consult with the patron/trustees regarding the selection process for the appointment of the school principal/deputy principal.

1.6.1 DISPUTES IN RELATION TO APPOINTMENTS

The patron/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 person recommended by the selection committee for the post of principal, the matter must be submitted to the trustees for determination. (Article 21(d)(iii))

The procedure is similar for the appointment of teachers. (Article 23(b)(iii))

1.7 INDEMNITY FOR BOARDS OF MANAGEMENT

Since the board of management is acting on behalf of the patron/trustees, the board itself and each of its members are indemnified 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 or governing document have been complied with.

1.8 CONSULTATION AND INFORMATION

The board of management is required by the Education Act 1998 to *"consult with and keep the patron informed of decisions and proposals of the board*". (Section 15(2)(c))

A principal or board is also required by the Act to *"supply the patron 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 patron/trustees, effective systems of communication need to be established.

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

1.9 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. (Article 31)

Sections 16 and 17 of the Education Act 1998 provide for the dissolution of a board of management by the patron/trustees, with the consent of the Minister, or at the request of the Minister, following due process.

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

Such actions would only be taken by the patron/trustees, or by the Minister in exceptional circumstances.

1.10 TRUSTEESHIP IN CATHOLIC SCHOOLS

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 provide a '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

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

1.11 FORMAL STRUCTURE SUPPORTING CATHOLIC SCHOOLS

Catholic Education Partnership (CEP)

Catholic schools in Ireland are supported by a national structure under the auspices of the Catholic Education Partnership (CEP). The Catholic Education Partnership, (CEP), established in 2020, is a registered company and charity with a mandate for primary, post-primary, third level and adult education issues. In addition to providing strategic leadership and a unified voice for Catholic education, CEP exercises an ownership and oversight role in relation to a number of Catholic education bodies, including the Secretariat of Secondary Schools (SSS) and the Association of Patrons and Trustees of Catholic Schools (APTCS), as well as the Catholic Primary Schools Management Association (CPSMA). CEP facilitates the development of agreed positions among Catholic patrons, trustees and management bodies and represents their collective interests in engagement with Government, statutory agencies and other educational stakeholders.

Secretariat of Secondary Schools (SSS)

The Secretariat of Secondary Schools (SSS) is the recognised management body for voluntary secondary schools. Established in 1964 as a company limited by guarantee, the company has two divisions the Joint Managerial Body (JMB) and the Association of Management of Catholic Secondary Schools (AMCSS). The mission of SSS is to promote the value of denominational education in schools with a Catholic ethos and in schools under the aegis of the Irish Schoolheads' Association and to execute the functions of a recognised management body for all voluntary secondary schools.

Association of Patrons and Trustees of Catholic Schools (APTCS)

The Association of Patrons and Trustees of Catholic Schools (APTCS) was established in 2021 and represents the agreed position of Catholic post-primary patrons and trustees nationally with the State and other relevant education bodies. The Association provides services and advice to patrons and trustees on matters relating to ethos, property and finance.

Chapter 2

The Ethos/ Characteristic Spirit of the School

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CHAPTER 2
THE ETHOS/CHARACTERISTIC SPIRIT OF THE SCHOOL

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

> *"uphold, and be accountable to the patron 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).*

The ethos and characteristic spirit of the school is determined by the patron/trustees. Voluntary secondary schools are distinguished by the ethos and characteristic spirit that give each school its particular identity, inform its educational purpose and shape the manner in which the school community lives and works together. The characteristic spirit of a school is rooted in its founding intention and reflects the cultural, educational, religious, social, linguistic and spiritual values and traditions of the school. It is expressed through the school's mission and vision, governance and leadership, curriculum and co-curricular provision, policies and practices, pastoral care, approaches to teaching and learning, and the quality of relationships among students, staff, parents, patrons, trustees and the wider community. Ethos is therefore not confined to a written statement or to particular ceremonies and traditions; it is the lived and evolving expression of the values that guide decision-making, influence priorities and establish expectations concerning dignity, inclusion, respect, responsibility, justice, service and the holistic development of every student.

The board of management of the school is responsible for upholding the characteristic spirit of the school. The board should have regard to this when making appointments, as the influence of teachers extends beyond the subjects they teach. Through their interactions with others and their participation in the wider life of the school, teachers make an important contribution to the realisation of the school's mission.

The board should seek to appoint suitably qualified teachers and school staff who understand and respect the characteristic spirit of the school and who are willing, through their professional practice and wider engagement, to support its values and educational mission. Care should therefore be taken in the selection of staff to ensure that appointees are professionally suitable for the post and capable of contributing positively to the characteristic spirit, culture and mission of the school.

Distinctive Traditions within The Voluntary Sector

Within the voluntary secondary sector, this diversity of ethos and/or characteristic spirit is reflected in schools under Catholic, Protestant, Educate Together, An Foras Pátrúnachta and other types of patronage.

Catholic Voluntary Secondary Schools

Catholic voluntary secondary schools provide education within the Catholic tradition, inspired by the Gospel and the person and teaching of Jesus Christ, and shaped by the charism of their founders and the distinctive educational philosophy of the relevant diocese, religious congregation, or trust body. They seek the flourishing of the whole person, affirm the dignity and uniqueness of each individual, promote excellence in learning and teaching through the integration of faith and reason, and build inclusive communities of belonging, service, and responsibility for the common good. **A Vision for Catholic Schools in Ireland** is printed in Appendix 5 of this publication.

Protestant Voluntary Secondary Schools

The Irish Schoolheads' Association (ISA), founded in 1869, is the representative body of principals of Protestant and other established minority-faith post-primary schools in Ireland, whose membership is drawn from principals nominated by their Boards of Management. The ISA is a founding body of the Joint Managerial Body (JMB), together with the Association of Management of Catholic Secondary Schools (AMCSS).

While all of the voluntary secondary schools that are affiliated with the ISA have their own distinct ethos, founding intention and governance structure, together these schools contribute to choice and diversity within the Irish education system, serving students and families from a wide cross-section of society.

Educate Together

Educate Together voluntary secondary schools are founded on an equality-based, learner-centred and democratic model of governance. They ensure that students from all social, cultural, religious and non-religious backgrounds are equally respected and included, and are actively involved in school decision-making. Through Ethical Education, students develop creative and critical thinking skills, explore issues of equality, justice and sustainability, and grow as active global citizens

An Foras Pátrúnachta

An Foras Pátrúnachta schools place the Irish language at the centre of school life and foster an ethos in which education through Irish, linguistic identity, culture and the development of the whole student are integral to the school's characteristic spirit.

Although these and other traditions articulate their values in different ways, each understands ethos as central to the educational experience offered by the school. Giving practical effect to that ethos is a shared responsibility exercised under the authority of the patron/trustees and carried forward by the board of management, principal, school leadership, staff, students and parents. It requires the school to align its strategic planning, policies, use of resources, recruitment and formation of personnel, teaching and learning, student support, ceremonies, language, environment and engagement with the wider community with its stated mission and values.

The characteristic spirit of a voluntary secondary school is lived within a changing society. It must be lived in a manner that remains faithful to the school's founding intention while responding thoughtfully to the needs of present and future generations.

2.1 THE PATRON/TRUSTEES OF THE SCHOOL AND ITS ETHOS

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

- Who is the patron of the school?
- Who are the trustees of the school?
- What was their founding intention?
- What is the religious or educational philosophy of the patron/trustees?
- What is the characteristic spirit of the school?
- How is that spirit evident in the day-to-day operation of the school?

Chapter 3

Setting Up the Board of Management

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CHAPTER 3
SETTING UP THE BOARD OF MANAGEMENT

The patron appoints the board of management under Section 14 of the Education Act 1998.

3.1 TERM OF OFFICE

The term of the board of management and its date of expiry is set out in the Articles of Management or governance documentation of the school. In the case of Catholic Voluntary Secondary Schools, article 3(d) states 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. (Article 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 composition of the board of management is set out in the Articles of Management or governance documentation of the school. In the case of Catholic Voluntary Secondary Schools, article 3(a) states that the board of management consists of eight persons, constituted as follows,

(i) Four members nominated by the patron/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. (Article 3 (a) and Education Act Section 14(4))

3.3 GENDER BALANCE

The patron/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. (Article 3 (f))

3.5 NOTIFICATION TO THE CHARITIES REGULATOR

The Charities Act 2009 requires all boards of management to register their school with the Charities Regulator and to comply with certain reporting requirements annually.

All schools are obliged to report on their financial activities and to facilitate this, the FSSU shares the required data with the Charities Regulator following receipt of the school accounts. Schools must review the information to ensure it is correct by the 30th June each year.

When a new board of management begins its term of office, or when there have been changes to the board's membership, these changes must be updated with the Charities Regulator.

3.6 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. (Article 11 (a))

3.7 NOMINATIONS BY THE TRUSTEES

The patron/trustees nominate four members of the board and appoints one of their nominees as chairperson.

3.8 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. (Article 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. (Article 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) 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 patron:** The principal will inform the patron/trustees of the names and addresses of the two parents elected and the patron/trustees will then appoint them to the board.
- **Co-option:** The patron/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. (Article 3 (b))

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

3.9 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. (Article-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 patron/ trustees who will then appoint the teacher nominees to the board.

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 patron/trustees might have resigned

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

- **Patron/trustee nominees**
  The patron/trustees will nominate a replacement
- **Teachers**
  The teachers will hold an election, as in Par 3.9 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.3.8 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. (Article 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 7 and, partially, in Article 8(b).

Section 16 of the Education Act 1998 provides that a patron/trustee or 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. 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 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 patron/trustees, to the Department of Education and Youth, to the parents, students 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 patron 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

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CHAPTER 4
EDUCATION & THE LAW: STATUTORY DUTIES OF THE BOARD OF MANAGEMENT

4.1 THE EDUCATION ACT, 1998

Boards of management have many statutory duties under legislation. This chapter is intended to highlight some of the key provisions which impose legal obligations on school boards. It is not intended to be an interpretation of the law, nor does it offer legal opinion. Where legislation is amended or new legislation is enacted which may have implications for schools or school governance, these will be highlighted in JMB bulletins.

4.1.1 Section 9 FUNCTIONS OF A SCHOOL

The functions of a recognised school are set out in section 9 of the Education Act 1998. 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 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,

(ba) cooperate with the National Council for Special Education in the performance by the Council of its functions under the Education for Persons with Special Educational Needs Act 2004 relating to the provision of education to children with special educational needs, including, in particular, subject to and in accordance with the provisions of this Act and any direction served by the Minister on the patron or the board as the case may be, under section 37A, by the provision and operation of a special class or classes when requested to do so by the Council, and any direction served by the Council under section 67(4B),

(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 students, 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, including for students with a disability or other special educational needs.

4.1.2 THE BOARD OF MANAGEMENT

Section 14(2)

The board "shall fulfil in respect of the school the functions assigned to that school by this 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 Section 15 FUNCTIONS OF THE BOARD

Section 15(1)

"It shall be the duty of a board to manage the school on behalf of the patron 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(2)

A board shall perform the functions conferred on it and on a school by this Act.

4.1.4 Section 15(2)(a) MINISTERIAL POLICY

The board shall do so in accordance with the policies determined by the Minister from time to time.

4.1.5 Section 15(2)(b) CHARACTERISTIC SPIRIT

The board shall "uphold the characteristic spirit of the school" and "be accountable to the patron for so upholding"

4.1.6 Section 15(2)(b) LEGISLATION

The board shall "act in accordance with any Act of the Oireachtas or any instrument made there under, deed, charter, articles of management or other such instruments relating to the establishment or operation of the school".

4.1.7 Section 15(2)(c) CONSULTATION WITH THE PATRON

The board shall "consult with and keep the patron informed of decisions and proposals of the board".

4.1.8 ADMISSION OF STUDENTS TO SCHOOLS

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".

Section 15(2)(db) provides that "the board shall ensure that the admission policy of the school accommodates the admission of children with a disability or other special educational needs".

Admission Policy

The admission policy must be prepared in accordance with section 62 of the Act. A template admission policy is available on the JMB website (www.jmb.ie). This template sets out all the provisions of the which are required to be included in a school's admission policy. Schools are advised that individual trust and patron bodies may also issue guidance to schools. Changes to legislation may require boards of management to amend their admission policies in accordance with the provisions in the Education Act 1998.

Annual Admission Notice

Section 61 requires schools 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 contains important information for parents regarding the application process, including access to the school's admission policy, the number of places being made available and key dates in the admission process.

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).

Section 15(2)(da) COOPERATION WITH NCSE

The Board shall "cooperate with the National Council for Special Education in the performance by the Council of its functions under the Education for Persons with Special Educational Needs Act 2004 relating to the provision of education to children with special educational needs, including, in particular, by the provision and operation of a special class or classes when requested to do so by the Council".

Section 15(2)(dc) COMPLIANCE WITH DIRECTIONS FROM NCSE AND CHILD AND FAMILY AGENCY

The Board shall "comply with any direction served on the board under section 37A and any direction served on the board under section 67(4B)".

Section 15(2)(e) DEMOCRATIC PRINCIPLES

The board shall "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)(f) RESOURCES AND ACCOUNTABILITY

The board shall 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, staff and the community served by the school".

Section 15(2)(g) STUDENTS WITH A DISABILITY or SPECIAL EDUCATIONAL NEEDS

The board shall "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".

4.1.9 Section 18 ACCOUNTS

The board shall "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:** The responsibilities of the board of management in respect of finance are set out in detail in chapter 6. Regular bulletins are published by the FSSU to advise boards of management and principals about changes to current practice, timing and other relevant issues.)

Section 19(4) INFORMATION ON PERFORMANCE OF THE BOARD'S FUNCTIONS

The board "shall supply the patron 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 20 INFORMATION FOR PARENTS

The board "shall establish procedures for informing the parents of students in the school 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 where one has been established ... and 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".

Section 21 THE SCHOOL PLAN

This section shall "make arrangements" for the preparation of a school plan and "ensure that the plan is regularly reviewed and updated".

The school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures which the school proposes to take to achieve those objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.

The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

Regular review of the school plan requires boards of management to take account of Department of Education and Youth initiatives and circular letters which are designed to promote current best practice.

The board is required "to make arrangements for the circulation of copies of the school plan to the patron, 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.

4.1.10 Section 24 APPOINTMENT OF TEACHERS AND OTHER STAFF

Subject to the conditions laid down in Section 24(1) of the Education Act 1998, 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".

Redeployment of teachers or other members of staff of a recognised school remunerated out of monies paid by the Oireachtas into another recognised school is addressed in section 24(5)(a) and (b) of the Act.

DISCIPLINARY PROCEDURES

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, 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*".

Where Department Circulars have been issued by the DEY, these circulars must be adhered to. Currently, DEY Circular 0049/2018, Revised Procedures for Suspension and Dismissal of Teachers and Principals, sets out the disciplinary procedures for teachers and principals and Circular 72/2011, Disciplinary Procedures and Grievance Procedures for SNAs, sets out the disciplinary procedures for SNAs. In the case of ancillary staff, the disciplinary procedure as set out in the employee's contract of employment should be followed.

Section 26 PARENTS' ASSOCIATION

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."

Section 27 FORMING A STUDENT COUNCIL

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 students who wish to establish a student council and the student council, where one has been established.

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.

Section 29 APPEAL AGAINST A DECISION OF THE BOARD

Section 29 provides the right of appeal to a parent or student aged 18 or over, 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,

   Information on the section 29 appeals is available here: https://www.section29appeals.gov.ie/

4.2 THE EDUCATION (WELFARE) ACT 2000

The Act established the National Educational Welfare Board (NEWB), now replaced by Tusla Education Support Service (TESS) of the Child and Family Agency.

Section 11(4) EDUCATIONAL WELFARE OFFICERS

This section requires the board, principal, teachers and other members of staff to assist an educational welfare officer in the performance of his / her functions.

Section 21(6) ANNUAL REPORT ON ATTENDANCE

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.

Section 22 SCHOOL ATTENDANCE STRATEGY STATEMENT

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 "shall issue guidelines to boards of management for the purposes of this Section".

The statement of strategy shall be included with the school plan which is prepared in accordance with section 21 of the Education Act 1998.

4.2.1 Section 23 CODE OF BEHAVIOUR

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.

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 any guidelines issued by TESS of the Child and Family Agency under section 23(3) of the Education (Welfare) Act 2000. Updated guidelines are expected to be published which will replace the 2008 Guidelines, "Developing a Code of Behaviour: Guidelines for Schools".

4.2.2 Section 24 EXPULSION OF A STUDENT

Section 24(1) provides that, where the board "is of the opinion that a student should be expelled from that school" 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) provides 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".

4.3 THE EQUAL STATUS ACTS 2000 - 2018

The Equal Status Acts promote equality and prohibit types of discrimination, harassment and related behaviour in connection with the provision of services. There are nine discriminatory grounds:

(i) Gender
(ii) Civil status
(iii) Family status
(iv) Sexual orientation
(v) Religion
(vi) Disability
(vii) Race
(viii) Membership of the Traveller community

Section 7 deals specifically with educational establishments, including schools.

4.3.1 DISCRIMINATION

Section 7(2) 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 to the school
(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

Admissions

Section 7(3) provides that a post-primary school does not discriminate under section 7(2) where -

- 7(2)(a) the school admits students of one gender only, it refuses to admit as a student a person who is not of that gender
- 7(2)(c) the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others,
- 7(2)(ca) the objective of the school is to provide education in an environment which promotes certain religious values, it refuses to admit a person who is not of a particular religious denomination and it is proved "that the refusal is essential to maintain the ethos of the school"

Section 7(4) provides that Section 7(2) does not apply

- "(a) in respect of differences in the treatment of students on the gender, age or disability ground in relation to the provision of or organization of sporting facilities or sporting events, to the extent that the differences are reasonably necessary having regard to the nature of the facilities or events, or
- (b) to the extent that compliance with any of its 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 an educational establishment of its services to other students"

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).

"'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 DUTY OF SCHOOLS

Under section 14(1) of the Education for Persons with Special Educational Needs Act 2004, the board shall:

(a) ensure that the school complies with Section 2 of the Act, which provides as follows -

"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."

Section 14(1)(c) states that the board of management shall co-operate 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.

Section 14(4) provides that a request for information under under subsection (1)(c) "shall be complied with within such period (not being a period longer than 1 month from the date of the request) as the Council specifies in the request".

4.5 OTHER RELEVANT LEGISLATION

4.5.1 THE BOARD AS EMPLOYER

As the board is the employer of all staff in the school, the board is subject to employment legislation in the same way as all employers. Some of the key pieces of legislation are set out below. This is not intended as being a full list.

The Terms of Employment (Information) Acts 1994–2014 requires employers to give employees certain information about their employment, such as a contract of employment, a job description, rate of pay and hours of work. This must be provided within four weeks of the employee commencing employment.

The Employment (Miscellaneous Provisions) Act 2018 requires employers to give employees information on the core terms of employment within five days of starting work.

The Payment of Wages Act 1991 gives employees the right to a pay slip showing their gross wages (total pay before deductions) and details of any deductions.

The Minimum Notice and Terms of Employment Acts 1973–2005 set out the minimum amount of statutory notice an employee must receive before termination of employment.

The Organisation of Working Time Act covers a number of employment conditions, including maximum working hours, annual leave and public holiday leave.

The Organisation of Working Time (Records) (Prescribed Form and Exemptions) Regulations 2001 require employers to keep records of:

- The number of hours employees work on a daily and weekly basis

- The amount of leave granted to employees in each week as annual leave or as public holidays
- Details of the payments in respect of this leave
- Employees' starting and finishing times.

4.5.2 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 and harassment on any of the nine prohibited grounds. The Act also prohibits sexual harassment. The discriminatory grounds are:

- 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 apply to prospective employees, current employees and former employees.

In addition, the EEA prohibit harassment on any of the discriminatory grounds and sexual harassment.

A Harassment and Sexual Harassment Policy has been prepared in accordance with *The Code of Practice on Sexual Harassment and Harassment at Work* (2022) issued by the Irish Human Rights and Equality Commission (IHREC) in accordance with the Employment Equality Acts 1998-2015.

This policy has been agreed between ASTI, TUI, FORSA and JMB. This policy is available on the JMB website and should be adopted by boards of management without amendment.

4.5.3 NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012

Schools are "relevant organisations" for the purposes of the Act. Section 12 provides that a "relevant organisation shall not—

"(a) employ (whether under contract of employment or otherwise) any person to undertake relevant work or activities,

(b) enter into a contract for services with any person for the provision by that person of services which constitute relevant work or activities,

(c) permit any person to undertake relevant work or activities on behalf of the organisation (whether or not for commercial or any other consideration),

(d) in a case where the relevant organisation is a provider of any course of education, training or scheme, including an internship scheme, place or make arrangements for the placement of a person as part of such education, training or scheme, if a necessary and

regular part of such placement requires the participation by the person in relevant work or activities,

unless the organisation receives a vetting disclosure from the Bureau in respect of that person.

(2) A person who contravenes subsection (1) shall be guilty of an offence."

The school must have received a vetting disclosure in respect of all employees prior to their taking up employment in the school. This legal requirement applies to employment of all durations, including short-term substitute positions. Failure to receive a vetting disclosure in respect of a person who will be carrying out relevant work or activities constitutes an offence under the Act.

Please refer to Chapter 5 on Child Protection for more information.

4.5.4 THE TEACHING COUNCIL ACT 2001

The Teaching Council (Information to be furnished by employer in case of dismissal or resignation of registered teacher) Regulations, 2023 (No. 230 of 2023) were published on 11 May 2023.

These regulations introduced a legal obligation on employers to provide particular information to the Teaching Council, as soon as practicable, in circumstances where a registered teacher is dismissed by his or her employer, or resigns and that resignation follows upon –

1. the making of a complaint in relation to that teacher (other than a complaint made in relation to a teacher under section 42 of the Teaching Council Act 2001 (No. 8 of 2001), or
2. the invoking of procedures under section 24 of the Education Act 1998 (No. 51 of 1998), or such other procedures as may be invoked, in respect of the teacher.

4.5.5 THE SAFETY, HEALTH AND WELFARE AT WORK ACT 2005

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, https://www.hsa.ie/eng/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.

An Anti-Bullying Policy for voluntary secondary schools has been prepared in accordance with the Code of Practice. This policy has been agreed between ASTI, TUI, FORSA and JMB. This policy is available on the JMB website and should be adopted by boards of management without amendment.

4.5.6 PROTECTED DISCLOSURES ACT 2014

Voluntary secondary schools are advised to maintain an Internal Protected Disclosures Reporting Policy in order to comply with the Protected Disclosures Act 2014, as amended. JMB has prepared a template policy, which has been prepared in accordance with the Protected Disclosures Act 2014, as amended by the Protected Disclosures (Amendment) Act 2022, and the Protected Disclosures Act Statutory Guidance for Public Bodies and Prescribed Persons, which issued from the Department of Public Expenditure and Reform in November 2023.

The policy provides a confidential process through which workers can report a relevant wrongdoing to their employer, ensures that disclosures are properly processed in accordance with legislation, and protects reporting persons from penalisation. As the Board of Management is the employer in a voluntary secondary school, it should ensure that suitable internal reporting channels and procedures are implemented and communicated to all workers.

For further information and a copy of the template Internal Reporting Policy please see Bulletin 28 of 2023/24.

4.5.7 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

4.5.8 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

THE CHARITIES ACT 2009

The Charities Act 2009 requires all boards of management to register their schools with the Charities Regulator and to comply with certain reporting requirements annually. The Registered Charity Number (RCN) should be displayed on the school's website, school headed paper and on any fundraising material used.

Where a school is established through the amalgamation of two or more schools, the Charities Regulator needs to be advised of the names and roll numbers of the amalgamating schools in order to ensure that the records held by it are accurate.

Annual Report

All registered charities must submit an Annual Report to the Charities Regulator each year. To assist schools, the FSSU provides financial information to the Charities Regulator, which is then pre-populated in the school's Annual Report form. Schools must review this information and confirm that it is accurate by 30 June each year.

Board members details

Schools are required to keep their board of management details up to date on their Charities Regulator account. Whenever a new board takes office or there are changes to board membership, the school should update these details promptly to ensure the Register of Charities remains accurate and up to date.

See the FSSU website for further information.

Chapter 5

Child Protection Procedures

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CHAPTER 5
CHILD PROTECTION PROCEDURES

Paramount among the functions of the board of management is the duty of care to students. This chapter sets out the various measures a board needs to implement to safeguard children and comply with the *Child Protection Procedures for Schools 2025* that are based on the Children First Act 2015.

5.1 STATUTORY OBLIGATIONS

The main statutory obligations on the 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 the Act
- Appoint a "relevant person" as the first point of contact in respect of the schools Child Safeguarding Statement. Chapter 4 of the Child Protection Procedures for Schools 2025 requires that the DLP shall be appointed to this role.
- Provide a copy of its Child Safeguarding Statement to members of school personnel and, where requested to parents, members of the public and to Tusla.

5.2 ADOPTION OF THE CHILD PROTECTION PROCEDURES FOR SCHOOLS 2025

The board of management should formally adopt and implement the *Child Protection Procedures for Schools 2025* published by the DEY. These procedures replace and supersede all previous procedures issued by the DEY.

5.3 APPOINTMENT OF DESIGNATED LIAISON PERSON AND DEPUTY DESIGNATED LIAISON PERSON

All boards of management must designate a senior full-time member of the registered teaching staff of the school as a designated liaison person (DLP) for the school. It is

expected that the DLP will usually be the principal, and it is recommended that where possible, this should be the case. *(Section 4.3.1, Child Protection Procedures for Schools 2025)*

It is also the responsibility of the board of management to designate one other member of the full-time registered teaching staff of the school (to be known as the deputy DLP/DDLP) to assume the responsibilities of the DLP, in the absence of the DLP. It is expected that, where possible, the DDLP will be a deputy principal of the school. *(Section 4.3.2, Child Protection Procedures for Schools 2025)*

5.4 CONFIDENTIALITY

Board of management members are also reminded of their duty to maintain the confidentiality of board meetings and must not disclose or discuss matters discussed at board meetings unless explicitly authorised by the board of management to do so. A board member who breaches this requirement may be removed from the board of management by the patron in accordance with the relevant provisions of section 16 of the Education Act 1998. They may not be protected in any legal proceedings taken against them by the general indemnity provided to board of management members under section 14(7) of the Education Act 1998. Any information or details that might identify a child or member of school personnel should not be recorded in the minutes of board of management meetings.

5.5 CHILD SAFEGUARDING STATEMENT

Section 11 of the Children First Act 2015 places a statutory obligation on all recognised schools, to prepare a Child Safeguarding Statement and to display it in a prominent place. In accordance with the Act this is a written statement which must:

- Specify the services being provided by the school.
- Specify the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the school's services is safe from harm.
- Include a written risk assessment of risk 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:
  - » in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service;
  - » for the selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children;
  - » for the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm;
  - » for reporting to Tusla by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with the Children First Act 2015

or the guidelines issued by the Minister under section 6 of the Act (i.e. Children First National Guidance 2017);

- for maintaining a list of the persons in the relevant service who are mandated persons;
- for appointing a relevant person as the first point of contact in respect of the provider's Child Safeguarding Statement. The board of management is obliged to prepare and display a Child Safeguarding Statement

The 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. Section 9.10.1 of the procedures notes that a copy of the Safeguarding Statement shall also be published on the school's website. Section 4.7.2 of the procedures affirms that the patron must be provided with a copy of the Child Safeguarding Statement and the notification regarding the annual review of the Child Safeguarding Statement.

Schools must also provide a student friendly version of the statement so that children know what to do or who to speak to if they have a concern. The name and photograph of the DLP shall be on the student friendly version of the statement. *(Section 9.10.2, Child Protection Procedures for Schools 2025)*

5.6 RISK ASSESSMENT

Under the Children First Act 2015 all boards of management are obliged to undertake a risk assessment in accordance with the Act. This assessment involves considering and documenting the potential for harm to come to children (referred to as risk) while they are in the school's care. The risk assessment process is intended to enable schools to identify potential risks of harm and to ensure that appropriate policies and procedures are in place to eliminate or reduce this risk of harm. The risk assessment template published by the Department of Education and Youth should be used when undertaking the risk assessment. It is available on www.gov.ie/childprotectionschools

5.7 REVIEW OF CHILD SAFEGUARDING STATEMENT AND RISK ASSESSMENT

Section 9.11.1 of the procedures stipulates that a school's Child Safeguarding Statement shall be reviewed each calendar year or as soon as practicable after there has been a material change in any matter to which this statement refers.

As part of the review of the school's Child Safeguarding Statement, the board of management shall specifically review the school's implementation of the 'Child Protection Procedures for Schools 2025'. The DEY has provided a qualitative review document that shall be used when conducting the annual review of the Child Safeguarding Statement. Supporting documents and templates for the review of the Child Safeguarding Statement, including consultation with parents, school personnel and children are available on www.gov.ie/childprotectionschools.

5.8 CURRICULAR PROVISION

It is the responsibility of all schools to contribute to the prevention of child abuse and neglect through curricular provision. In that context the Social, Personal and Health Education (SPHE) programme is a mandatory part of the curriculum for all students in Junior Cycle and must be fully implemented. The updated curriculum for Senior Cycle published by the NCCA in 2025 must be introduced in all schools by 2027. All post primary schools are also required to have a Relationships and Sexuality Education (RSE) programme at Senior Cycle pending introduction of the Senior Cycle SPHE curriculum.

5.9 TRAINING

The board of management shall ensure that all school personnel attend appropriate child protection training and retain a record of this training. Oide provides training for school personnel including teachers and DLPs/DDLPs. The JMB provides training for board of management members including chairpersons. Tusla has a range of elearning modules which can be accessed on www.Tusla.ie

5.10 RECRUITMENT PROCEDURES AND REQUIREMENTS FOR GARDA VETTING

School authorities must ensure compliance with the requirements of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department circulars in relation to Garda vetting of school personnel and other persons who undertake relevant work or activities with children or vulnerable persons.

5.11 OVERSIGHT BY THE BOARD OF MANAGEMENT

There is a very strong culture of child protection across our schools and the previous child protection procedures published in 2011, 2017 and 2023 put in place certain oversight measures to help support and reinforce that culture. The DLP acts as a key resource person to any member of school personnel who has a child protection concern, ensures that the reporting requirements of the *Child Protection Procedures for Schools 2025* are followed correctly and promptly and that all appropriate records are properly maintained.

At each board of management meeting, as a standalone item, the principal shall provide a Child Protection Oversight Report (CPOR) containing information under four headings as follows:

a) Allegations of abuse made against members of school personnel (see section 12.3.4);

b) Other child protection concerns in respect of students in the school (i.e. concerns that do not involve any allegation of abuse against a member of school personnel) (see section 12.3.5);

c) Child protection concerns arising from alleged bullying behaviour amongst students (see section 12.3.6);

d) Summary data in respect of reporting (see section 12.3.8).

If there are any cases to report under any of the headings, an in-person board of management meeting shall be convened to allow the CPOR to be provided, with no member joining the meeting by conference call or online. The CPOR shall not be provided at any board of management meeting that is held online or where the use of a conference call may be required to facilitate a board meeting, 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 out in sections 12.3.4, 12.3.5, 12.3.6 and 12.3.8 of the *Child Protection Procedures for Schools 2025*.

It should be noted that copies of records provided to the board of management 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. *(Section 12.2.1 Child Protection Procedures for Schools 2025)*

Board of management members are reminded that provisions relating to conflict of interest also apply to matters being considered under these procedures, and where there is a conflict of interest at any point, a board of management member should withdraw from all or part of a board meeting, as necessary.

Section 12.3.4 of the *Child Protection Procedures for Schools 2025* makes provision for circumstances where an allegation of abuse has been made against a current or former 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. In such circumstances the DLP shall, immediately at the point of the decision not to report, inform the chairperson of the board of management and the procedures as set out in *Chapter 7 of the Child Protection Procedures for Schools 2025* shall be followed.

5.12 ALLEGATION OF ABUSE AGAINST THE DLP

Where there is an allegation of abuse against the DLP, the chairperson of the board of management shall assume the role normally undertaken by the DLP under section 5.3 of the procedures and shall follow the procedures as set out in that section.

5.13 ALLEGATIONS AGAINST BOARD OF MANAGEMENT MEMBERS

Where an allegation or suspicion of child abuse regarding a member of the board of management has been reported by the DLP or employer to Tusla, the DLP shall inform the patron without delay that a report involving a board member has been submitted to Tusla and retain a record of doing so on the relevant case file. It is a matter for the patron to determine if any action is necessary regarding the member's continued role on the board

of management, including whether the patron shall exercise their powers under section 16 of the Education Act 1998.

5.14 ALLEGATIONS AGAINST SCHOOL PERSONNEL

Where the DLP is informed about an allegation or concern relating to a school employee, they shall follow the procedures set out in Chapter 5 and Chapter 7 of the *Child Protection Procedures for Schools 2025.*

5.15 PROTOCOL AUTHORISING IMMEDIATE ACTION – NEED FOR IMMEDIATE SAFEGUARDING

Section 7.3.6 of the *Child Protection Procedures for Schools 2025* sets out details of the protocol for authorising immediate action. The DLP may become aware of, or be informed by Tusla or An Garda Síochána of, a risk to a child or children that requires urgent safeguarding actions to be taken. This may occur during the course of a school day or just prior to the commencement of a school day.

In cases where the immediate absenting of an employee from the school is necessary, employers must have in place a written protocol for authorising immediate action (see Appendix 3 – Protocol Authorising Immediate Action). This protocol should be put in place by the employer and should be confirmed by the board of management as part of the completion of the Child Safeguarding Statement.

Where such an urgent safeguarding requirement requires an employee to be immediately absented from school, the steps as set out in Appendix 3 of the *Child Protection Procedures for Schools 2025* shall be followed.

As the protection and welfare of children is of paramount importance, regardless of all other considerations, keeping children safe in these circumstances means that the protocol may need to be activated immediately. In such circumstances, the activation of the protocol must not be delayed pending or contingent on the convening of a meeting of the board of management or the receipt of legal advice.

5.16 NON-COMPLIANCE WITH PROCEDURES

Section 12.3.3 of the Child Protection Procedures for Schools 2025 states that where the board of management has not complied with the procedures and has not reported a matter to Tusla, or directed the DLP to report to Tusla, in circumstances where Tusla has advised that such a report should be made, it shall notify the school patron in writing of this fact.

The minutes of the relevant board of management meeting shall record this action and a copy of the notification to the patron shall be retained. Failure by any member of school personnel to report a matter to Tusla where advised by Tusla to do so or to otherwise fail to comply with these procedures is a serious matter. It may be a disciplinary matter and should be reported to and dealt with separately by the employer in accordance with the relevant procedures.

5.17 CHILD PROTECTION INSPECTIONS

As part of the Department's oversight of the implementation of the *Child Protection Procedures for Schools 2025*, the Inspectorate checks on compliance with the key aspects of the procedures during all school inspections. The level of checks on compliance depends on the inspection being conducted.

Level one checks are conducted during Incidental Inspections, Subject Inspections, Programme Evaluations, Evaluation of Inclusive Practices and Provision for Children with Special and Additional Educational Needs and Follow-Through Inspections. The checks undertaken are as follows:

1. The name of the DLP, the Child Safeguarding Statement (CSS), and a student-friendly version of the CSS are prominently displayed near the main door of the school / in the reception area.
2. The school's child safeguarding statement has been ratified by the board and includes an annual review and a risk assessment.
3. All teachers visited were aware of who to go to if they had a child protection concern.

Level two checks are completed during Whole-school evaluations (WSE), Whole-school Evaluation – Management, Leadership and Learning (WSE-MLL), Evaluation of Action Planning for Improvement in DEIS Schools, Evaluation of Schools attached to Special Care Units and Child Detention Centres and Promotion of Wellbeing Evaluations. The checks undertaken at level one are conducted together with the following additional checks:

4. The school's child safeguarding statement meets the requirements of the *Child Protection Procedures for Schools 2025*.
5. The minutes of the last three board of management meetings contain a child protection oversight report in line with the requirements of the *Child Protection Procedures for Schools 2025*.
6. The board of management has ensured that arrangements are in place to provide information to all school personnel on the *Child Protection Procedures for Schools 2025*.
7. School planning documentation indicates that the school is making full provision for the relevant aspects of the curriculum (SPHE and RSE).
8. Child protection records are maintained in a secure location.

Level three checks are conducted during Child Protection and Safeguarding Inspections (CPSI) which focus on inspecting the implementation of the Child Protection Procedures

for Schools 2025. A CPSI consists of a single-day inspection by two inspectors, with follow-up activity by the reporting inspector where full compliance was not achieved. Two days' notice is typically provided for a Child Protection and Safeguarding Inspection. Notification is by phone call to the principal followed by an email outlining the details. Two surveys are administered as part of these inspections. These surveys seek to elicit the views of parents and students about culture and safeguarding measures in the school.

During the inspection the inspectors conduct meetings with the Designated Liaison Person (DLP), the Deputy Designated Liaison Person (DDLP), the chairperson of the board of management and a selection of school personnel. The inspectors review documentation including the school's child safeguarding statement and risk assessment, annual review documents, notifications and communication to school personnel, parents, parents' association and the patron. In addition, they review minutes of board of management meetings, including Child Protection Oversight Reports and a sample of child protection case files.

The Child Protection and Safeguarding Inspection conclude with a feedback meeting between the inspectors, the DLP/principal and the DDLP. At this meeting the inspectors discuss the findings of the inspection and afford the school an opportunity to respond to those findings. Shortly after the inspection the school receives the results of both surveys and receives a phone call from the reporting inspector to discuss them.

A draft inspection report follows to affirm the school's compliance or to support the school in becoming compliant by outlining the actions to be taken. One report, stating the level of compliance of the school on the day of the inspection, and the follow up activity (if required), issue to the school and is published on the gov.ie website.

The Inspectorate also conducts unannounced Child Protection and Safeguarding Inspections in a sample of schools. Further details on the Child Protection and Safeguarding Inspections are available in *A Guide to Child Protection and Safeguarding Inspections* which is published on the gov.ie website.

Chapter 6

The Powers & Responsibilities of the Board of Management

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CHAPTER 6
THE POWERS & RESPONSIBILITIES OF THE BOARD OF MANAGEMENT

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

- **The Education Act, 1998:-**
  "It shall be the duty of a board to manage the school on behalf of the patron 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).

  The board shall "at all times act in accordance with 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". Section 15(2)(b)

- **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", Article 2(a).

This chapter summarises the areas of responsibility of the board.

6.1 THE PATRON/TRUSTEES

The Patron/Trustees

The patron/trustees, through the Articles of Management, delegate power to the board of management, which 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 section 15(3) of 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".*

The Ethos of the School

Secttion 15(2)(d) states that the board shall "uphold, and be accountable to the patron 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".

The school shall be conducted in accordance with the religious and educational philosophy (the ethos) of the trustees. (Article 2(c))

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

Consultation

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

6.2 SCHOOL FINANCE

Section 18(1) provides that a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

Section 18(2) states that "accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of students in the school, in so far as those accounts relate to monies provided in accordance with section 12.

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 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).

6.3 THE BOARD AS EMPLOYER

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 and SNAs in accordance with the allocation from the DEY / NCSE and Department circulars
- ratifying the appointment, by the principal, of 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 ensuring that appropriate PAYE / PRSI returns are made to Revenue
- the promotion of teachers to assistant principal posts in accordance with relevant DEY circulars
- Dealing with grievances by teachers, SNAs and other staff at the appropriate stage
- Dealing with disciplinary matters at the appropriate stage of the relevant procedure
- preparation and implementation of and review of 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)
- supporting the on-going professional development of staff

6.4 WORKING WITH 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:-

- The board shall establish and maintain procedures for the purposes of informing students of the activities of the school.

- The board shall encourage the establishment by students of a student council and shall facilitate and give all reasonable assistance to students who wish to establish a student council and the student council, where one has been established.
- supporting students with special educational needs
- 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
- promoting school attendance and supporting student participation and engagement ,
- Consulting with students in the review of the Child Protection Procedures for Schools 2025, Bí Cineálta and other school policies as appropriate

6.5 WORKING WITH 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 students.

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

- The board shall establish procedures for informing the parents of students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff and a student council where one has been established 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 provided for under section 21.
- 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.”
- ensuring that the school complies with section 2 of the EPSEN Act
- consulting with parents in the preparation of the school plan and other relevant policies
- circulating copies of the school plan
- 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

  Ensuring that 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

6.6 SUPPORTING THE PROMOTION OF TEACHING, LEARNING, AND SCHOOL IMPROVEMENT

The board of management has an important role in providing governance, support and strategic oversight which enable school leaders to provide high-quality teaching, learning, wellbeing and inclusion. In carrying out this role, the board should maintain a strong focus on educational quality and school improvement, while recognising that responsibility for the day-to-day management of the school rests with the principal.

The School Plan

Section 15 of the Education Act 1998 places responsibility on the board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide, or cause to be provided, an appropriate education for each student. Sections 20 and 21 of the Act also provide for reporting on the operation and performance of the school and for the preparation and regular review of the school plan.

The Education Act 1998 does not prescribe the full content or format of the school plan. Section 21 requires the board to arrange for its preparation and regular review and expressly requires it to address objectives and measures relating to equality of access and participation. In subsequent guidance, the school plan has been understood more broadly as the framework within which the school's educational values and aims, policies, statutory requirements, priorities for development and strategies for improvement are brought together.

This planning exercise developed as a collaborative whole-school process through which the school plan is prepared, implemented, reviewed, and updated. It involves the board, principal, teachers, parents, students, and the wider school community. The board's role is one of governance and oversight: it should ensure that appropriate planning processes are in place, monitor progress, consider priorities for development and approve or ratify those policies and plans which require board approval.

School Self-Evaluation (SSE)

School Self-Evaluation (SSE) developed from this broader school development planning process. Circular 0040/2012 introduced SSE in post-primary schools as a more systematic process of reflection, improvement, and development. It describes SSE as a collaborative and reflective process in which the principal, deputy principal, and teachers, under the direction of the board of management and the patron/trustees and in consultation with parents and students, engage in reflective enquiry on the work of the school.

SSE is evidence-informed and focuses on identifying strengths, areas for improvement, and actions which will improve outcomes for students. In this sense it has a more explicit role in the improvement of teaching and learning.

The board should therefore be kept informed of the school's engagement with SSE, its identified priorities, the actions being taken, and the progress being made. It should exercise oversight of the process rather than direct its day-to-day implementation.

Department guidance also requires the board to ensure that a summary of the school's self-evaluation report and improvement plan is communicated to the school community.

Looking at Our School 2022: A Quality Framework for Post-Primary Schools

Looking at Our School 2022: A Quality Framework for Post-Primary Schools (LAOS) provides a common quality framework for SSE and the broader school planning process. It sets out standards for teaching and learning and for leadership and management which can be used to support reflection, SSE, school planning, and the identification of priorities for improvement.

LAOS provides a shared understanding of what effective and highly effective learning, teaching, and leadership and management practices look like. It is intended to support schools in their engagement with school self-evaluation (SSE) and informs external evaluation by the Inspectorate.

The framework identifies four domains of leadership and management:

- Leading learning and teaching
- Managing the organisation
- Leading school development
- Developing leadership capacity

In relation to leading learning and teaching, LAOS identifies four standards:

1. Promote a culture of reflection, improvement, collaboration, innovation, and creativity in learning, teaching, and assessment.
2. Foster a commitment to inclusion, equality of opportunity, and the holistic development of each student.
3. Manage the planning and implementation of the school curriculum.
4. Foster teacher professional learning that enriches teachers' practice and students' learning.

Board Meetings and The School Plan

For board purposes, school planning should therefore be understood broadly. It includes the development and review of school policies and statutory requirements, school self-evaluation, the identification and implementation of improvement priorities, consideration of inspection findings and the ongoing review of the school's overall direction and performance. The school plan, incorporating School Self-Evaluation, and teaching and learning, using the standards of highly effective practice set out in LAOS should be a standard item on the agenda of board meetings.

Depending on the stage reached in the school's planning and evaluation processes, this may include consideration of:

- progress in relation to school self-evaluation
- school improvement priorities and progress towards agreed objectives
- relevant aspects of Looking at Our School 2022
- the development and review of school policies
- teaching and learning

- inclusion, wellbeing, attendance and student voice
- leadership development
- progress in implementing recommendations arising from inspections and other evaluations.

The Board's Role in Inspections

- The board has a direct role in a number of inspection models. In a Whole-School Evaluation – Management, Leadership and Learning (WSE-MLL), inspectors meet with the board of management, and the board is invited to make a presentation as part of the evaluation process.
- Following the evaluation, inspectors meet with members of the board to provide feedback. The board also has a role in the factual verification and school response stages of the inspection report process, as appropriate.
- When an inspection report is finalised, the board and senior management should consider its findings and recommendations and plan for any actions required. The board should maintain oversight of the implementation of recommendations and monitor progress on an ongoing basis. Inspection findings may also inform the school's self-evaluation process and its planning for improvement and development.
- The Inspectorate sends a copy of finalised inspection reports, via email, to the principal, the chairperson of the school's board of management and the patron/trustees of the school.

Chapter 7

Meetings of the Board of Management

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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 patron/trustees. The principal will act as secretary to the board.

7.2 THE ROLE OF THE CHAIRPERSON

- 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. (Article 10)
- The chairperson should consult with the secretary to the board who draws up the agenda for meetings.
- The chairperson has the discretionary power to summon special meetings of the board. (Article 13 (a))
- When workplace procedures are invoked, (for example the Complaints Procedure, the Grievance Procedure, disciplinary procedures, complaints relating to dignity in the workplace or other procedures), it is very 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 from the JMB before involving the board. Procedural errors may lead to unnecessary complications and compromise the board in subsequent deliberations.
- 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 – not less than seven days prior to the meeting 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 provide an update on the operation of the school at each meeting,
- to provide the Child Protection Oversight Report to the board.
- to prepare minutes of each meeting
- to prepare and circulate agreed reports to staff, students and parents/guardians
- to keep the board informed of key issues and risks which may affect the operation of the school
- 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. (Article 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.

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

Such a paid official will continue to perform his/her other duties and shall not be a member of the board. (Article 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 is advisable.
- **Second Schedule**
  A written statement of the ethos/educational philosophy or charter of the patron/trustees of the school
- A briefing on the work of the previous board including matters which need to be addressed by the new board.
- Details of staffing

- Details of the curriculum provided and programmes offered
- The school plan and existing policies
- An update on current educational issues
- APTCS Video - Role of Patron / Trustee – APTCS
- An overview of the school finances
- The board should provide for the establishment of a finance sub-committee
- The board should implement the protocol authorising immediate action as set out in Chapter 7 of the Child Protection Procedures for Schools 2025.
- The board of management of a recognised school has the authority to suspend a student. The board should consider if authority to suspend will be delegated to the principal. Where this authority is delegated to the principal, the delegation should be done formally and in writing. It should state any limits on that authority. (Developing a Code of Behaviour: Guidelines for Schools, NEWB page 7)

The Board should further consider if authority will be delegated to the principal, with the approval of the Chairperson of the Board, to impose a suspension of up to five days in circumstances where a meeting of the board cannot be convened in a timely fashion (Developing a Code of Behaviour: Guidelines for Schools, NEWB page 75)

7.5 FREQUENCY OF MEETINGS

The board is obliged to meet at least once in every school term. (Article 9). In practice, most boards hold a meeting each month during the school year.

In addition to ordinary meetings, extraordinary 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. (Article 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. (Article 25)

Online/Virtual Meetings

Board of management meetings should, insofar as practicable, be conducted in person. The board may, where necessary, convene online meetings. However to facilitate effective discussion, collective decision-making and the discharge of the board's governance responsibilities in-person meetings are preferable. In the case of online meetings, the chairperson should ask attendees to confirm that they are attending in private and that the meeting is not being recorded electronically.

Where a meeting is scheduled to take place online and the CPOR report includes any report other than a nil report, the meeting cannot proceed online and must be held in-person.

Chapter 12 of the *Child Protection Procedures for Schools 2025* confirms that if there are any cases to report under Child Protection, an inperson board of management meeting shall be convened to allow the CPOR to be provided, with no member joining the meeting by conference call or online. The CPOR shall not be provided at any board of management meeting that is held online or where the use of a conference call may be required to facilitate a board meeting, 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 out in sections 12.3.4, 12.3.5, 12.3.6 and 12.3.8 of the *Child Protection Procedures for Schools 2025.*

7.7 QUORUM

At every meeting of the board, at least four members must attend to form a quorum. (Article 9)

7.8 VOTING

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

However, should a vote be necessary, each of the members in attendance 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. (Article 12)

Only the decision should be recorded in the minutes.

7.9 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. (Article 6 (a))

7.10 NO SUBSTITUTION

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

7.11 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. (Article 14 (b))

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

7.12 SAMPLE AGENDA

The notice and agenda should include the following:-

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

AGENDA

1. Apologies
2. Conflict of Interest
3. Minutes
4. Matters arising
5. Correspondence
6. Reports of sub-committees
7. Financial Report

8. Staffing
9. Report from AMCSS regional meeting
10. Principal's Report (school events and achievements, ethos)
11. Teaching, Learning and School Improvement
12. Child Protection Oversight Report
13. Bí Cineálta Report
14. Report on Suspensions
15. Report on Restraint
16. On-line Claims System (OLCS) Report
17. Report from the Student Council
18. Report from the Parents' Association
19. School Facilities (projects, maintenance, health and safety, rental of facilities)
20. Any Other Business
21. Date for Next Meeting
22. Agreed Report

7.13 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 Conflict of Interest

At the commencement of each meeting, members of the board shall declare any actual, potential or perceived conflict of interest in relation to any item on the agenda. A member who has made such a declaration shall withdraw from the meeting for the duration of the board's consideration and determination of the relevant matter.

3 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. (Article 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.

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 of board meetings must be retained securely in the school. The minutes are fundamental records with no expiry date and should be retained permanently for the lifetime of the school. At each meeting, the draft minutes of the previous meeting are read, unless they have previously been circulated.

The minutes should include a record of items discussed, decisions taken and actions agreed. Electronic copies of meetings must be password protected.

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.

4 Matters arising from the Minutes

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

5 Correspondence

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

This might include:-

- circulars from the (DEY)
- acknowledgements of letters received
- confirmation of appointments
- request for hire of rooms and decision taken

Many DEY 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.

6 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.

7 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", sections 18(1) and (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" (DEY 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 by 28th February each year.

A copy of the annual audited or certified accounts is also submitted to the patron/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).

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.

8 Staffing

Under this heading, the board should receive and consider a report from the principal on relevant personnel matters, including approved staffing allocations, vacancies, recruitment, staff absences, applications for statutory or other leave, substitute or temporary cover arrangements, retirements, resignations and any other staff-related matters. The board will be asked to ratify or approve proposed appointments including appointments to middle-leadership and senior leadership positions.

All such matters should be addressed in accordance with applicable legislation, Department of Education and Youth requirements, agreed procedures and the principles of confidentiality, data protection and fair process.

9 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.

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, functions, extra-curricular and co-curricular activities, etc.

The principal should report on initiatives that promote and sustain the characteristic spirit and ethos of the school.

The principal is required to provide confirmation to the board of the correct deployment of SET resources. Appendix A of Circular 0064/2024 should be used for this purpose.

11 Teaching, Learning and School Improvement

The board should receive and consider a report on teaching, learning and school improvment, including curriculum provision, programme and subject-choice arrangements, and an analysis of student achievement, including performance in the State Examinations. The report should address provision for students with special educational needs, the promotion of student wellbeing, and measures to support student attendance, participation and engagement. In addition, the board should receive an update on the School Self-Evaluation (SSE) process, including identified priorities, improvement targets, actions implemented and progress achieved.

12 Child Protection Oversight Report

Please refer to chapter 5.

13 Bí Cineálta Report

At each meeting of the board of management the principal must present an update on the number of incidents of bullying behaviour and the measures taken to prevent and address bullying behaviour. The purpose of the update is to inform discussion at board level on the effectiveness of the measures that the school is taking to prevent and address bullying behaviour and the effectiveness of the school's Bí Cineálta Policy. The update must include the following:

- the number of incidents of bullying behaviour that have been reported since the last meeting
- the number of incidents of bullying behaviour that are currently ongoing
- the number of incidents of bullying behaviour that have been reported since the beginning of the school year

14 Report on Suspensions

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

15 Reporting Physical Restraint

The Guidelines on Understanding Behaviours of Concern and Responding to Crisis Situations state that "where a physical restraint has been used in a school, the incident must be reported to the school principal and, subsequently, to the board of management".

Circular 0042/2026 notes that boards have an important role in providing oversight of student behaviour in their schools. Any reports of the use of physical restraint from teachers/other school staff to the board should be carefully reviewed. If there are any child protection concerns arising from the report received from the teacher/other member of staff, these should be reported to Tusla or An Garda Síochána.

16 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.

17 Report from the Student Council

A regular report from the student council should be presented to the board.

18 Report from the Parents' Association

A regular report from the parents association should be presented to the board.

19 School Facilities

The board should receive and consider a report on matters relating to school buildings and facilities, including capital projects, building works, maintenance and repair programmes, health and safety compliance, and the security of the school premises. The board should also be informed of arrangements for the use or rental of school facilities by external groups, including any associated financial, insurance and safeguarding considerations.

20 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.

21 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.

22 Agreed Report

While the business of the board is confidential this does not prohibit the board from issuing an agreed report to teachers, parents/guardians and patrons/trustees.

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

7.14 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”.

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 contribute 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.

7.15 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.

7.16 CONFIDENTIALITY

- 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. (Article 14(d))
- Particular care must be taken to preserve confidentiality in all matters pertaining to child protection (see chapter 5)
- Information given to the board by the principal about students or staff members should never be discussed outside of a board meeting.
- This obligation to confidentiality does not prevent the board from issuing an agreed report as outlined above.

7.17 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".*

7.18 THE BOARD AS A BODY CORPORATE

Under section 14(2) of the Education Act 1998, *"each board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name".*

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.

7.19 INDEMNITY

The actions and decisions of a board of management are protected under school insurance policy, subject to the board acting in good faith within the terms of the relevant legislation and the Articles of Management or governing document. 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 patron/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) 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 or governing document, individual members are not exposed to personal claims brought against them.

Chapter 8

The Role of the Principal & Deputy Principal

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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 which are outlined in sections 22 and 23 in the Education Act 1998

8.1.1 THE EDUCATION ACT, 1998

Section 22 - Functions of Principal and Teachers

Section 22(1) states:

"*The Principal of a recognised school and the teachers in a recognised school, under the direction of the Principal, shall have responsibility, in accordance with this Act, 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 of the school for that management,

(b) provide leadership to the teachers and other staff and the students of the school,

(c) be responsible, together with the board, parents of students and the teachers, for the creation in the school of an environment which is supportive of learning among the students and which promotes the professional development of the teachers,

(d) under the direction of the board, and in consultation with the teachers, the parents and, to the extent appropriate to their age and experience, the students, set objectives for the school and monitor the achievement of those objectives, and

(e) encourage the involvement of parents of students in the school in the education of those students and in the achievement of the objectives of the school.

Section 23(2) - Powers

This Section states:

"For the purpose of carrying out his or her functions under this Act, a Principal of a recognised school shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with—

(a) such policies as may be determined from time to time by the board of the school, and

(b) regulations made under this Act"

Section 23(3) - Membership of Committees

"The Principal of a recognised school shall be entitled to be a member of any and every committee appointed by the board of the school."

Section 23(4) - Consultation with Staff

"Wherever practicable, the Principal of a recognised school shall, in exercising his or her functions under this section, consult with teachers and other staff of the school."

Section 26(2) - Parents' Association

"A parents' association shall promote the interests of the students in a school in co-operation with the board, Principal, teachers and students of a school and for that purpose may –

(a) advise the Principal or the board on any matter relating to the school and the principal or board, as the case may be, shall have regard to any such advice, and

(b) adopt a programme of activities which will promote the involvement of parents, in consultation with the Principal, in the operation of the school."

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

A principal or board "shall supply the patron 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".

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 board of management, principal, teachers and other members of staff shall "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 Register

This section obliges the principal to remove a child's name from the school register on receipt of written notification from Tusla that the child's name has been entered on the register of all children in receipt of education in a place other than a recognised school.

Section 18 - Notification of Reasons for Absence

This section requires a parent to notify the principal 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:

(a) to maintain a register of all students attending the school

(b) to enter the child's name, date of first attendance and such other particulars as may be prescribed by the Minister

(c) to inform, in writing, the principal of the child's former school of the new registration

(d) 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

(e) to notify the principal of the child's new school of:

  (i) any problems relating to school attendance that the child concerned had and

  (ii) such other matters relating to the child's educational progress as the principal considers appropriate

(f) 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.

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.

Education (Welfare) Act 2000, Section 24(3) — Expulsion of a Student

Where a school has notified an Educational Welfare Officer of its opinion that a student should be expelled, Section 24(3) provides:

"For the purposes of subsection (2), the educational welfare officer concerned shall, as soon as may be after receiving the said notification—

(a) make all reasonable efforts to consult with the principal of the school concerned or a person nominated by him or her, the student concerned and his or her parents, and such other persons as the educational welfare officer considers appropriate, and

(b) convene a meeting attended by him or her of such of those persons as agree to attend such meeting."

8.1.3 PROVIDING FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS

In relation to the provision of an inclusive education, school leaders should refer to: *'Guidelines for Post-Primary Schools – Supporting Young People with Special Educational Needs in Mainstream Classes.'* Guidelines for PostPrimary

These guidelines state:

The principal and other school leaders have the responsibility for establishing, promoting, and implementing inclusive whole-school policies and procedures, which are supportive of the learning of all young people, including those with special educational needs. The school principal has a primary role in modelling, promoting, and building whole school staff capacity to maintain effective inclusive practice throughout the school. The principal ensures that the board of management is kept fully informed on the deployment of special education teaching resources.

The principal oversees how the resources, including human resources, and special education teaching hours, which are provided to the school to support young people with special educational needs, are used to ensure that the young people with the greatest level of need have access to the greatest levels of support. The principal may delegate specific functions to other members of the staff.

In accordance with Department of Education and Youth Circular 0064/2024:

"The board must ensure that special education teaching resources are used for their intended purpose only to support children and young people with special educational needs in their school."

Furthermore, **"the principal ensures that the board of management is kept fully informed annually on the deployment of special education teaching resources."**

A template form is provided in the circular "for [the] Principal's Confirmation to Board of Correct Deployment of SET Resources". This form can be accessed here.

In the implementation of the special education teaching model, the principal establishes a core special education teaching team to assist in providing an effective and holistic response to young people's needs. The principal can allow time for the core team to identify, plan, review, monitor, and coordinate provision for young people with special educational needs. This time should be used appropriately to ensure that there is minimal impact on the provision of targeted and high-quality special education teaching support for young people with special educational needs who have been identified on the School Provision Plan for Young People with Special Educational Needs.

8.2 WORKING WITH THE BOARD

Certain functions are reserved to the board and must be exercised by it in accordance with the relevant legislation, Articles of Management, Department guidelines and circulars. These include, for example, particular decisions relating to the appointment or dismissal of staff, the expulsion of a student, and the approval of the annual budget and accounts.

Other functions may be delegated by the board to the principal. In addition, the principal has statutory and professional responsibilities arising from his or her office, including responsibility for the day-to-day management of the school and for providing leadership to teachers, other staff and students. The principal is accountable to the board for the day-to-day management of the school.

It is important that there is clarity as to:

- matters reserved to the patron/trustees (as outlined in Chapter 1)
- matters which must be decided by the board
- functions which the board has delegated to the principal
- functions which arise from the principal's own statutory or professional responsibilities

In carrying out the day-to-day management of the school, the principal has a central role in areas including teaching and learning, school self-evaluation, the implementation of board policies and the adherence to statutory obligations and Department circulars. Where a matter requires a decision or review by the board, the principal should provide the board with the information and professional advice necessary to enable it to discharge its responsibilities.

The principal, as secretary to the board should prepare the agenda for board meetings in consultation with the chairperson and in accordance with the Articles of Management.

Recommended governance practice:

The chairperson and principal may also find it useful to maintain an annual schedule of statutory reviews, policy reviews, recurring reports and other matters requiring consideration by the board. The principal is responsible for sharing the agreed report of each ordinary board meeting, with staff, parents, and students.

8.3 ACCOUNTABILITY AND REPORTING TO THE BOARD

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. (Article 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. (Article 22)

These provisions reflect the distinction between the principal's responsibility for the day-to-day management of the school and the board's governance and oversight responsibilities.

8.4 THE ROLE OF THE DEPUTY PRINCIPAL

Together, the principal and deputy principal(s) constitute the senior leadership and management team of the school.

As a member of the senior leadership team, the deputy principal carries out the duties assigned to the post in accordance with the relevant Department circulars and contractual arrangements. The deputy principal therefore has both a leadership role and responsibility for the management and administrative functions assigned to the post.

The deputy principal deputises for the principal during his/her absence, in accordance with the arrangements applying to the school.

REVIEW OF DUTIES

The duties of the deputy principal(s) will be reviewed periodically by the principal and deputy principal(s), 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.

TEACHING HOURS

In accordance with circular 04/98, 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

Appendices

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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

_____

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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 Youth 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 Youth 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.

APPENDIX 5
A VISION FOR CATHOLIC SCHOOLS IN IRELAND

This vision document outlines the identity and mission of the Catholic School in Ireland. Catholic Schools provide a unique, vibrant, nurturing environment for students, their families, the Church, and wider civil society. The Catholic vision of education, inspired by the Gospel, commits to forming the whole person in a community rooted in reason, faith, hope, love and action. Each Catholic School expresses this vision in its own context and in every aspect of school life.

The Catholic School

INVITES all into a personal relationship with Jesus Christ who with the help of the Holy Spirit, leads us to a life of friendship with a God who is love (1 John 4:8,16). Such friendship is lived out and nourished by participation in the community of believers that is the Church. The Catholic School actively nourishes and accompanies each person in the joys and sorrows of their spiritual journey and in their search for meaning and purpose in life. It respects those who find meaning in other faith traditions and secular worldviews. The school community grows together through shared dialogue and reflection, active listening and a culture of encounter. Opportunities for discernment, silence, prayer, liturgy, and the Sacraments are integrated into the rhythm of the school day and liturgical year.

SHINES gently in a vibrant, interconnected educational constellation. The Catholic School is part of a local and global community of learning where schools, families, parishes, and wider society align for the good of each student and for the common good of all. The Catholic School actively supports and works in partnership with parents as primary educators, to ensure each child flourishes. It is a welcoming, living environment where the Catholic vision respectfully permeates all aspects of life, fostering a profound sense of community and shared mission.

NURTURES a love of learning. Integrating faith and reason, the Catholic School encourages all to find wonder in the world around them. It strives for excellence in learning and teaching for all. It encourages critical thinking, discernment, creativity and discovery through an exploration of truth, goodness and beauty. In a Catholic School, Religious Education stands as a core subject within a broad, innovative and integrated curriculum. Teaching is understood as a sacred art where all those who work in schools inspire all by their witness and daily example.

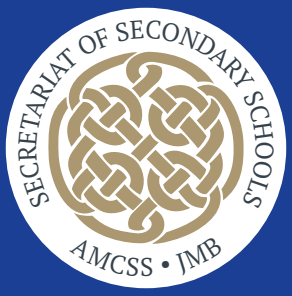
DIGNIFIES the person. The Catholic School recognises and affirms the fundamental dignity of each individual person 'created in the image and likeness of God' (Gen 1:27) and the capacity of everyone to reach their God-given potential

to 'live life to the full' (John 10:10). The Catholic School focuses on the holistic development of each person—spiritually, intellectually, emotionally, socially, and physically. It honours the uniqueness of each person, recognising all people to have a shared dignity as infinitely loved children of God.

BUILDS a culture of welcome, inclusion, joy, celebration, and hope, permeated by Gospel values and a spirit of freedom, truth, justice, and love. In the Catholic School, learning happens in community. A sense of belonging, security and connectedness is nurtured. Catholic Schools prioritise cooperation, teamwork and collaboration, understanding every person's complementary gifts, roles and responsibilities in the community and in the Church.

WEAVES Social and Environmental Justice into the life of the Catholic School. Inspired by the Gospel calling to build the Kingdom of God and enlightened by Catholic Social Teaching, a Catholic School inspires all to become agents of change. A sense of collective responsibility and solidarity is cultivated. The poor, those who suffer from injustice and the many who dwell on the margins of life are given special care. All are called to promote peace, forgiveness, reconciliation, and the care of creation.

NAVIGATES new spaces with discernment and creativity. The Catholic School seeks to provide a moral compass and inspire all to find new ways to live the Gospel in an ever changing and complex world. It recognises that every generation faces new opportunities and new challenges. A Catholic School strives to provide a hope-filled space where such opportunities and challenges might be understood and navigated for the future flourishing of the individual, the faith community and society as a whole.



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