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# Board of Management Handbook

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*for Education and Training Boards  
and  
Boards of Management of ETB Schools  
and Community Colleges*



**etbi**  
Education and Training  
Boards Ireland  
*Boird Oideachais agus  
Oiliúna Éireann*

# **Education and Training Boards and ETB Boards of Management of Schools and Community Colleges**

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## **FOREWORD BY MINISTER FOR EDUCATION AND SKILLS**

I am pleased to be associated with this handbook for ETBs and Boards of Management of ETB Schools and Model Agreement Community Colleges.

Recent years have seen great changes in the education sector, most particularly in relation to the work previously undertaken for more than 80 years by the Vocational Education Committees (VECs), now restructured as Education and Training Boards (ETBs) with an expanded remit to include training and the provision of support to other education providers. The Education and Training Boards Act (2013) constitutes one of the most significant strategic developments in education or training since the establishment of the VECs in 1930.

In many other respects, the educational landscape has changed quite significantly since the first edition of this handbook was published in 2004 so its revision is timely.

The Handbook draws together in one document a wide range of information and guidance and provides those who govern and manage ETB schools/colleges with a comprehensive guide to their responsibilities and functions.

Education and Training Boards Ireland (ETBI) is to be commended for compiling and publishing the Handbook which will be of great assistance to everyone involved on, or with, Boards of Management.

**Jan O’Sullivan TD**

**Minister for Education and Skills**

**October 2015**

## **Introduction**

While an ETB is the body corporate for all schools, colleges and centres established and maintained under its patronage, ETBs delegate many management functions and responsibilities to boards of management. Board members therefore need to fully understand these responsibilities and functions. This is particularly appropriate in view of the raft of legislation, circulars, guidelines and procedures that impact on education provision at second level.

This handbook is a key element in the framework of guidelines and procedures for the sector and, in this regard, should be read in conjunction with the Code of Practice for the Governance for Education and Training Boards.

To facilitate the continuous updating of the handbook as new legislation, circulars and guidelines emerge, the handbook is being published online only. In this sense, the handbook provides ETBs and members of boards of management with a constantly up-to-date resource.

On behalf of ETBI, I wish to acknowledge the work undertaken by the ETBI Board of Management Handbook Review Group under the chairmanship of Sean Burke. The Review Group, which involves members of the reserved and executive sides of ETBs and members of the ETBI secretariat, worked extremely hard on updating the handbook and I have every confidence that their work will enhance immeasurably the contribution that boards of management make to the work of their schools and colleges.

The ETBI Board of Management Handbook Review Group project, involving the development of the Brief Guide and the Know Your School booklet template, together with the associated training programme for boards of management, has the potential to really change the way boards of management operate in the ETB sector.

ETBI is particularly appreciative of the support received from the Department of Education and Skills in the development of this handbook and associated materials and training.

**Pat Gilmore, President ETBI**

**October 2015**

## **Members of the Board of Management Handbook Review Group**

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## Glossary of Terms

### Articles and Instrument of Management

- **Instrument of Management** (Section B of this Handbook) outlines matters regarding the role, powers, functions, establishment, dissolution, membership and operation of school/college boards of management. Essentially the Instrument of Management sets out the broad roles powers and functions of a board of management. The Instrument of Management needs to be read in conjunction with the Articles of Management.
- **‘Articles of Management’** (Section C of this handbook) set out the specific duties and responsibilities of a school/college board of management. Essentially the Articles of Management set out the specific ways in which a board of management discharges its functions and responsibilities.

**‘Board’** means a board of management of an ETB school or college.

**‘Body Corporate’** means a body which can sue and be sued in its own name.

**‘ETB’** means an Education and Training Board.

**‘Chief Executive’ (CE)** means the chief executive officer of the ETB.

**‘College’** means a Model Agreement (Designated) Community College.

**‘Deputy Principal’** means the Deputy Principal of a school or college.

**‘DES’ or ‘the Department’** means the Department of Education and Skills.

### **‘Executive and Reserved Functions’**

- The [Education and Training Boards Act 2013](#) specifies particular management functions as being the responsibility of the Executive and Reserved sides of the ETB respectively, where the ‘Executive’ refers to the CE and his/her staff and the ‘Reserved’ side refers to the Board of the Education and Training Board. [Section 12](#) of the Education and Training Boards Act 2013 specifies the functions of the Reserved side and [Section 13](#) allocates all other functions to the Executive side.

**‘Minister’** means the Minister for Education and Skills.

**‘Model Agreement (Designated) College’** means an ETB school where the management of the school is governed by a specific agreement between the ETB (formerly VEC) and a ‘Trustee Partner’ - the local diocese and/or a religious congregation or other recognised school patron. The Model Agreement refers to the agreement between the ETB and the ‘Trustee Partner’ – an agreement that as well as giving the ‘Trustee Partner’ a role in the management of the school gives the ‘Trustee Partner’ a role in determining the school’s characteristic spirit. While Model Agreement

(Designated) Colleges involve a 'trustee partner' the ETB is the patron.

'Parent' means a parent as defined in the Education Act, 1998.

'Patron' means the person or body of persons recognised as such by the Minister for Education and Skills as defined by Section 8 of the Education Act, 1998. In the case of an ETB school, the ETB is the patron. The Patron (ETB) appoints a board of management to manage the school/college. A register of patrons is kept by the Department of Education and Skills.

'Principal' means the Principal of a school or college.

'School' means an ETB school.

'Student' means a person enrolled at a school/college.

'Trustee Partner' means a recognised school patron who is a party to a model agreement with an ETB for the management of a designated community college. Though the ETB is the sole patron for such a college, the 'Trustee Partner' has an explicit role in the management of the school (representation on the board of management and teacher selection panels) and a role in determining the characteristic spirit of the school/college.

'Competent Religious Authority' means such an Authority within a particular diocese or relevant locale.

'C&AG' means Comptroller and Auditor General.

'Internal Audit Unit - ETBs' means the ETB Internal Audit Unit

'Recognised school' means a school/college which is recognised by the Minister in accordance with **Section 10** of the Education Act, 1998.

'TUSLA' means [The Child and Family Agency](#) - established on 1 January 2014. It has responsibility for improving wellbeing and outcomes for children and, inter alia, incorporates what was previously the National Educational Welfare Board (NEWB).

This handbook has been compiled with reference to and taking due account of the provisions of the following.

- Education and Training Boards Act, 2013
- Education Act, 1998
- Education (Welfare) Act, 2000
- Education for Persons with Special Educational Needs Act (2004)
- Code of Corporate Governance for ETBs
- All Relevant Legislation, DES Circular Letters, Procedures and Guidelines
- Employment related legislation



## Handbook Structure

This handbook is divided into three sections as follows.

- Section A – ETB as school/college patron** This Section of the Handbook addresses the functions of the ETB as patron and the relationship between the ETB and a board of management.
- Section B – Instrument of Management** This section of the Handbook deals with matters relating to the role, powers, functions, establishment, dissolution, membership and operation of a school/college board of management. This section should be read in conjunction with the Articles of Management, as set out in Section C.
- Section C – Articles of Management** This section of the Handbook deals with the specific duties and responsibilities of a school/college board of management. Essentially the Articles of Management set out the specific ways in which a board of management discharges its functions and responsibilities.

**This online handbook incorporates a range of supporting documentation which provides detailed up-to-date guidance regarding the work of an ETB school/college board of management.**

**Given that DES circulars, procedures and other guidance documents are constantly being updated, it is important that users of this handbook have access at all times to the most up to date information regarding their functions and responsibilities.**

## Preamble

The purpose of this handbook is to set out the functions and responsibilities of Boards of Management in ETB Schools and Colleges. While these functions and responsibilities are set out in legislation, Department of Education and Skills (DES) circulars and other guidance documents, board members also have a responsibility to act ethically and in the best interest of the school/college and its students at all times.

[Section 15](#) (1) of the Education Act (1998) clearly states that:

*'It shall be the duty of a board to manage the school/college on behalf of and in cooperation with 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/college for which that board has responsibility'.*

An ETB school/college board of management should understand that, while the Board provides support to the principal and/or the school/college, its primary role is one of management/governance.

Irish is to be regarded as the working language for all boards of management in Gaeltacht post-primary schools and Gaelcholáisti under the patronage an ETB.

Sections B and C of this handbook use the terms 'Instrument' and 'Articles of Management'. The Instrument of Management sets out the functions and responsibilities of a board of management. On the other hand, the Articles of Management set out the specific ways in which the functions and responsibilities of a board must be exercised in managing a school/college.

For example, the Instrument of Management states at Paragraph 1 that a school 'shall provide education to students which is appropriate to their abilities and needs ... and shall ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for'. This broad commitment is addressed, in practical terms, in Paragraph 7 of the Articles of Management which deals with the school plan. This article specifies that a board of management has responsibility for ensuring that a school plan, which, inter alia, provides that provides for 'equality of access to and participation in the school/college by students with disabilities or who have other special educational needs', is prepared and regularly updated.

The role of the Chairperson of a board of management is dealt with in Paragraph 12 of Section B of this handbook. The Chairperson of a board of management has a key role in school governance. It is his/her task to ensure that procedures are observed and that every member of the board of management has an opportunity to be heard and to make his/her unique contribution to the

management of the school/college. It is crucial that a board chairperson develops positive working relationships with all members of the Board and the Principal, thus maximising the effectiveness and efficiency of school/college management.

A board of management functions well when all board members are aware of and accept their functions and responsibilities and act accordingly. Furthermore, it is the duty of board members to use their skills and knowledge to the benefit of the school/college, the students and their parents.

Sections A, B and C of this handbook are based primarily on relevant legislation. The supporting documentation included in the handbook's appendices, draws on a wider range of sources, in particular, circulars and other guidelines and procedures published by the DES and the ETB.

For general advice about matters relevant to all school/college boards of management **see**

**Appendix 1**

## **Section A: The ETB as patron and the relationship between the Patron and the Board of Management**

### **I. Patron of School/College – [Section 8](#) Education Act 1998**

- I. **In accordance** with Section 8 (4) of the Education Act, 1998, in the case of a school or college established or maintained by an Education and Training Board (ETB) that ETB shall be the patron of the school/college for the purposes of the Act and shall discharge all the functions of the patron as set out in this and other relevant legislation.
- II. Section 8 (6) sets out that the patron of a school/college shall carry out the functions and exercise the powers conferred on the patron by the 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/college.
- III. The executive functions of the ETB as patron shall be performed by the CE in accordance with sections 13 and 15 of the [Education and Training Boards Act, 2013](#).

### **2. Recognition of School/College – [Section 10](#) Education Act, 1998**

- I. In accordance with section 10 (1) of the Education Act, 1998, on a request being made for that purpose by the patron, the Minister may from time to time designate a school/college or a proposed school/college to be a school recognised for the purposes of the Act.
- II. In accordance with section 10 (2) of the Education Act, the Minister may designate a school/college or a proposed school/college to be a school recognised for the purposes of the Act where the Minister, on a request being made for that purpose by the patron of a school or a proposed school, is satisfied that:
  - (a) the number of students who are attending or are likely to attend the school/college is such or is likely to be such as to make the school/college viable,
  - (b) in the case of a proposed school/college, and having regard to the desirability of diversity in the classes of school operating in the area likely to be served by the school/college, the needs of students

attending or likely to attend the school/college cannot reasonably be met by existing schools/colleges,

- (c) the patron undertakes that the school/college shall provide the curriculum as determined in accordance with [Section 30](#) of the Act,
- (d) the patron agrees to permit and co-operate with regular inspection and evaluation by the Inspectorate,
- (e) the school/college complies, or in the case of a proposed school/college shall comply, with health, safety and building standards as are determined by law and any further such standards as are determined from time to time by the Minister, and
- (f) the patron agrees that the school/college shall operate in accordance with such regulations as may be made by the Minister from time to time under [Section 33](#) of the Act and with this Act and with any other terms and conditions as may reasonably be attached to recognition by the Minister.

III. Section 10 (3) provides that a school/college, on the commencement of this section, is in receipt of funds provided by the Oireachtas in respect of-

- (a) the education activities for students of that school/college, or
- (b) the remuneration of teachers in that school/college,

shall be deemed to be a school/college recognised in accordance with this section.

IV. In accordance with section 10 (4) the Minister may from time to time designate a place to be a centre for education.

### **3. Withdrawal of Recognition - [Section 11](#) Education Act, 1998**

Section 11 of the Education Act, 1998, provides for a procedure of withdrawal and restoration of a school's/college's recognition.

### **4. Annual Funding - [Section 12](#) Education Act, 1998**

Under section 12 (4) of the Education Act, 1998, the Minister shall make an annual financial allocation to the ETB for schools/colleges established and maintained by the ETB. The ETB, in turn, shall make appropriate funding allocations to its recognised schools/colleges.

## 5. Relationship between ETB and ETB School/College board of management

[Section 44\(18\)](#) of the Education and Training Boards Act 2013 states that *'the acts of every committee established under this section ... shall be subject to confirmation by the education and training board that established it, save where the Minister otherwise directs.'* This requirement can be satisfied as follows.

- ETBs formally (by resolution of the ETB) provide all boards of management of schools/colleges with terms of reference. Sections B and C of this handbook suffice as terms of reference. Boards of management then operate within these terms of reference.
- The secretary of a board of management shall, within seven days after every meeting of a board of management, send to the ETB a copy of the draft minutes of the proceedings of such meeting together with a copy of the adopted minutes of the previous board meeting.

## Section B: Instrument of Management of an ETB School/College

*Management functions in (B) and (C), other than personnel matters, are assigned to a board of management as a committee established by the ETB in accordance with relevant legislation.*

**Note:** The term 'college' is used throughout this document to refer to a Model Agreement (Designated) College, where the management of the college is governed by a specific agreement between the ETB (formerly VEC) and the local diocese and/or a religious congregation or other trustee partner. **Where there is a difference between the instrument of management for a school and a college,** the provisions relating to the college are highlighted as in this box.

### 1. Functions of School/College – [Section 9](#) Education Act 1998

In accordance with [section 9](#) of the Education Act, 1998, 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,
- (c) ensure that students have access to appropriate guidance to assist them in their educational and career choices,
- (d) promote the moral, spiritual, social, and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school,
- (e) promote equality of opportunity for both male and female students and staff of the school,
- (f) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters,
- (g) ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education,
- (h) in the case of schools located in the 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 [Section 33](#) of the Education Act 1998,
  - (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 attainment levels and academic standards of students,
  - (l) establish or maintain contacts with other schools and colleges and at other appropriate levels throughout the community served by the school/college,
  - (m) subject to the 1998 Act, and in particular [Section 15](#) (2)(d), establish and maintain an admissions policy which provides for maximum accessibility to the school,
  - (n) promote, insofar as is reasonably practicable, educational opportunities for persons living in the area in keeping with national policies on lifelong learning.

The Board of Management must work collaboratively with the school principal, who is Secretary to the Board, to facilitate the school/college in the exercise of these functions.

## **2. The Inspectorate – [Section 13](#) Education Act 1998**

The provisions of Section 13 of the Education Act, 1998, shall apply as appropriate to schools/colleges under the patronage of the ETB. For information and guidance in relation to school and subject inspections see **Appendix 2**.

## **3. Establishment of Board**

- (1) The ETB is the body corporate for all schools established or maintained under its patronage in accordance with [Schedule 3](#) of Section 9 (7) of the Education and Training Boards Act, 2013 and [Section 14](#) (2) of the Education Act, 1998.
- (2) It is the duty of the ETB as patron for the purposes of ensuring that each of its schools is managed in a spirit of partnership to establish a board the composition of which is agreed between ETBs, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers and the Minister.
- (3) A board constituted as provided for in the instruments and articles of management shall



be established under [Part IV](#) of the Education Act, 1998, and [Section 44](#) of the Education and Training Boards Act, 2013.

- (4) A board established under Part IV of the 1998 Act and section 44 of the 2013 Act shall consist of not more than 12 members and may consist partly of members who are members of the ETB concerned and partly of members who are not members of the ETB concerned.
- (5) The members of a board shall be formally appointed by the ETB in its capacity as patron of the school.
- (6) The nomination and election of incoming members of a board shall be made and done at least fourteen calendar days before the date of expiry of the term of office of an existing board, and a board, so constituted, shall assume office forthwith on that expiry date. However, on the election of a new ETB, an incoming board shall become effective on being constituted by such ETB. These arrangements shall at all times be in accordance with procedures in the Instrument and Articles of Management.
- (7) Existing or former members of a board shall be eligible for nomination or election provided that they have retained their qualifications for such nomination or election.
- (8) The Minister, with the agreement of the ETB, national associations of parents, recognised school management organisations and recognised trade unions and staff organisations representing teachers, shall prescribe matters relating to the appointment of a board.
- (9) When making appointments to a board established under [Part IV](#) of the 1998 Act, and [Section 44](#) of the Education and Training Boards Act, 2013, the ETB shall comply with directions given by the Minister in respect of appropriate gender balance.
- (10) As provided for in the 1998 Act [Section 14](#) (7) no action shall lie against a member of a board in respect of anything done by a member in good faith (acting in accordance with the provisions set out in this handbook is significant here) and in pursuance of the above mentioned Acts or any regulation made by the Minister or the ETB.
- (11) Where the ETB determines that the appointment of a board in accordance with [Part IV](#) of the Education Act 1998 and [Section 44](#) of the 2013 Act is not practicable, the ETB shall inform the parents of students, the teachers and other staff of the school and the Minister of that fact and the reasons therefor at the time of such determination and,

thereafter, if a board is not so appointed, the ETB shall, from time to time or as requested by the Minister, inform the parents, teachers and other staff and the Minister of the reasons therefor.

#### 4. Membership of Board

A board of a school/college shall consist of not more than 12 members nominated or elected as set out hereunder.

**Note:** All members of school/college boards of management must be formally appointed to a board of management by the ETB, irrespective of whether they are parent, teacher or board of management nominees. This requirement applies to the filling of casual vacancies as much as to the establishment of a board.

(a) School: three/four members shall be nominated by the ETB. The members so nominated are hereinafter referred to as 'the ETB's Nominees'. Such nominees can be persons who are not serving members of the ETB. In February 2015, pursuant to Sections 44(11) and 44(12)(c) of the Education and Training Boards Act 2013, the Minister for Education and Skills directed that boards of management of schools and other centres of education established by an education and training board under section 44 may consist exclusively of members who are not members of the education and training board by which they were established.

**College:** three members shall be nominated by the ETB. The members so nominated are hereinafter referred to as 'the ETB's Nominees'.

(b) **College:** three members shall be nominated of the Bishop/Trustee Partner in the diocese or area of the college. These three nominees are hereinafter referred to as 'the Bishop's Nominees' or 'the Trustee Nominees' as appropriate.

(c) **College:** other Religious representation on a board will be considered by the ETB where requests for representation are received. A person so appointed is hereinafter referred to as the 'other Religious Nominee'.

(d) Two parents, one female, one male, of students who are currently enrolled in the school shall be elected by the parents of the aforementioned students through a process organised by the school management.

The parents, so elected, are hereinafter referred to as "the Parents' Nominees".

[In a stand-alone Further Education College, instead of parent nominees, two adult students (one male and one female) may be elected by the student body, through a process organised by the school management, to sit on the board of management. The adult students, so elected, are hereinafter referred to as “the Students’ Nominees”].

- (e) Two members, one female, one male, of the school’s teaching staff shall be elected by all the teachers serving in the school at the time, and acting as one body for the purpose of such election. The teachers so elected are hereinafter referred to as “the Teachers’ Nominees”.
- (f) On the occasion of the setting up of a new board or at a subsequent date, the ETB may, on the nomination of the school board of management, appoint an additional person/s to the board of management in order to facilitate relevant partnership and inclusive representation to support the educational remit of the particular school. In this regard a board may nominate a representative/s from primary schools within the school’s catchment area, or from local associations/organisations, or from industry/commerce, or from students over the age of 18 years who are currently enrolled in the school, to fill an additional place/s. The person/s so nominated by the board of management and appointed by the ETB is/are hereinafter referred to as ‘the Board of Management’s Nominee/s’.

**College:** On the occasion of the setting up of a new board, or at a subsequent date, the ETB may, on the nomination of the college board of management, appoint an additional person/s to the board of management in order to facilitate relevant partnership and inclusive representation to support the educational remit of the particular college. In this regard a board may nominate a representative/s from primary schools within the school’s catchment area, or from local associations/organisations, or from industry/commerce, or from students over the age of 18 years who are currently enrolled in the school, to fill an additional place/s. The person/s so nominated by the board of management and appointed by the ETB is/are hereinafter referred to as ‘the Board of Management’s Nominee/s

- (g) Other than already provided for in (d) and (e) above, gender balance shall be respected and Ministerial direction in this regard complied with in the composition of a school board.

## **5. Term of Office of a Board**

- (1) The term of office of a school/college board shall normally be for the term of office of the ETB, other than in the case of a newly established school/college.

## **6. Vacancy in Membership of Board**

A vacancy occurring in the membership of a board of management shall be filled for the remainder of the term of office by the ETB appointment of a member nominated or elected by the body which had nominated or elected the person who had ceased to be a member.

## **7. Quorum for Board Meetings**

- (1) A minimum of four members shall be required to form a quorum for a meeting of a board of management.
- (2) If fifteen minutes after the time appointed for a meeting, a sufficient number of members to form a quorum is not present, or if at any time during a meeting a quorum is not maintained, or if at any meeting the business is not completed, the meeting shall stand adjourned until a later date and a special meeting shall be summoned as soon as may be convenient.
- (3) Any meeting may be adjourned by resolution.

## **8. Functions of a Board of Management – [Section 15](#) Education Act, 1998**

- (1) It shall be the duty of a board of management to manage the school/college on behalf of and in cooperation with the ETB 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/college for which that board has responsibility.
- (2) A board shall adopt the educational scheme for the school/college within approved resources in each year and shall have the opportunity to contribute to the service and education plans of the ETB.
- (3) A board shall perform the functions conferred on it by [Section 15](#) of the Education Act, 1998, and by its status as a [Section 44](#) committee of the ETB under the Education and Training Boards Act, 2013 and in carrying out its functions shall:
  - (a) do so in accordance with the policies determined by the Minister and the ETB

from time to time;

- (b) uphold, and be accountable to the ETB for so upholding, the characteristic spirit of the school/college 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/college, and 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/college;
- (c) consult with and keep the ETB informed of decisions and proposals of the board, and act in accordance with the board of management's management functions, outlined in the instrument and articles of management;
- (d) publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school/college concerning admission to and participation in the school, including the policy of the school/college relating to the expulsion and suspension of students and admission to and participation by students with disabilities or students who have other special educational needs, and ensure that principles of equality and the right of parents to send their children to the school/college of the parent's 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/college and the constitutional rights of all concerned, are complied with;
- (e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society;
- (f) have regard to the efficient use of resources (and in particular, the efficient use of monies provided by the ETB for the benefit of students in the school/college), the public interest in the affairs of the school/college and accountability to students, their parents, the ETB, particularly as provided for in relevant articles of management and ETB procedures, staff and the community served by the school/college, and
- (g) use the resources provided to the school/college from monies provided by the ETB to make reasonable provision and accommodation for students with a disability

or other special educational needs, including, where necessary and with prior ETB approval the alteration of buildings and provision of appropriate equipment.

- (4) A board shall, as soon as may be after its appointment, make arrangements for the review, adoption, amendment (if appropriate), of the existing school plan or shall make arrangements for the preparation of a school plan (See [Part B Section 7](#) below) and shall ensure that it is regularly reviewed and updated – see [Section 21](#) Education Act, 1998.
- (5) A school board of management has specific responsibility (following consultation with principal, teachers, and parents) for preparing a Code of Behaviour for the students registered at the school - [Education Welfare Act 2000, S 23\(1\)](#). A code of behaviour shall specify - [Section 23 \(2\)](#):
- the standards of behaviour that shall be observed by each student attending the school;
  - the measures that may be taken when a student fails or refuses to observe those standards;
  - the procedures to be followed before a student may be suspended or expelled from the school concerned;
  - the grounds for removing a suspension imposed in relation to a student; and
  - the procedures to be followed relating to notification of a child’s absence from school.

**See also, TUSLA [NEWB Guidelines](#) on Developing School Code of Behaviour.**

- (6) A school board of management has specific responsibility in relation to the expulsion, suspension or refusal to enrol a student. These are set out in sections 10, 11 and 12 of the **NEWB Guidelines**. Detailed guidance for boards of management in relation to dealing with expulsion, suspension or refusal to enrol a student is available in **Appendix 3**.
- (7) For the avoidance of doubt, nothing in these articles shall confer or be deemed to confer on a board of management any right over or interest in the land and buildings of the school/college for which that board is responsible.

For general advice about matters relevant to all school/college boards of management see Appendix 1

## **9. Termination of Board Membership**

- (1) Any member of a board of management who:

- a) is absent from six consecutive meetings of the board (or its subcommittees) or all meetings of the board over the course of a six month period, except for reasons approved by a board, or
- b) is incapacitated from acting in line with the provisions of [Section 34](#) of the Education and Training Boards Act, 2013, or
- c) ceases to hold the appropriate qualification for membership of the board, or
- d) communicates in writing to the secretary of a board a wish to resign, shall thereupon cease to be a member of the board of management.

**10. Board Dissolution or Board Member Removal by ETB**

- (1) In accordance with [Section 16](#) of the Education Act, 1998 an ETB may with the consent of the Minister
  - (a) for good and valid reasons stated in writing to a member of a board remove that member from that office, or
  - (b) if satisfied that the functions of a board are not being effectively discharged, dissolve that board.
- (2) Where the ETB proposes to remove a member of a board from that office or to dissolve a board, the ETB shall inform the member or board by notice in writing of the ETB's intention and the reasons therefor.
- (3) If, at the end of a period of one month after the date of the notice provided for in subsection (2) the ETB, having considered any representation made to it by or on behalf of the member or a board, remains of the view that the member should be removed from office or that a board should be dissolved then the ETB may, subject to the approval of the Minister, by notice in writing and stating its opinion and the reasons therefor, remove the member from office or dissolve a board as appropriate pursuant to [Section 16](#) of the Education Act, 1998, and [Section 44](#) of the Education and Training Boards Act, 2013.
- (4) A copy of every written notice issued under this section and any representations made to the patron shall be delivered to the Minister as soon as may be after it has been made.
- (5) Whenever the ETB dissolves a board, the ETB may subject to the approval of the Minister, appoint any person or body of persons as the ETB thinks fit to perform the

functions of a board.

- (6) Where the ETB removes a member of a board the resulting vacancy will be filled in accordance with regulations made under [Section 14](#) (6) of the 1998 Act, or as provided for under [Section 44](#) of the 2013 Act.
- (7) The ETB shall provide, in accordance with [Section 16](#) (7) of the 1998 Act, for the re-establishment of a board under [Section 44](#) of the 2013 Act not later than six months following the dissolution or such longer period as the ETB, with the consent of the Minister, considers appropriate and when a new board has been established the functions of a dissolved board shall be re-vested in a new board and shall cease to be functions of the person or body of persons, if any, appointed under subsection (5) above.

**11. Dissolution of Board of Management by Patron (ETB) at request of Minister - [Section 17](#) Education Act, 1998**

(1) Where

- (a) the Minister is satisfied that the functions of a board are not being effectively discharged, or
- (b) a board wilfully neglects to comply with any order, direction or regulation of the Minister given or made under the Education Act, 1998, or
- (c) a board fails to comply with any judgement or order of any court of competent jurisdiction,

the Minister may, by notice in writing, require the ETB to dissolve a board for reasons stated in such notice and the ETB shall dissolve a board accordingly as soon as possible after the date of such notice pursuant to [Section 17](#) of the Act of 1998, and [Section 44](#) (15) of the Education and Training Boards Act 2013.

(2) Before the Minister serves a notice as provided for in (1) (C) above, he or she shall inform a board and the ETB of his or her intention to do so and shall consider any representations made to him or her or on behalf of a board or the ETB within one month of informing a board and the ETB.

(3) Whenever the ETB dissolves a board under this section, subsections (5) and (7) of [Section 16](#) of the Education Act, 1998, and subsection 15 of [Section 44](#) of the Education and Training Boards Act, 2013, shall apply.



## **12. Chairperson of Board**

The members of a board shall, at their first meeting, elect one of their number as chairperson of their meetings for the balance of that school year. An election for chairperson shall thereafter take place at the first meeting of each school year or after a vacancy has arisen. If the chairperson is absent from any meeting for a period of fifteen minutes after the officially designated commencement time of the meeting the voting members present shall, before any other business is transacted, choose one of their number to preside at that meeting. Where, at an election of chairperson, there is an equality of votes for two or more persons, one of those persons shall be elected by lot, i.e. first name drawn shall be deemed elected.

## **13. Secretary of Board**

- (1) The Principal shall be secretary of a board. In the absence of the Principal, the Deputy Principal shall attend and act as secretary. The secretary of a board shall not be entitled to vote.
- (2) Where a board is established before a Principal is appointed, or in the event of the absence/non-availability of a Principal, or Deputy Principal, the CE or his/her nominee shall act as secretary for the time being.

**Further information regarding the role of the Secretary to the Board of Management is available at Appendix 4 and a template Principal's Report to the Board of Management is included at Appendix 5.**

## **14. Meeting of Board**

- (1) A board shall meet regularly, at least five times during the school year and hold such other meetings as may be necessary in the discharge of its duties.
- (2) A meeting of a board may be convened at the request in writing of any five of its members.
- (3) The CE or his/her delegated officer under [Section 16](#) of the Education and Training Boards Act, 2013, shall have the right to attend meetings of a board but shall not have the right to vote.
- (3) In the case of a designated community college, the trustee partner or his/her representative shall be entitled to attend the board of management meeting but shall not have the right to vote.

- (4) The Chief Inspector or his/ her nominee shall have the right to report to any meeting of a board in accordance with [Section 13](#) of the Education Act, 1998.

#### **15. Convening a Meeting**

- (1) Seven clear days at least before a meeting of a board, the secretary to the board shall issue a notice to attend the meeting to all board members. This notice, which shall set out the agenda (**see template agenda for a board of management meeting at Appendix 6**) for the meeting, shall be posted or emailed, as appropriate, to the address that has been provided to the secretary of the board for this purpose.

Where a meeting of the board is being requested by any five of its voting members, in accordance with 14 (2) above, the aforesaid request shall be signed by the five members convening the meeting and an original copy of the request provided to the Secretary. The secretary shall subsequently issue a notice convening the meeting as provided for above.

- (2) The names of the members present at a meeting of a board shall be recorded in the minutes of that meeting.

#### **16. Minutes of Meeting**

The minutes (**see Template Minutes at Appendix 7**) of the proceedings of a board shall be kept by the Secretary. The minutes shall be open to inspection by the Minister and the ETB. The secretary of a board shall within seven days after every meeting of a board send to the ETB, **and in the case of a Model Agreement (Designated) College to the Bishop/Trustee Partner to the Model Agreement**, a copy of the draft minutes of the proceedings of such meeting together with a copy of the adopted minutes of the previous board meeting.

#### **17. Confidentiality**

Confidentiality is required in respect of the business of a board of management and no public disclosure of the business of a board may be made without the authority of that board. In this respect, boards are advised to develop a policy for dealing with matters of a sensitive nature. As a matter of good practice, a board may decide to issue an agreed report of board meetings to the parents and staff of the school/college.

## **18. Voting**

Every decision taken at a meeting of a board of management, except as provided for in **20** below of this instrument, shall be determined by a majority of the votes of the members present and voting on the question. In the case of an equal division of votes the Chairperson of the meeting shall have a second or casting vote save where the question is the election of the chairperson of a board.

## **19. Members of Board not Financially Interested in School/College**

- (1) Members of a school board of management are subject to the same ethical standards and obligations as may from time to time be prescribed in DES Circular Letter (**currently [C/L 0018/2015](#)**) and in the Code of Practice attached to such circulars for the Governance of Education and Training Boards.
- (2) Except in special circumstances, with the approval in writing of the Minister, no member of a board of management shall take or hold any interest in any property held or used for the purposes of the school or receive any remuneration for his/her services as a member of a board, or be interested in the supply of work or goods to or for the purposes of the school/college.

## **20. Rescinding Resolutions**

Any resolution of a board of management may be rescinded or varied at a subsequent meeting, provided all members of the board have been given not less than seven days' written notice of the intention to rescind or vary the resolution, and of the terms of the proposed rescinding or varying motion.

Where the resolution proposed to be rescinded or varied was passed during the previous six months, the notice of the intention to rescind or vary the resolution circulated to members of the board shall be signed by three members of the board. No resolution passed at any board meeting shall be rescinded at any subsequent meeting unless the motion to rescind or vary receives a two-thirds majority of the members present and voting.

## **21. First Meeting and Validity of Board Procedures**

- (1) On the occasion of the establishment of a school/college the first meeting of a board shall be summoned by the ETB within one month after the board has been constituted.

- (2) On the occasion of the establishment of a school/college when all the members of the board have not yet been elected / nominated, the members shall act as a full board under a duly elected pro tem chairperson until a full board is constituted. When the composition of a board is complete a chairperson shall be elected.
- (3) The proceedings of a board shall not be invalidated by a vacancy in its membership or by any defect in the election, appointment or qualification of **any** member of that board.

## **Section C: Articles of Management of an ETB School/College**

### **1. Status and Purpose of Board**

- (1) The school/college shall be managed by a committee of the ETB to be known as the board of management, established under [Section 44](#), subsection 1(a) of the Education and Training Boards Act, 2013, and in accordance with the provisions of [Part IV](#) of the Education Act, 1998, and the Education and Training Boards Act, 2013.
- (2) The school/college shall use its available resources to provide access to a comprehensive system of post-primary education, open to all young people in the community, as set out in Section 1 of the [Instrument of Management](#) above. A school/college will also provide on-going learning opportunities for persons living in the area in keeping with national policies and strategies on lifelong learning.

### **2. Finance**

- (1) The financial affairs of a school/college shall at all times be managed and conducted in compliance with the law, [Code of Practice for the Governance of Education and Training Boards](#), regulations, DES Circular Letters, procedures and best practice guidelines set out by the DES and the ETB. The ETB will have regard for the recommendations of the VSSU.
- (2) A board shall keep all proper and usual financial records of income and expenditure of all monies due/received by it and expended and in accordance with any direction issued by the ETB. The ETB shall ensure that in each year a board shall report and certify income and expenditure in accordance with best accounting practice and in a format specified by the ETB.
- (3) Accounts kept in pursuance of this section shall be made available by the school/college concerned for inspection by the Minister, the ETB, the VSSU, the C&AG, and by the parents of students in the school/college.
- (4) A board shall keep all accounts as directed by the ETB. A board shall submit to the CE, before the 31<sup>st</sup> day of May or before a date specified by the ETB in each year, an estimate in such form as may be required, of the income and expenditure required for the following financial year. Subsequently, due provision shall be incorporated in the ETB's annual financial scheme and service plan in accordance with good corporate governance practice and submitted to the Department of Education and Skills.

- (5) On receipt of the Department's annual financial allocation, the ETB shall allocate a budget to the school/college. A board of management shall plan and oversee the expenditure of the approved budget subject to compliance with regulations and procedures laid down by the ETB/DES. A board of management's expenditure shall not exceed the amount approved under any head in any year without the previous consent of the ETB, and shall comply with any directions which may, from time to time, be given by the ETB relating to all accounts, financial records and statements.
- (6) The ETB shall provide the school/college, from time to time, with monies for the petty cash account, up to an agreed amount. A board of management shall authorise a Principal to make petty cash disbursements in the name of the school/college in accordance with the ETB's financial procedures.
- (7) The ETB shall pay the salaries of the authorised full-time and part-time teaching and non-teaching staff of the school/college in accordance with the regulations of the Department of Education and Skills and the procedures prescribed by the ETB. The board of management shall ensure that all returns in respect of staff attendances/absences are submitted to the ETB in accordance with the directions and timescales issued by the ETB.

### **3. Returns**

A board shall forward to the ETB such returns and reports as may be required from time to time by the ETB, the Minister and, in the case of a Model Agreement College, the Bishop/Trustee Partner.

### **4. Premises and Equipment**

- (1) The ETB shall be responsible for the erection of the school/college buildings, for the development of the school/college premises, and for expenditure on the initial equipping of the school/college (furniture, books and apparatus in the school and other school materials).
- (2) A board shall be responsible for the maintenance and upkeep of the school/college premises and grounds out of the annual financial allocation provided by the ETB.
- (3) A board shall, in consultation with the Principal, be responsible for carrying out minor repairs and for the choice and replacement of books, stationery, furniture and other materials for the school/college and such articles may, within the limits of the estimates

approved for any year by the ETB and, subject to such regulations as the ETB shall from time to time prescribe, be ordered by a board. The board may delegate its function in this respect to the Principal, subject to such conditions as it thinks fit to impose.

- (4) Receipts for equipment and other articles ordered for the purpose of the school/college shall be verified only by the Principal or such other person or persons nominated for that purpose by the Principal.
- (5) The ETB shall make payment for expenditure properly incurred upon receipt of certified returns from the board of management or the Principal.
- (6) A board shall ensure that a record (in a format approved by the ETB) of stock (equipment, furniture, books, apparatus, etc.) is maintained and updated in respect of gifts, acquisitions and disposals. A board shall have an inventory of stock in the school/college taken annually. Following consideration of the stock-taking report, the board of management shall make a submission on the report to the ETB.
- (7) A board shall concern itself with the condition and state of repair of the school/college premises. With respect to major repairs and alterations to the school/college premises, the work shall be subject to the prior approval of the ETB and carried out under the direction of the ETB.
- (8) The board has responsibility for determining the use of the school/college buildings or grounds for community purposes at times which do not affect school/college work. Regulations and conditions governing the use of the premises for community purposes shall be prepared by a board for the approval of the ETB and shall be subject to alterations from time to time with the approval of the ETB. The regulations and conditions will consider the issue of all costs (direct/indirect) and insurance requirements.

**5. Report on operation of Board – [Section 19](#) Education Act, 1998**

- (1) Where the ETB is of the opinion that the functions of the board of management are not being effectively discharged, the ETB shall inform the board of that opinion and the reasons therefor.
- (2) Having considered any representations by the board the ETB or the Minister may authorise any person or persons as the ETB or the Minister may deem appropriate to report to the ETB or the Minister or both on any matter arising from or relating to the operation of that board.

- (3) Any person appointed to prepare a report under this section shall be entitled at all reasonable times to enter any premises occupied by the school concerned and shall be afforded every facility and co-operation by the board, the Principal, teachers and other staff of the school/college, including access to all records, to perform his or her functions.
- (4) The Principal or board shall supply the ETB and the Minister with such information regarding the performance of the board's functions as the Minister or the ETB may from time to time require.
- (5) Where either the Minister or the ETB proposes to exercise functions under Section 19 of the Education Act 1998 then
  - (a) the Minister shall inform the ETB, or
  - (b) the ETB shall inform the Minister,as appropriate, of the proposed course of action.

**6. Report and Information – [Section 20](#) Education Act, 1998**

- (1) A board shall establish procedures for informing the parents of students in the school/college of matters relating to the operation and performance of the school/college and such procedures may include the publication and circulation to parents, teachers and other staff and a student council as appropriate, where one has been established, of a report on the operation and performance of the school/college in any school year, with particular reference to the achievements of objectives as set out in the school plan provided for under **7** below.
- (2) The board of management shall provide an annual report to the ETB, and such other reports/information, as may be required by the ETB.

**7. The School Plan – [Section 21](#) Education Act, 1998**

- (1) The board of management shall, as soon as may be after its appointment, make arrangements for the review, amendment (if appropriate) of the existing school plan or shall make arrangements for preparation of a plan (in this section referred to as “the school plan”) and shall ensure that the plan is regularly reviewed and updated.
- (2) The support of the ETB education service shall be made available to the board, the Principal and the staff of the school/college in the initial preparation and development of the school plan.



- (3) The school plan shall state the objectives of the school/college relating to equality of access to and participation in the school and the measures which the school/college proposes to take to achieve those objectives including equality of access to and participation in the school/college by students with disabilities or who have other special educational needs.
- (4) The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, patron, staff and students of the school, as may be given from time to time by the ETB and the Minister in relation to school plans.
- (5) A board shall make arrangements for the circulation of copies of the school plan to the patron, parents, teachers and other staff of the school.

Guidance for board of management members regarding the school planning process is available at **Appendix 8**.

The school planning process involves the development and regular updating of school policies. Some policies are required by law (Education Act 1998, etc.), some policies are required in order to comply with DES circular letters and other policies are required in order to provide coherence and direction to the work of the school. For guidance on the policies that schools currently need to have in place see **Appendix 9**.

## **8. Appointment of Staff**

- (1) In accordance with [Section 6](#) of the Education (Amendment) Act, 2012, it is the responsibility of the ETB to employ, and the duty of the CE to arrange on behalf of the Education and Training Board for the appointment of the Principal, teachers and other staff of a school established or maintained by the ETB in accordance with sections [12](#) and [13](#) of the Education and Training Boards Act, 2013.
- (2) All posts shall be established under the ETB and appointments shall be made in accordance with [Section 6](#) of the Education (Amendment) Act, 2012.
- (3) A board of management shall, in accordance with policies and procedures determined by the ETB in relation to staffing arrangements, request the ETB to make provision for the employment in the school/college of a Principal and so many teachers and other staff as a board from time to time thinks necessary for the performance of its powers and functions under these articles. The final allocation of teaching posts to a school shall be subject to the prior approval of the CE.

While the board of management does not have a role in the appointment to posts of responsibility, it does have responsibility for approving the schedule of posts of responsibility in a school. A draft schedule of posts of responsibility, to cater to the curriculum and organisational needs of the school, should be prepared by the principal, following appropriate consultation with the teaching staff, and this should be presented to the board of management for its approval – see Paragraph 7.1 in CL 15/97, Paragraph 6.1 in CL 43/00 and Paragraph 2 of Appendix One to CL 20/98.

- (4) In the case of Model Agreement (Designated) Community Colleges, the ETB will appoint a Chaplain to a College in accordance with the Model Agreement for Community Colleges and nationally agreed procedures for such appointments.
- (5) All appointments shall be in accordance with statutory provision, relevant DES circular letters, memoranda and allocations, relevant ETB procedures and Articles of Management.
- (6) Before assuming the duties of a post, all appointees shall sign a contract or statement of terms and conditions of service with the ETB. The terms and conditions shall be as determined by the Minister or by the ETB with the consent of the Minister – see [Section 6](#) of the Education (Amendment) Act, 2012.
- (7) Following due process the CE of the ETB may suspend or dismiss teachers in accordance with the provisions of DES [Circular Letter 71/2014](#). This circular sets out the procedures that have been agreed between the Minister, recognised school management bodies and teacher unions regarding the suspension and dismissal of teachers.

#### **9. Functions of Principal and Teachers – [Section 22](#) Education Act, 1998**

- (1) The Principal of a recognised school established or maintained by the ETB and the teachers at that school/college, under the direction of the Principal, shall have responsibility, in accordance with these articles, for the instruction provided to students in the school/college and shall contribute, generally, to the education and personal development of students in that school/college.
- (2) Without prejudice to subsection (1), the Principal and teachers shall-
  - (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 co-operation between the school and the community which it serves, and
- (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 ETB as appropriate.

**10. The Principal - [Section 6 Education \(Amendment\) Act, 2012](#)**

- (1) In addition to the functions of the Principal provided for in 9 above, the Principal shall—
  - (a) be responsible for the day-to-day management of the school/college, including guidance and direction of the teachers and other staff of the school/college, and be accountable to the board of management / ETB for that management,
  - (b) provide leadership to the teachers and other staff and the students of the school/college,
  - (c) be responsible, together with the board of management / ETB, parents of students and the teachers, for the creation of a school 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 of management and the CE, 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/college and monitor the achievement of those objectives, and
  - (e) encourage the involvement of parents of students in the school/college in the education of those students and in the achievements of the objectives of the school/college.
- (2) For the purpose of carrying out his or her functions and as provided for in the Education Act, 1998 (as amended) and the Education and Training Boards Act, 2013, the Principal shall have all such powers as are necessary or expedient in that regard, and shall carry out

his or her functions in accordance with such policies as may be determined from time to time by the ETB and the board of management (and in accordance with regulations made under [Section 33](#) of the **Education Act, 1998**) under the executive direction of the CE, to whom the Principal is accountable in accordance with [Part V](#) of the Act of 1998 and sections [13](#), [15](#), [16](#) and [19](#) of the Education and Training Boards Act, 2013.

(3) The Principal shall be entitled to be a member of any and every sub-committee of the board of management.

(4) Wherever practicable, the Principal shall, in exercising his or her functions under this section, consult with teachers and other staff of the school/college.

#### **11. Educational Scheme**

The Principal shall, each year in adequate time, prepare an educational scheme for the following academic year and specify any additional teachers required. The support of the ETB educational service will be available to the Principal in the preparation of this scheme. This educational scheme shall be submitted to the board of management for its consideration and transmitted by it to the ETB.

#### **12. Direction of Organisation and Curriculum**

Subject to the provisions of the Minister and the general educational character of the school/college and to the policy and philosophy determined by the ETB, **and in the case of a Model Agreement (Designated) Community College the Bishop/Trustee Partner** a board shall have responsibility for the general direction of the organisation and curriculum of the school/college.

#### **13. Staff Meetings**

Staff meetings should be held on suitable dates, at least once per term.

#### **14. Internal Organisation and Discipline**

(1) Subject to the provisions of these articles and to the direction of a board of management, the Principal shall control the internal organisation, management and discipline of the school/college and shall exercise supervision over the teaching and non-teaching staff.

- (2) The board of management shall in accordance with relevant legislation ensure the preparation and operation of a code of behaviour in respect of the students registered at the school – see [Section 23](#) (1) Education and Welfare Act, 2000. In preparing and reviewing a student Code of Behaviour a school needs to have regard for the NEWB Guidelines on [Developing a Code of Behaviour: Guidelines for Schools](#).
- (3) The Principal shall ensure the implementation of the code in accordance with the provisions of the Education Act, 1998, the Education (Welfare) Act, 2000 and the NEWB [Guidelines on Developing a Code of Behaviour: Guidelines for Schools](#).

#### **15. Support Services of ETB**

- (1) The ETB will make available to the school/college its support services in areas such as educational planning and provision, the preparation of the school plan, school administration, finance, school design building and maintenance projects, in-service training, stock control, etc.
- (2) Relevant ETB personnel will be available to work with the Principal in drawing up a further education and training programme to meet the needs of the local community. The Principal, in consultation with the board of management, will each year prepare and cost a further education and training programme in accordance with DES and ETB guidelines and procedures.

#### **16. Religious Worship and Instruction**

Arrangements in this regard shall be in accordance with DES Circular Letters **73/74 and 7/79** or as so amended.

#### **17. Chaplain**

In accordance with the existing Model Agreement for Community Colleges the ETB will, in the case of Model Agreement (Designated) community colleges, appoint a chaplain, who shall be employed in an ex quota capacity in the college. The chaplain shall be a full-time member of staff, must fulfil the requirements of the ETB and must abide by the regulations of the Minister for Education and Skills. The duties of a school chaplain and the appointment process for school chaplains have been agreed nationally between the relevant management bodies, the second-level teacher unions and the Department of Education and Skills.

## **17. Insurance**

- (1) As provided for by the Education Act of 1998, [section 14](#) (7) no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of the above-mentioned Acts or any regulations made by the Minister or the ETB.
- (2) The ETB shall indemnify a board and the teaching and non-teaching staff in respect of actions, claims or demands taken or made against them arising out of the proper discharge of their duties in respect of pupils or otherwise.
- (3) The ETB shall have its own insurance in respect of visitors, parents and other members of the public who have permission from the board or the Minister to be on a school premises in respect of such risks as may be incurred by them while acting in a normal and proper manner on such premises.
- (4) The ETB shall indemnify a board or the teaching and non-teaching staff against claims by visitors, parents or other members of the public who, without permission, shall be on the school premises where such claims shall be made in circumstances which do not disclose a fault or wrongful act on the part of the board or members of staff against whom such claims are made.

## **18. Parents' Association – [Section 26](#) Education Act, 1998**

- (1) The parents of students of the school may establish, and maintain from among their number, a parents' association for the school/college and membership of that association shall be open to all parents of students in the school/college.
- (2) A parents' association shall promote the interests of the students in the school/college in co-operation with the board of management, the Principal, the teachers and students of the school/college and for that purpose may-
  - (a) advise the Principal or the board on any matter relating to the school/college 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/college.
- (3) A board shall promote contact between the school/college, parents of students in that school/college and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when

it is established.

(4)

- a) A parents' association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs.
- b) Where a parents' association is affiliated to a national association of parents the rules referred to in paragraph (a) shall be in accordance with guidelines issued by that national association of parents with the concurrence of the Minister.

General guidance regarding the establishment and role of a Parents Association for ETB Schools/Colleges is available from the National Parents Association for Education and Training Board Schools (NPAETBS) [website](#).

In relation to bank accounts held by Parents Associations, the DES issued guidelines to all ETBs in March 2013 regarding the management of locally raised funds and/or school bank accounts and the following is an extract from these guidelines.

- (a) Funds raised, including funds collected other than directly by a school (for example by a parents' association), should be lodged gross to school bank accounts as soon as possible;
- (b) The number of school bank accounts should be kept to a minimum;
- (c) Bank account managers and cheque signatories should be authorised by the school/college Principal;
- (d) Cheques for small amounts only may be drawn locally. In such cases, the school/college Principal should be a co-signatory. In the case of parents' association accounts, the school/college Principal and a member of the parents' association should be signatories.

**19. Information to Students and Student Council – [Section 27 Education Act, 1998](#)**

- (1) A board shall establish and maintain procedures for the purposes of informing students in the school/college of the activities of the school/college.
- (2) The procedures established and maintained under subsection (1) shall facilitate the involvement of the students in the operation of the school/college, having regard to the age and experience of the students, in association with their parents and teachers.
- (3) Students at a school/college may establish a student council and without prejudice to the generality of subsection (1), a board shall encourage the establishment by students of a student council and shall give all reasonable assistance to:

- (a) students who wish to establish a student council, and
  - (b) the student council when it has been established.
- (4) A student council shall promote the interests of the school/college and the involvement of students in the affairs of the school/college, in co-operation with the board, the parents and the teachers.
- (5) The rules for the establishment of a student council shall be drawn up by the board in accordance with such guidelines as may be issued by the Minister from time to time, and such rules may provide for the election of members and the dissolution of the council.
- (6) Having been established, a council, following consultation with the board, may make rules governing its meetings and the business and conduct of its affairs.

**20. Grievance and other Procedures - [Section 28](#) Education Act, 1998**

In accordance with [Section 28](#) of the Education Act, 1998, as amended by [Section 36](#) (a) of the Vocational Education (Amendment) Act, 2001, the Minister may prescribe procedures for the resolution of the grievances of students or their parents.

Procedures for dealing with such grievances and complaints have been agreed nationally between ETBI and the unions representing staff working in the ETB sector and these are available on the ETBI [website](#).

**21. Appeals to Secretary General – [Section 29](#) Education Act, 1998**

In accordance with Section 29 of the Education Act, 1998, provision is made for appeals to the Secretary General of the DES against decisions of a board of management regarding the suspension or expulsion of a student or a refusal to enrol a student. An appeal against a decision of a board of management of a school which is established or maintained by an ETB shall be made, in the first instance to the ETB and thereafter to the Secretary General pursuant to the provisions of Section 29.

Full Details of the procedures that schools and their boards of management must adhere to in relation to addressing suspensions or expulsions or refusals to enrol a student are set out in

**Appendix 3.**

**22. Curriculum – [Section 30](#) Education Act, 1998**

- (1) In accordance with Section 30 of the Education Act of 1998, the Minister may, from



time to time, following such consultation with patrons of schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, as the Minister considers appropriate, prescribe the curriculum for recognised schools, namely-

- (a) the subjects to be offered in recognised schools,
- (b) the syllabus of each subject,
- (c) the amount of instruction time to be allotted to each subject, and
- (d) the guidance and counselling provision to be offered in schools.

(2) Without prejudice to the generality of subsection (1) above, the Minister-

- (a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under subsection (4) below,
- (b) shall have regard to the characteristic spirit of a school/college or class of school in exercising his or her functions under this section,
- (c) may give directions to schools/colleges, where he or she considers it appropriate, to ensure that the subjects and syllabuses pursued in those schools/colleges are appropriate and relevant to the educational and vocational needs of the students in those schools/colleges,
- (d) shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time, as the board with the consent of the patron determines, for subjects relating to or arising from the characteristic spirit of the school/college, and
- (e) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student.

(3) The Minister may-

- (a) consult with the National Council for Curriculum and Assessment and such other persons or bodies or persons as the Minister considers appropriate on any matter relating to the curriculum for recognised schools, and
- (b) establish, as the Minister considers appropriate, such bodies of persons to conduct research and to advise him or her on matters relating to his or her

duties under this section.

- (4) A school may, subject to the requirement that the curriculum as determined by the Minister is taught in that school, provide courses of instruction in such other subjects as the board considers appropriate.

### **23. Teaching through Irish – [Section 31](#) Education Act, 1998**

In accordance with Section 31 of the Education Act, 1998, the Minister shall make special provisions for (a) the teaching of Irish, (b) the provision of education through the medium of Irish including matters relating to the curriculum for primary and post primary schools which provide education through the medium of Irish and assessment procedures employed in these schools and (c) the educational needs of people living in a Gaeltacht area.

### **24. Special Educational Needs - Education for Persons with Special Educational Needs ([EPSEN](#)) Act, 2004**

The Education for Persons with Special Educational Needs Act, 2004, makes further provision for the education of students with special educational needs and, inter alia, sets out the duties and functions of a board of management, principal and staff of a school in that regard. The following sections of the Act are of particular significance for boards of management.

- [Section 2](#) – entitlement of a child with special educational needs to be educated in an inclusive environment with children who do not have such needs.
- [Section 14](#) – Duties of schools and boards of management.

### **25. Education Welfare Officer - [Section 11](#) Education (Welfare) Act, 2000**

Section 11 of the Education (Welfare) Act, 2000, obliges the board of management, the Principal and staff of a recognised school to give all such assistance as may reasonably be required by an educational welfare officer in the performance of his/her duties.

### **26. Admission of Student - [Section 19](#) Education (Welfare) Act, 2000**

Section 19 of the Education (Welfare) Act, 2000, sets out the obligations and functions of a school board with regard to the admission of a student to a recognised school.

Section 15 (3)(d) of the Education Act (1998) specifically states that it is the function of the Board of Management to:

*publish, in such manner as the board with the agreement of the patron considers appropriate,*

*the policy of the school/college concerning admission to and participation in the school, including the policy of the school/college relating to the expulsion and suspension of students and admission to and participation by students with disabilities or students who have other special educational needs, and ensure that principles of equality and the right of parents to send their children to the school/college of the parent's 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/college and the constitutional rights of all concerned, are complied with...*

**27. School Attendance Records - [Section 21](#) Education (Welfare) Act, 2000**

Section 21 of the Education (Welfare) Act, 2000, specifies duties for the Principal and board of the school regarding school attendance records for each registered student, information to be sent to the educational welfare officer in certain instances, and annual reports regarding levels of attendance.

**28. School Attendance Strategies - [Section 22](#) Education (Welfare) Act, 2000**

In accordance with Section 22 of the Education (Welfare) Act, 2000, a board of a school shall, after consultation with the Principal of, teachers teaching at, parents of students registered at, and the educational welfare officer assigned functions in relation to that school, prepare and submit to the National Educational Welfare Board (TUSLA) a statement of the strategies and measures it proposes to adopt for the purposes of fostering an appreciation of learning among students attending the school and encouraging regular attendance at school on the part of such students. The statement of strategy shall be prepared and carried out in accordance with the provisions of Section 22 of the Act of 2000, and shall be included in the school plan provided for at 7 (above) of these articles and in [Section 21](#) of the Education Act of 1998.

**29. Code of Behaviour – [Section 23](#) Education (Welfare) Act, 2000**

- (1) In accordance with Section 23 of the Education (Welfare) Act, 2000, a board of a school shall after consultation with the Principal of, teachers teaching at, parents of students registered at, and the educational welfare officer assigned functions in relation to that school, prepare pursuant to subsection (2) of Section 23 of the Act of 2000, a code of behaviour in respect of the students registered at the school.
- (2) The code of behaviour shall specify:-
  - a) the standards of behaviour that shall be observed by each student attending the school;

- b) the measures that may be taken when a student fails or refuses to observe those standards;
  - c) the procedures to be followed before a student may be suspended or expelled from the school concerned;
  - d) the grounds for removing a suspension imposed in relation to a student; and
  - e) procedures to be followed relating to notification of a child's absence from school.
- (3) A code of behaviour shall be prepared in accordance with such guidelines (see [NEWB Guidelines on Developing School Code of Behaviour](#)) as may be issued by the National Education Welfare Board.
- (4) The Principal of a school shall, before registering a child as a student at that school in accordance with [Section 20](#) of the Education (Welfare) Act, 2000, provide the parents of such child with a copy of the code of behaviour in respect of the school and may, as a condition of so registering such child, require his/her parents 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.
- (5) The Principal of a school shall, on a request being made by a student registered at the school or a parent of such a student, provide the student or parent, as the case may be, with a copy of the school's/college's code of behaviour.

### **30. Child Protection and Anti-Bullying**

The board of management has very specific responsibilities regarding both of these matters.

#### **Child Protection**

- The board is required to formally adopt and implement the DES Child Protection Procedures for Primary and Post-Primary Schools as an integral element of the school's overall Child Protection Policy.
- The principal, at each board meeting must report on child protection issues in accordance with the provisions of the DES procedures.
- The Board must formally review the school's child protection policy annually and its implementation by the school.

#### **Anti-Bullying**

- The board is required to formally adopt and implement the DES Anti-Bullying Procedures for Primary and Post-Primary Schools, as an integral element of the school's overall anti-bullying policy.
- At least once in every school term the principal must report to the board setting out the overall number of bullying cases reported since the previous report to the Board and

confirmation that all reported cases have been or are being dealt with in accordance with the DES procedures.

- The board of management must undertake an annual review of the school's anti-bullying policy and its implementation by the school.

### **31. Expulsion of Student from Recognised School**

[Section 24](#) of the Education (Welfare) Act, 2000, specifies duties for a board of management or a person acting on its behalf in the case of the expulsion of a student. Detailed guidance for boards of management in relation to dealing with expulsion, suspension or refusal to enrol a student is available in **Appendix 3**

# Appendix 1

## Matters Relevant to all Boards of Management

- The **School Year** – 167 days tuition - see [DES Circular M29/95](#)
- **Standardised** School Year - see [DES Circular Letter 0016/2014](#)
- Length of **School Day/Week** see [DES Circular M29/95](#)
- School **Timetable** - class structure, etc. – though board of management has **no** direct role here, members still should understand the system.
- In school Management System - Posts of Responsibility - though the board of management has no direct role in the appointment to posts, it does have responsibility for approving the schedule of posts of responsibility in a school. A draft schedule of posts of responsibility, to cater to the curriculum and organisational needs of the school, should be prepared by the principal, following appropriate consultation with the teaching staff, and this should be presented to the board of management for its approval – see Paragraph 7.1 in **CL 15/97**, 6.1 in [CL 43/00](#) and Paragraph 2 of Appendix One to [CL 20/98](#).
- **Schools education programmes:**
  - ✓ Standard Junior & Leaving Certificates
  - ✓ [Transition Year](#)
  - ✓ [Leaving Cert Applied](#)
  - ✓ [Leaving Cert Vocational Programme](#)
  - ✓ [Junior Certificate Schools Programme](#)
  - ✓ [PLC Courses](#)

BOM members would need to be aware of the following:

- **How the school communicates with parents.**
- The school's subject **departments, year heads**, class tutor system, pastoral care team, **extracurricular** programme and achievements, **academic** achievements.
- Role of **Guidance** Counsellor, **Chaplain**, Home School Liaison staff, School Completion Staff, learning support teachers, special needs assistants.
- **Plans for reforming Junior Cycle** Education – see new [Framework for Junior Cycle](#).
- The requirement on schools to implement [The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011- 2020](#).
- DES [Action Plan on Bullying](#).
- DES [Anti-Bullying Procedures for Primary & Post Primary Schools 2013](#).
- NEWB [Guidelines on Developing School Code of Behaviour](#).

- Requirement for all schools to engage, **under the direction of the BOM**, in [self-evaluation](#) and what it entails.
- [Child Protection Procedures](#) for Primary and Post-Primary Schools and the associated responsibilities of BOMs.
- **Data Protection Guidelines for schools** [www.dataprotectionschools.ie/](http://www.dataprotectionschools.ie/)
- **National Council for Curriculum Development** [www.ncca.ie](http://www.ncca.ie)
- [National Council for Special Education](#) (NCSE)
- **NCSE: The Education of Students with Challenging Behaviour arising from Severe Emotional Disturbance/ Behavioural Disorders**
- [http://ncse.ie/wp-content/uploads/2014/09/EBDPolicyReport\\_1.pdf](http://ncse.ie/wp-content/uploads/2014/09/EBDPolicyReport_1.pdf)
- A [Strategic Review of Further Education and Training and the Unemployed](#) – Dr John Sweeney (NESC), 2013
- The [Role of Quality and Qualifications Ireland](#) (QQI)
- SOLAS: [Further Education and Training Strategy](#) 2014-2019
- The Code of Practice for the Governance of Education and Training Boards – see DES relevant DES Circular Letter (currently [C/L 0018/2015](#)) and the attached Code of Practice for the Governance of Education and Training Boards.

## Appendix 2

### Inspectorate and Inspections

[DES Inspectorate](#) conducts **different kinds of inspections** in schools/centres & reports of these usually published on DES **website**.

- Subject inspections
- Whole school evaluations (WSE)
- Thematic inspections – teaching of English....
- Programme Inspections – TYP, LCVP, LCA, JCSP
- Incidental (unannounced) inspections in schools/centres – oral feedback only, no published report.
- Evaluations of centres for education
- The DES Inspectorate has published **A Guide to Whole-School Evaluation** in Post-Primary Schools and this may be accessed [here](#).
- **More recently** the Inspectorate has introduced two **new kinds** of WSE - Management Learning & Leadership (MLL) – see guidelines [here](#) and [Follow-Through Inspections](#).
- MLL **focuses on: management, leadership, planning, teaching, learning, assessment, and a school's progress in, and capacity for, self-evaluation.** MLLs also address **extent** to which the **recommendations of previous inspection reports** have been **acted on** in delivering school improvement. MLL **more focused on practice** than documentation.

#### Aims of Whole School Evaluation

- To **allow** the **whole school** community to **participate** in the **evaluation** process.
- To **affirm good practice** in schools and to provide **advice and support** to schools to **help schools improve**.
- To **ensure** school **accountability** by **providing objective**, dependable, high quality **data on the operation of** the individual **school** and the **system** as a whole.
- To **enable teachers & schools to use** the **evaluation criteria** for school **self-review & improvement**.
- To provide information that can inform the discussion and modification of education policies.

#### WSE: Steps in Process

- WSE **evaluates schools** in relation to: - **management, planning, curriculum provision, learning & teaching, & support for students.**
- The WSE process **involves**: -
  - ✓ **Review of documents** – policies, plans, minutes, etc.
  - ✓ **Pre-evaluation meetings** with principal & deputy, teaching staff, **BOM**, CE & parents' representatives.
  - ✓ School and **classroom visits**, meetings with ISM, school planning and pastoral care teams, and subject teachers....
  - ✓ Preparation of **draft report**.

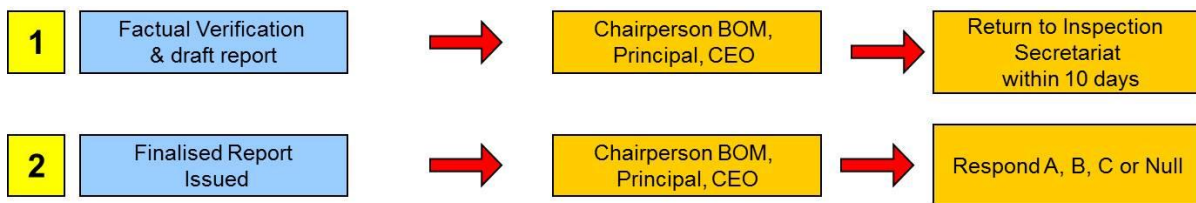


- ✓ Post-inspection meetings with principal & deputy, teaching staff, BOM & CE.
- ✓ Finalisation of the WSE report, report issued to school, and school has option to reply.

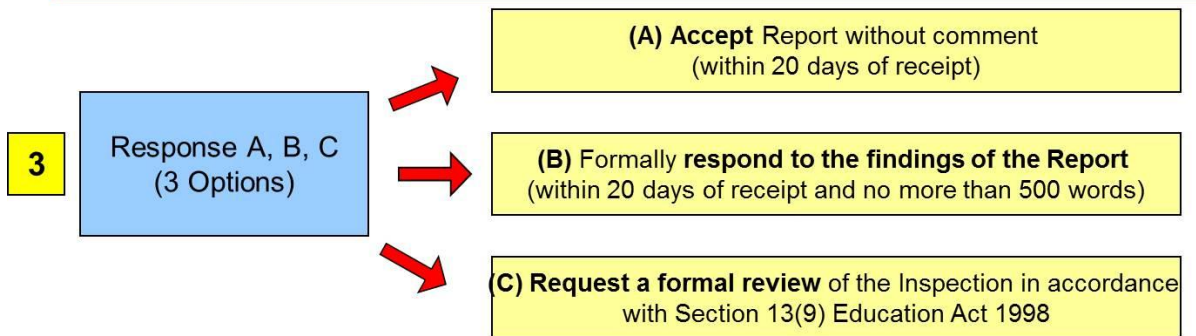
### WSE: BOM Responsibilities

- Understand the role of BOM in managing the school. BOM has ‘responsibility for the general direction of the organisation & curriculum of the school’ (ETBI Handbook for Education and Training Boards and Boards of Management of ETB School and Colleges: **Section C 12.**)
- Understand the WSE Process and, in particular, the WSE reporting process.
- Understand the School Plan and the importance of the School Plan in terms of WSE: *What vision does the BOM have for the future of the school?*
- Be generally aware of the schools’ strengths and of the areas of school life that are in need of improvement.
- Understanding how school works.

### BOM & Subject Inspection Reports



Note: No Response = Null response and Report Published within 10 school days



## Appendix 3

### Appeals to Board of Management and ETB

A school board of management has the authority to suspend, expel or refuse to enrol a student subject to the right of the students' parents/guardians or the student (where s/he has reached the age of 18 years) having the right to appeal the board's decision to the ETB, in the first instance and thereafter to the Secretary General of the Department of Education and Skills.

In coming to a conclusion about such matters the parents/guardians or a student over 18 should have the opportunity to appeal to the board of management. In coming to a decision about suspension, expulsion or refusal to enrol a student, a board of management must have regard for the rules of natural justice.

#### Rules of Natural Justice

- Right to be heard in one's own defence
  - Anyone affected by a decision has the right to be told what case is being taken against him/her and allowed an opportunity to respond
- The Rule against Bias
  - The decision-maker must not be biased
  - A person cannot be a judge in one's own case
- Right of Appeal

**ALSO:** A Board of Management can only act within its jurisdiction, and time limits and written records of events leading to decisions must be strictly observed.

Allegations of criminal behaviour about a student may be referred to the Gardaí. The JLO can be a source of support and advice on such matters.

BOM and Student Suspensions - see TUSLA [NEWB Guidelines for Codes of Behaviour](#) – section 11.

- The **ETB holds the authority to suspend** a student but it **may devolve (S. 44 Education and Training Boards Act, 2013) this authority to the board of management.**
- **The board of management may delegate** authority to the **Principal** to suspend a student in accordance with School's Code of Behaviour – **max of 3 days** other than in exceptional circumstances.
- **The board of management must ensure that the school has a policy on, and procedures for the use of **suspension** which are **in line with the NEWB [Guidelines on Codes of Behaviour](#)** and ETB requirements.**
- **Suspensions** of not less than 6 days must be **report to** a TUSLA Education Welfare Officer (**EWO**).
- **Appeal** against a **suspension imposed by** the **Principal** may be made **to** the board of management

- **Parent/Guardian** or student (over 18 years) should be **notified of the right of appeal** in the letter **confirming a suspension**.
- **The decision of the board of management** can be appealed to the **ETB's 'Appeals Sub-Committee'**.

Detailed guidance for boards of management in dealing with suspensions, expulsions and refusals to enrol is available in sections 10, 11 and 12 of [NEWB Guidelines on Codes of Behaviour](#).

#### Board of Management – Refusal to Enrol, Expulsion, Suspension > 20 days

**Section 29** (Education Act 1998) gives a parent **OR a student** (where student is over 18) **OR the NEWB** [[S 26 Education \(Welfare\) Act 2000](#)] the **right to appeal** (generally within **42 days** of being advised formally by school) to the Secretary General of the Department of Education and Skills (**DES**) - where a student is **suspended for more than a total of 20 days** in any school year **OR is expelled OR is refused enrolment – following** the conclusion of any **appeal procedure provided by the school** or patron (ETB).

The following sources are essential to understanding this issue.

- [DES Procedures for hearing and determining Appeals under Section 29 of the Education Act, 1998 in respect of ETB Schools](#)
- [Section 29 Education Act 1998](#)
- [Circular Letter M48/01](#)
- S. 4 [Education \(Miscellaneous Provisions Act\) 2007](#). This amends **section 29 of the Education Act, 1998 to allow appeals committees to have regard**, inter alia, for the **following**.
  - ✓ 'The nature, scale and persistence of any behaviour alleged to have given rise to, or contributed to, the decision made by or on behalf of the board,
  - ✓ 'The reasonableness of any efforts made by the school to enable the student to whom the appeal relates (the 'student concerned') to participate in and benefit from education,
  - ✓ 'The educational interests of the student concerned and the desirability of enabling the student as far as practicable to participate in and benefit from education with his or her peers,
  - ✓ 'the educational interests of, and the effective provision of education for, other students of the school and the maintenance of a classroom and school environment which is supportive of learning among the students of the school and ensures continuity of instruction provided to students in any classroom concerned and the school,
  - ✓ 'the safety, health and welfare of teachers, students and staff of the school,
  - ✓ 'the code of behaviour under section 23 of the Act of 2000 and other relevant policies of the school and—in the case of that code of behaviour, the extent to which it is in compliance with that section 23 and any guidelines issued under subsection (3) of that

section - NEWB Guidelines.

- ✓ 'in the case of those other policies, the extent to which each of them is implemented, promotes equality of access to and participation in education and ...

**While this section has not been commenced, it nevertheless constitutes evidence of good practice.**

**Other matters boards of management need to consider regarding refusal to enrol or expel a student.**

**Section 19 Education (Welfare) Act 2000**

- A BOM may only refuse to enrol an applicant for admission to a school where the refusal is in accordance with the school's admissions' policy published in accordance with [Section 15](#) (2)(d) Education Act 1998
- A BOM must make a decision on an application for enrolment and advise the parents of the decision within 21 days of the application being made - provided information specified by Minister is provided to school.

**Section 24 Education Welfare Act 2000**

- When BOM or person acting on its behalf is of opinion that a student should be expelled, it shall notify the Education Welfare Officer and provide reasons. NOTE: usually the Principal recommends expulsion to BOM.
- A student shall not be expelled from a school before the passing of 20 days following the receipt of notification by the Education Welfare Officer (Section 24 (4))

- Section 24 (4) is **without prejudice** to the **right of the BOM** to take such **other reasonable measures** it considers appropriate **to ensure good order and discipline** are maintained in the school.

**Other matters boards of management should consider regarding suspension for > 20 days or the expulsion of a student**

- Where Principal decides to recommend to the board of management that a student be expelled, s/he must inform student's parents in writing of the decision, the reasons for it and their entitlement to make representations to the board of management on behalf of the student.
- Parents are entitled to seek access to student's file and to documentation relevant to expulsion – if not provided, parents may have a legitimate complaint that full details 'of the case to answer' were not provided.
- Where Principal decides to recommend to the board of management that a student be expelled arrangements should be made at the earliest possible date for a meeting of the board

of management with the Principal and the parents. The recommendations of the principal and the parents' representations should be heard at this meeting. However, no new evidence not previously disclosed to the parents should be introduced to this meeting.

### **Appeals to ETB**

For an ETB to process the Appeal it must meet the conditions set out in paragraph 1-5 of [Procedures for Hearing and Determining Appeals under Section 29 of the Education Act, 1998 in respect of ETB Schools](#). This also provides detailed guidance to ETBs about the processing of such appeals.

**On receipt of an appeal it is processed in the following way.**

- A letter is issued to the appellant on receipt of Appeal by the CE – this letter may also ask appellant to provide additional documentation relevant to appeal – without delay.
- A letter also issues simultaneously to the board of management informing it of the Appeal and requesting it to submit any additional relevant information.
- All information submitted by the appellant and board of management will be treated in strict confidence by all parties to the Appeal.
- If the CE deems the Appeal inadmissible under these procedures, s/he will issue a letter to that effect to the appellant and the school stating the grounds on which the Appeal is not being admitted.
- An Appeal may be withdrawn at any time by the appellant by notifying the Committee to that effect.

## Appendix 4

### Secretary to Board of Management

- The Principal shall be permanent secretary to the BOM. In his /her absence, the Deputy Principal shall be secretary. **(ETBI Handbook – Section B:13)**
- Secretary is not entitled to vote. **(ETBI Handbook – Section B:13)**
- Where board established before principal appointed, or where the Principal or Deputy is unavailable, the CE or his/her nominee shall act **as secretary for the time being.** **(ETBI Handbook – Section B:13)**
- Secretary prepares the meeting agenda in consultation with the chair.
- Secretary issues Notice of the Meeting (7 clear days prior to the meeting) to all members of the BOM and the CE.
- Secretary agrees dates for meetings with Chairperson.
- Secretary ensures notice for BOM meeting includes:
  - ✓ Draft copy of minutes of the previous meeting
  - ✓ Draft Agenda for meeting
  - ✓ Draft policies for review/adoption
  - ✓ Principal's report to BOM – if available
  - ✓ Child protection report, all meetings – see 4.3 in [DES Child Protection Procedures for Primary and Post Primary Schools](#)
  - ✓ **Anti-bullying** report, once per term – see 7.11 of DES [Anti-Bullying Procedures for Primary and Post Primary Schools](#)
- Emergency/Special meetings may be called as required with as much notice as possible. Notice to include reason for meeting – for example: appeal to BOM against expulsion.
- Records the minutes of the BOM meetings.
- Briefs BOM members on the various items under discussion.
- Secretary prepares documentation for the meeting.

- Secretary receives and deals with the correspondence of the Board.
- Secretary convenes, in consultation with the Chairperson, emergency meetings e.g. Section 29 Appeals, etc.
- The principal (secretary to the Board) is entitled to be a member of any and every Sub-Committee appointed by the BOM.

**Principal's Report to Board meetings should cover following matters.**

- Building maintenance. However, **S. 15(3)** Education Act **1998** states: '*nothing in this Act shall confer on the Board any right over or interest in the land and buildings of the school for which the Board is responsible*'.
- School development planning – policy development
- School Improvement Plan, including self-evaluation, which is compulsory (under direction of BOM and patron) for all post primary schools from 2012/13 – see DES Circular 40/2012.
- **Child Protection** –
  - ✓ The Principal must make report to EACH BOM meeting stating the number of formal reports made to the HSE regarding a child protection matter since the previous BOM meeting and the number of times the HSE was consulted about a child protection matter but no formal report was made to the HSE.
  - ✓ Details of these reports must be recorded in the minutes of BOM but these details should not identify those involved.
- **Anti-bullying**

The Principal must at least once in every school term provide a report to the Board of Management:

- Setting out the overall number of bullying cases reported (by means of the bullying recording template since the previous report to the Board and
- confirming that all cases referred to at (i) above have been or are being, dealt with in accordance with the school's anti-bullying policy and the Anti-Bullying Procedures for Primary and Post-Primary schools.

## Appendix 5

### Principal's Report

#### XXX School / College Board of Management

#### Principal's Report to the School Board of Management

The Principal's report, over the course of the academic year should address each of the following five areas:

1. School Management
2. Management of resources
3. The School Plan
4. Curriculum Provision
5. Teaching and Learning

A number of potential topics are suggested for each of these five areas. **This report should be typed and distributed to members of the board of management in advance of the meeting.**

The decision to address particular issues in the report is at the discretion of the Principal. However **HR matters**, including disciplinary/performance issues in relation to individual members of staff **cannot be raised** at a meeting of the board of management.

Furthermore, matters relating to the behaviour or performance of individual students cannot be discussed at board meetings unless such matters are part of official ETB procedures e.g. the suspension and/or exclusion of students (leading to Section 29 procedures under the Education Act 1998).

#### 1. School management

**a)** Matters arising from in-school meetings that the Principal wishes to bring to the attention of the board of management. In-school meetings may include

- Principal/Deputy Principal and Assistant Principals/Special Duties teachers' meetings
- General Staff meetings (Croke Park hours)
- Student Council meetings
- Parents' Association meetings

**b)** School calendar

**c)** Promotion, public relations



- d) Student numbers – enrolments and retention
- e) Student attendance reports
- f) General issues relating to the education of students
- h) Links with Community/outside agencies
- i) Child Protection**

**At each board of management meeting, the principal's report shall: (DES Child Protection Procedures 3.3)**

- state the number of reports made to TUSLA (Child & Family Agency) by the DLP since last BOM meeting and
- state the number of cases, since the last Board meeting, where the DLP sought advice from TUSLA (Child & Family Agency) and as a result of this advice, no report was made, or
- where there were no such cases at (a) or (b) above, state this fact.

**j) Anti-Bullying**

The Principal must at least once in every school term provide a report to the Board of Management:

- iii. Setting out the overall number of bullying cases reported (by means of the bullying recording template since the previous report to the Board and
- iv. confirming that all cases referred to at (i) above have been or are being, dealt with in accordance with the school's anti-bullying policy and the Anti-Bullying Procedures for Primary and Post-Primary schools.

## **2. Management of resources**

- a) In-service and CPD
- b) Building matters – Summer Works and ETB works’ programme proposals
- c) Use for community purposes of the school building or grounds - at times that will not affect school work

## **3. The School Plan (Sect 21. Education Act)**

- a) Report/update on policies and procedures under development
- b) Reports from school planning sub-committees
- c) Reports on implementation of policies and procedures
- d) Evaluations of matters relating to school plan
- e) In DEIS schools the DEIS plan
- f) Quality Assurance

## **4. Curriculum Provision**

- a) Annual Educational Scheme
- b) Proposed areas of curriculum development and/or change
- c) Management of subject choice/programmes
- d) Career guidance provision
- e) Schemes of work

## **5. Teaching and Learning**

- a) Reports on programme of work
- b) Special Education Needs
- c) Inspection Reports
- e) Other student supports/initiatives
- f) Pastoral care
- g) International projects/proposed student trips abroad
- h) Extracurricular activities/achievements

At the beginning of each school year the Board of Management should also be issued with following.

- An outline of the school's curriculum
- Details of extracurricular activities offered in the school
- The Student Handbook and Teacher Handbook
- The school calendar including scheduled meetings and events
- Summary information relating to attendance (annual) (mainstream)
- Summary of Junior Certificate/Leaving Certificate/FETAC etc. results

## Appendix 6

### ETB School Board of Management Template Agenda

1. Welcome \*
2. Minutes of Previous Meeting\*
3. Matters Arising from Minutes\*
4. Correspondence\*
  - From ETB
  - From DES – circular letters, etc.
  - Requests for use of school/college facilities
  - Other, as appropriate
5. Principal's Report\*
6. Child Protection Report\* from Principal
7. Report on implementation of school Anti Bullying Procedures\*\*
8. School Plan/Annual Priorities (1<sup>st</sup> BOM Meeting of School Year)
9. Financial Report \*
10. Policies for review or development – as appropriate
11. Parents' Council Report
12. Student Council Report /presentations as appropriate
13. Annual Report (last BOM Meeting of School Year)
14. Agreed report to staff and parents' association
15. AOB
16. Date of next Meeting

\* Items on every agenda

\*\* Item on agenda once per term

The Secretary issues notice of the meeting and documentation (at least 7 days prior to the meeting) to all members of the BOM and the CEO. \_\_\_\_\_

## Appendix 7

### Board of Management Minutes

Board of management minutes must:

- Record all decisions taken
- Be **formally adopted** at next meeting – **only draft** until adopted.
- Be **circulated to** various **partners**.
- Be recorded with **discretion** – avoid personalising.
- Should be **circulated to** all Members of **Board** well in advance of meetings – **7 clear days**

**Note:** Draft minutes of a BOM meeting, together with a copy of the adopted minutes of the previous meeting, must be forwarded to the CE within 7 days of the meeting taking place

### Example:

**Re: RSE Programme at Senior Cycle**

**The Board was advised/informed** as follows.

- In a recent WSE ...
- All schools are required to ....

**In the course of discussion**, the following matters arose..

- Given the need for a wide range of subjects, it will be difficult to include RSE ...
- In view of DES C/L 29/95, the school has no option but to ...

**Decision/Action**

- **The Principal to review the Senior Cycle curriculum and to report back to the next meeting of the Board.**

## Appendix 8

### The School Plan

The Board of Management has statutory responsibility for the School Plan - S 21 Education Act 1998. However, most of the work on the plan will be done by the principal and the teaching staff – steering group, planning teams, subject departments ....

Need to consult with support staff, patron, parents (S. 26 Education Act 1998) & students – using surveys, focus groups, reviewing draft policies or action plans, etc.

Continuous process of planning, implementing, evaluating, reviewing, planning ....

Information for BOMs on school development planning is available [here](#).

#### School Plan & Self Evaluation

School Self Evaluation ([SSE](#)) is the preferred tool for gathering and analysing the data essential to developing the plan.

SSE is simply the school community (especially the staff) looking at how it is doing under a number of headings and making judgments about what it is doing well and what it needs to improve – based on the research evidence.

#### What is the School Plan?

It is a coherent and integrated statement of the School's:

- Educational values
- Policies
- Priorities for development
- Strategies for improvement

The plan should reflect the school's own unique circumstances, needs - and the needs of its students.

Most importantly the plan should be understood, 'owned' and supported by the whole school community. This is only possible if they have been involved in developing the plan. Thus the process is more important than product.

School planning is not just about producing documents. The plan must reflect the real life of the school and it must positively influence its development and the improvement of student outcomes.

## **Format of School Plan**

The plan is a working document (or more usually, a series of documents) in two sections.

- (1) A relatively-permanent core section, including the mission statement and school policies which guide the way things are done in the school and
- (2) A development section which outlines the school's strategies for improvement.

Remember such documents only have value if they actually help the school to operate effectively, to meet its responsibilities under law, and to meet the learning needs of its students.

## **Content of school Plan**

A core (relatively permanent) section incorporating the following.

- School profile – history, traditions, ethos ...
- Mission Statement
- Policies – especially those required by law or the DES
- Schools' facilities and resources
- Curriculum provision
- Extracurricular programme

This section should also include a brief description of the planning process in the school – steering group, working groups, planning coordinator, consultations with staff, parents, students, ETB and BOM; policies adopted to date as a result of process.

Development (evolving) section comprehending the following.

- Summary of factors influencing school's development needs – (SCOT) strengths, challenges (weaknesses) opportunities and threats.
- Priority areas identified by the school for special attention.
- Action plans (with SMART targets) to address priorities identified through the planning process.
- Action plans (with SMART targets) to address recommendations from subject inspections and WSEs.
- Subject plans covering curriculum, learning outcomes, assessment procedures, catering to special needs students, the integration of literacy/numeracy into teaching & the improvement of teaching and learning.
- Plan for supporting students – Whole School Guidance Plan.

## Appendix 9

### Policies to be included in the School Plan

#### Essential policies:

- **Admissions and Participation Policy** – [S 15 Education Act](#), S 19 Education Welfare Act, Equal Status Act,, [S 2 Education for Persons with Special Educational Needs Act 2004](#)
- **Attendance Policy** – [Education Welfare Act S 20, 21 & 22](#)
- **Code of Behaviour including Disciplinary Procedures** - S23 [Education Welfare Act 2000](#)
- **Suspension Policy** – [Education Act 1998 S15](#)
- **Expulsion Policy** - [Education Act 1998 S15](#)
- **Child Protection Policy** – see [DES Child Protection Procedures for Schools](#)
- **Crisis response** and bereavement policy
- **Anti-Bullying Policy** as an integral part of Code of Behaviour – see ETBI [Cyberbullying in Schools – Guidance & Resources](#) and ETBI [Anti-Bullying Policy template](#)
- **Data Protection Policy**
- [Data Access Procedures Policy](#)
- [CCTV Policy](#)
- **Special Needs Policy** – S 2, 3, 14 & 15 Education for Persons with Special Educational Needs Act 2004
- **Health and Safety Statement** - [S 20 Safety, Health and Welfare at Work Act 2005](#)
- **Information and Communications Technology Policy**
- **Policy on use of social media in facilitating teaching and learning.**
- **Acceptable Use Policy for Internet.**
- **Code of Practice for dealing with complaints made by parent/s guardian/s of students** (S 28 Education Act 1998) –see nationally agreed [Code of Practice](#)
- Whole School [Guidance Plan](#)
- **Homework Policy**
- **Work experience / placement policy**
- **One-to-one teaching** and counselling policy/protocol
- **Pastoral care policy**
- Policy on **vetting all school personnel** – including volunteers
- Dignity in the workplace policy – see [national policies](#) on the prevention of bullying and harassment/sexual harassment

#### Other Policies – List not Exhaustive

- Smoke free work policy
- SPHE & RSE Policy
- Home school liaison policy
- Subject choice policy
- Student assessment, record-keeping and reporting policy
- Textbook policy



- Home school liaison policy
- Inclement weather / School closures policy