

**A Handbook for
Vocational Education Committees
and
Boards of Management of Schools and
Community Colleges**

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FOREWORD BY MINISTER FOR EDUCATION AND SCIENCE

I am delighted to be associated with this handbook for VECs and Boards of Management of Schools and Model Agreement Community Colleges.

The past number of years have seen great changes in the education sector, and this is also reflected in the number and range of legislative changes introduced, including the Education Act, 1998, the Vocational Education (Amendment) Act, 2001, to name but a few. This Handbook draws together in one document a vast range of information and provides the reader with an easy to understand perspective on the responsibilities and functions at different levels in the VEC sector.

The Handbook will be of great assistance to everyone involved in Boards of Management in the Vocational Education sector and beyond. The Irish Vocational Education Association is to be commended for compiling and publishing the Handbook at this time. It will be a particularly useful point of reference for Vocational Education Committees, members of Boards of Management, as well as parents and staff of schools.

Mary Hanafin, T.D.
Minister for Education and Science.

Introduction

This handbook is intended to be of assistance to those involved in Vocational Education Committees and boards of management of VEC schools and community colleges. While under the relevant educational legislation a VEC is the body corporate for all schools and colleges established and maintained under its patronage, it delegates many appropriate responsibilities and functions to the local board of a school or college. Therefore there is a need to understand the respective responsibilities and functions at various levels in the sector. This is particularly appropriate in view of recent legislation which impacts either directly or indirectly on education at second level.

The handbook is divided into three parts. Part One lists the functions and responsibilities of a VEC in its role as the patron body of VEC schools and community colleges. Parts Two and Three set out respectively the functions and responsibilities of school and college boards, which are comprised of representatives of the partners and stakeholders in the educational process. The largely identical interest which the VEC patron body shares with boards at local level and the complementary roles discharged by both is reflected in the repetition of a number of headings as between Part One and Parts Two/Three of the handbook. Management functions specifically remitted to the VEC are outlined under the sections dealing with employment and appointment of staff, financial accountability and Section 29 appeals. Management functions of boards are set out in their terms of reference.

It is envisaged that this handbook will become a key element in the framework of guidelines and procedures for the sector and in this regard should be read in conjunction with and taken in the context of the Code of Corporate Governance for VECs. It should be pointed out, however, that the handbook is a snap-shot of functions and responsibilities in line with regulations and procedures as they exist at time of publication. Further evolution and revision, as new issues or implications arise from legislation etc, will be undertaken from time to time.

In a more general context there may be situations in which there is a need for information on how the local school/college is managed. It is hoped that this handbook will also be of assistance in this regard.

Finally, on behalf of IVEA I wish to acknowledge the extensive and detailed work on the preparation and development of this document by the Working Group chaired by Mr. Sean Burke. The assistance and support of the Department of Education and Science is also gratefully acknowledged.

Mary Bohan, President IVEA.

In this handbook, unless otherwise indicated:

‘board’ means a board of management of a VEC school or college;

‘CEO’ means the Chief Executive Officer of the VEC;

‘college’ means a Model Agreement Community College;

‘Deputy Principal’ means the Deputy Principal of a school or college;

‘DES’ or “the Department” means the Department of Education and Science;

‘Minister’ means the Minister for Education and Science;

‘parent’ means a parent as defined in the Education Act, 1998;

‘Principal’ means the Principal of a school or college;

‘school’ means a VEC school;

‘student’ means a person enrolled at a school/college;

‘Competent Religious Authority’ means such an Authority within a particular diocese or relevant locale;

‘C&AG’ means Comptroller and Auditor General

‘VEC’ or ‘the Committee’ means a Vocational Education Committee;

‘VSSU’ means the VEC Support Services Unit;

“recognised school” means a school/college which is recognised by the Minister in accordance with section 10 of the Education Act, 1998.

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

- Vocational Education Acts, 1930 to 2001
- Education Act, 1998
- Education (Welfare) Act, 2000
- Learning for Life: White Paper On Adult Education (2000)
- Education for Persons with Special Educational Needs Act (2004)
- Code of Corporate Governance for VECs (Circular Letter F11/05)
- IVEA Information Document to Assist Selection Boards
- DES Circular Letters
- Employment related legislation
- Other relevant legislation e.g. Health and Safety, Data Protection, Comptroller and Auditor General (Amendment) Act 1993 etc.

Part One

Vocational Education Committee as Patron of a School/College

As outlined in the Introduction this part of the handbook deals with the duties of the Vocational Education Committee in carrying out the functions and exercising the powers conferred on the committee by educational legislation.

1. Patron of School/College

(1) In accordance with section 8 (4) of the Education Act, 1998, in the case of a school or college established or maintained by a vocational education committee that committee shall be the patron of the school for the purposes of the Act and shall discharge all the functions of the patron as set out in this and other relevant legislation.

(2) Section 8 (5) provides that where two or more persons exercise the functions of a patron they may be recognised as joint patrons.

(3) 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.

(4) The executive functions of the VEC as patron shall be performed by the CEO in accordance with sections 12 and 15 of the Vocational Education (Amendment) Act, 2001.

2. Functions of School/College

(1) In accordance with section 9 of the Education Act, 1998, a recognised school/college 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/college,
- (e) promote equality of opportunity for both male and female students and staff of the school/college,
- (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/college relating to the progress of that student in his or her education,
- (h) in the case of schools/colleges located in the Gaeltacht area, contribute to the maintenance of Irish as the primary community language,
- (i) conduct its activities in accordance with any regulations made from time to time by the Minister,
- (j) ensure that the needs of personnel involved in management functions and staff development needs generally in the school/college 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/college and attainment levels and academic standards of students,
- (l) establish or maintain contact with other schools and at other appropriate levels throughout the community served by the school/college, and
- (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/college,
- (n) promote insofar as is reasonably practicable, educational opportunities for persons living in the area in keeping with national policies on lifelong learning.

3. Recognition of School/College

(1) 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.

(2) 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/college 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.

(3) 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.

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

4. Withdrawal of Recognition

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

5. Annual Funding

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

6. The Inspectorate

The provisions of section 13 of the Education Act, 1998, shall apply as appropriate to schools/colleges under the patronage of the VEC.

7. Establishment of Board

(1) The VEC is the body corporate for all schools/colleges established or maintained under its patronage in accordance with section 7 of the Vocational Education Act, 1930 and section 14 (2) of the Education Act, 1998.

(2) It is the duty of the VEC as patron for the purposes of ensuring that each of its schools/colleges is managed in a spirit of partnership to establish a board the composition of which is agreed between VECs , 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 31 of the Vocational Education (Amendment) Act, 2001.

(4) A board established under Part IV of the 1998 Act and section 31 (1) of the 2001 Act shall consist of not more than 12 members and may consist partly of members who are members of the VEC concerned and partly of members who are not members of the VEC concerned.

(5) The members of a board shall be formally appointed by the VEC in its capacity as patron of the school/college.

(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 the new VEC, an incoming board shall become effective on being constituted by such VEC. These arrangements shall at all times be in accordance with procedures in the respective instruments 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 VEC, 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 31 of the 2001 Act, the VEC 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) and in the VEC Acts 1930-2001, no action shall lie against a member of a board in respect of anything done by a member in good faith and in pursuance of the above mentioned Acts or any regulation made by the Minister or the VEC.

(11) Where the VEC determines that the appointment of a board in accordance with Part IV of the 1998 Act and section 31 of the 2001 Act, is not practicable, the VEC shall inform the parents of students, the teachers and other staff of the school/college 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 VEC 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.

8. Term of Office of Board

(1) The term of office of a school/college board shall normally be deemed to expire on 30th day of September in the third year after a newly constituted board becomes effective, or shall be for the term of office of the VEC, whichever is the shorter.

(2) The members nominated and elected in accordance with the instruments and articles of management shall remain members for the term of office of a board, save as prescribed in sections 10 and 11 below, and in Part Two, (A), section 7, and Part Three, (A), section 7.

9. Functions of Board

(1) It shall be the duty of a board to manage the school/college on behalf of and in cooperation with the VEC and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

(2) The management functions of the VEC are outlined in Part One of this Handbook and in the instrument and articles of management.

(3) 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 VEC.

(4) A board shall perform the functions conferred on it by Part IV of the Education Act, 1998, and by its status as a section 31 subcommittee of the VEC under the Vocational Education (Amendment) Act, 2001 and in carrying out its functions shall

(a) do so in accordance with the policies determined by the Minister and the VEC from time to time,

(b) uphold, and be accountable to the VEC 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 VEC informed of decisions and proposals of the board, and act in accordance with the board's management functions outlined in this document and in the relevant instruments and articles of management,

(d) publish, in such manner as the board and the VEC considers appropriate, the policy of the school/college, concerning admission to and participation in the school/college, 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 who have other special educational needs, and ensure that principles of equality and the right of parents to send their children to a 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 and the constitutional rights of all persons 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 VEC 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 VEC, particularly as provided for in the relevant articles of management and VEC 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 VEC to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary and with prior VEC approval the alteration of buildings and provision of appropriate equipment.

(5) 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 plan (in Part Two, (B), section 7 and Part Three, (B), section 7, referred to as “the school plan”) and shall ensure that the plan is regularly reviewed and updated.

(6) For the avoidance of doubt, nothing in these articles shall confer or be deemed to confer on a board any right over or interest in the land and buildings of the school/college for which that board is responsible.

10. Dissolution by VEC

(1) Subject to this section and to the consent of the Minister the VEC may

- (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 VEC proposes to remove a member of a board from that office or to dissolve a board, the VEC shall inform the member or board by notice in writing of the VEC’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 VEC, 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 VEC 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 31 of the Vocational Education (Amendment) Act, 2001.

(4) A copy of every notice issued under this section and any representations made to the VEC shall be delivered to the Minister as soon as may be after it has been made.

(5) Whenever the VEC dissolves a board, the VEC may, subject to the approval of the Minister, appoint any person or body of persons as the VEC thinks fit to perform the functions of a board.

(6) Where the VEC removes a member of a board the resulting vacancy will be filled in accordance with regulations made under section 14 (6) of the Education Act, 1998, and as provided for under section 31 (1) of the Vocational Education (Amendment) Act, 2001.

(7) The VEC shall provide in accordance with section 16 (7) of the 1998 Act for the re-establishment of a board under section 31 of the 2001 Act, not later than six months following the dissolution or such longer period as the VEC, 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).

11. Dissolution by Patron at request of Minister

(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 VEC to dissolve a board for reasons stated in such notice and the VEC shall dissolve a board accordingly as soon as may be after the date of such notice, pursuant to section 17 of the Act of 1998, and section 31(8) of the Vocational Education (Amendment) Act 2001.

(2) Before the Minister serves a notice as provided for in subsection (1), he or she shall inform a board and the VEC 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 VEC within one month of informing a board and the VEC.

(3) Whenever the VEC dissolves a board under this section, subsections (5) and (7) of section 16 of the Education Act, 1998, and subsection 1(a) of section 31 of the Vocational Education (Amendment) Act, 2001, shall apply.

12. Minutes of Meeting

The minutes of the proceedings of a board shall be kept by the secretary. The minutes shall be open to inspection by the Minister and the VEC and the secretary of a board shall within seven days after every meeting of a board send to the VEC, and in the case of a Model Agreement 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.

13. 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 e.g. a board may decide to issue an agreed report of a meeting.

14. 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 VEC within one month after a board has been constituted.

(2) On the occasion of the establishment of a school/college when all the members of a board have not yet been elected/nominated, the members shall act as a full board under a protem 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 for membership of that board.

15. Finance

(1) The financial affairs of a school/college shall at all times be managed and conducted in compliance with the law, Code of Corporate Governance, regulations, procedures and best practice guidelines as set out by the DES and the VEC. The VEC will have regard to recommendations from the VSSU.

(2) A board shall keep all proper and usual financial records of income and expenditure of all monies due/received and expended by it and in accordance with any direction issued by the VEC. The VEC 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 VEC.

(3) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister the VEC, VSSU, C&AG, and as provided for in the Education Act of 1998, 18 (2), by the parents of students in the school/college.

(4) A board shall keep all accounts as directed by the VEC. A board shall submit to the CEO, before the 31st day of May or before a date specified by the VEC in each year, an estimate in such form as may be required, of the income and expenditure required for the following financial year. Due provision shall be incorporated in the Committee's annual financial scheme and service plan in accordance with good corporate governance practices and submitted to the Department of Education and Science.

(5) On receipt of the Department's annual financial allocation, the VEC shall allocate a budget to the school/college. A board shall plan and oversee the expenditure of the approved budget subject to compliance with regulations and procedures as laid down by the VEC/DES. A board shall not exceed the amount approved under any head in any year without the previous consent of the VEC, and shall comply with any directions which may, from time to time, be given by the VEC relating to all accounts, financial records and statements.

(6) The VEC shall provide, from time to time, up to an amount to be agreed with a board, monies for the petty cash account. A board shall authorise a Principal to make petty cash disbursements in the name of the school/college in accordance with the VEC's financial procedures.

(7) The VEC 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 DES and the procedures prescribed by the VEC. A Board shall ensure that all returns in respect of attendances/absences are submitted to the VEC in accordance with directions and timescales issued by the VEC.

16. Premises and Equipment

(1) The VEC shall be responsible for the erection of the school/college buildings and for the development of the school/college premises and shall be responsible 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, equipment (including furniture, books, apparatus etc.) and grounds out of the annual financial allocation provided by the VEC.

(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 apparatus and other materials for the school/college and such articles may, within the limits of the estimates approved for any year by the VEC and subject to such regulations as the VEC shall from time to time prescribe, be ordered by a board, which may delegate its functions in this respect to the Principal, subject to such conditions as they think 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 VEC shall make payment for expenditure properly incurred upon receipt of certified returns from a board or the Principal.

(6) A board shall ensure that a record (in a format approved by the VEC) 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 report it shall make a submission on it to the VEC.

(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 of the school/college premises, the work shall be subject to the prior approval of the VEC and carried out under the direction of the VEC.

(8) A board shall determine the uses for community purposes of the school/college buildings or grounds at times which will 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 VEC and shall be subject to alterations from time to time with the approval of the VEC. The regulations and conditions will consider the issue of all costs (direct /indirect) and insurance requirements.

17. Report on operation of Board

(1) Where the VEC is of the opinion that the functions of a board are not being effectively discharged, the VEC shall inform a board of that opinion and the reasons therefor.

(2) Having considered any representations by a board the VEC or the Minister may authorise any person or persons as the VEC or the Minister may deem appropriate to report to the VEC 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/college concerned and shall be afforded every facility and co-operation by a board, the Principal, teachers and other staff of the school/college, including access to all records, to perform his or her functions.

(4) A Principal or board shall supply the VEC and the Minister with such information regarding the performance of the board's functions as the Minister or VEC may from time to time require.

- (5) Where either the Minister or the VEC proposes to exercise functions under section 16 then
- (a) the Minister shall inform the VEC, or
 - (b) the VEC shall inform the Minister,
- as appropriate, of the proposed course of action.

18. Appointment of Staff

(1) In accordance with section 23 of the Education Act, 1998, and section 20 (1), (2) and (3) of the Vocational Education (Amendment) Act, 2001, it is the responsibility of the VEC to employ, and the duty of the CEO to arrange on behalf of the Committee for the appointment of the Principal, teachers and other staff of a school/college established or maintained by the VEC.

(2) All posts shall be established under the VEC and appointments shall be made in accordance with section 20 of the Vocational Education (Amendment) Act, 2001 and as provided for under Part V of the Education Act 1998.

(3) A board shall, in accordance with policies and procedures determined by the VEC in relation to staffing arrangements, request the VEC 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.

(4) The decision of a board in relation to the staffing entitlement/allocation of teaching posts to a school shall be subject to the prior approval of the CEO.

(5) The VEC will appoint a Chaplain to a Model Agreement College in accordance with the Model Agreement.

(6) All appointments shall be in accordance with statutory provision, relevant DES Circular Letters, Memoranda and allocations, relevant VEC procedures and Articles of Management, and due regard shall be taken of IVEA Information Document to Assist Selection Boards.

(7) Before assuming the duties of a post, all appointees shall sign contract/conditions of service with the VEC. The terms and conditions shall be as determined by the Minister or by the VEC with the consent of the Minister, section 20 (3) 2001.

(8) Following due process the VEC may suspend or dismiss such teachers and staff in accordance with procedures as statutorily set down and agreed from time to time between the Minister, the VEC, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

19. Insurance

(1) As provided for by the Education Act of 1998, section 14 (7), and by the VEC Acts, 1930-2001, 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 VEC.

(2) The VEC 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 VEC shall carry 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 VEC 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 default or wrongful act on the part of the board or members of staff against whom such claims are made.

20. Grievance and Other Procedures under S. 28.

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.

21. Appeals to Secretary General

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 regarding the suspension or expulsion of a student or a refusal to enrol a student. An appeal against a decision of a board of a school/college which is established or maintained by the VEC shall be made, in the first instance to the VEC and thereafter to the Secretary General pursuant to the provisions of section 29.

Part Two: Board of Management of a School

Management functions in (A) and (B), other than personnel matters, are assigned to a board as a sub-committee established by the VEC in accordance with the relevant legislation.

(A) Instrument of Management

1. Functions of School

(1) 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 accordance with any regulations made from time to time by the Minister,

- (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 contact with other schools and colleges and at other appropriate levels throughout the community served by the school, and
- (m) subject to the Act, 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.

2. The Inspectorate

The provisions of section 13 of the Education Act, 1998, shall apply as appropriate to schools under the patronage of the VEC.

3. Establishment of Board

- (1) The VEC is the body corporate for all schools established or maintained under its patronage in accordance with section 7 of the VEC Act, 1930 and section 14 (2) of the Education Act, 1998.
- (2) It is the duty of the VEC 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 VECs , 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 31 of the Vocational Education (Amendment) Act, 2001.
- (4) A board established under Part IV of the 1998 Act and section 31 (1) (a) of the 2001 Act shall consist of not more than 12 members and may consist partly of members who are members of the VEC concerned and partly of members who are not members of the VEC concerned.

(5) The members of a board shall be formally appointed by the VEC 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 the new VEC, an incoming board shall become effective on being constituted by such VEC. These arrangements shall at all times be in accordance with procedures in the respective instruments 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 VEC, 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 31 of the 2001 (Amendment) Act, the VEC 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) and in the VEC Acts 1930-2001, no action shall lie against a member of a board in respect of anything done by a member in good faith and in pursuance of the above mentioned Acts or any regulation made by the Minister or the VEC.

(11) Where the VEC determines that the appointment of a board in accordance with Part IV and section 31 is not practicable, the VEC 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 VEC 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

(1) A board of a school shall consist of not more than 12 members nominated or elected as set out hereunder:

(a) Three/four members (at least two of whom shall be members of the VEC) shall be nominated by the VEC. The members so nominated are hereinafter referred to as “the Committee’s Nominees”,

(b) Two parents, one female, one male, of students who are currently enrolled in the school shall be elected, through a process organised by the school management, by the parents of the aforementioned students. The parents, so elected, are hereinafter referred to as “the Parents’ Representatives”

(c) 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’ Representatives”,

(d) On the occasion of the setting up of a new board or at a subsequent date, additional places may, with VEC approval on the nomination of the board, be filled to facilitate relevant partnership and inclusive representation to support the educational remit of a 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 students over the age of 18 years who are currently enrolled in the school, to fill additional places. The person/s so nominated is/are hereinafter referred to as “the Board’s Nominee/s”.

(e) Other than already provided for in (b) and (c) 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 Board

(1) The term of office of a board shall normally be deemed to expire on 30th day of September in the third year after a newly constituted board becomes effective, or shall be for the term of office of the VEC, whichever is the shorter.

(2) The members nominated and elected in accordance with the instruments and articles of management of a school shall remain members for the term of office of a board, save as prescribed in sections 7, 10 and 11 below.

6. Vacancy in Membership of Board

A vacancy occurring in the membership of a board shall be filled for the remainder of the term of office by the VEC 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. Termination of Membership

(1) Any member of a board who is absent from all meetings of a board during the period of one year, except for reasons approved by a board, or who is incapacitated from acting, or who ceases to hold the appropriate qualification of membership, or who communicates in writing to the secretary of a board a wish to resign, shall thereupon cease to be a member of a board.

8. Quorum for Board Meetings

(1) A minimum of four members shall be required to form a quorum for a meeting of a board.

(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 sine die and a special meeting shall be summoned as soon as may be convenient.

(3) Any meeting may be adjourned by resolution.

9. Functions of Board

(1) It shall be the duty of a board to manage the school on behalf of and in cooperation with the VEC and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

(2) The management functions of the VEC are outlined in Part One of the Handbook and in the instrument and articles of management.

(3) A board shall adopt the educational scheme for the school within approved resources in each year and shall have the opportunity to contribute to the service and education plans of the VEC.

(4) A board shall perform the functions conferred on it by Part IV of the Education Act, 1998, and by its status as a section 31 subcommittee of the VEC under the Vocational Education (Amendment) Act, 2001 and in carrying out its functions shall

(a) do so in accordance with the policies determined by the Minister and the VEC from time to time,

(b) uphold, and be accountable to the VEC for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, 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,

(c) consult with and keep the VEC informed of decisions and proposals of a board, and act in accordance with the board's management functions, outlined in the instrument and articles of management,

(d) publish, in such manner as a board and the VEC considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that principles of equality and the right of parents to send their children to the school 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 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 VEC for the benefit of students in the school), the public interest

in the affairs of the school and accountability to students, their parents, the VEC, particularly as provided for in relevant articles of management and VEC procedures, staff and the community served by the school, and

(g) use the resources provided to the school from monies provided by the VEC to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary and with prior VEC approval the alteration of buildings and provision of appropriate equipment.

(5) 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 plan (in B, section 7, referred to as “the school plan”) and shall ensure that the plan is regularly reviewed and updated.

(6) For the avoidance of doubt, nothing in these articles shall confer or be deemed to confer on a board any right over or interest in the land and buildings of the school for which that board is responsible.

10. Dissolution by VEC

(1) Subject to this section and to the consent of the Minister the VEC may

(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 VEC proposes to remove a member of a board from that office or to dissolve a board, the VEC shall inform the member or board by notice in writing of the VEC’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 VEC, 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 VEC 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 31 of the Vocational Education (Amendment) Act, 2001.

(4) A copy of every 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 VEC dissolves a board, the VEC may subject to the approval of the Minister, appoint any person or body of persons as the VEC thinks fit to perform the functions of a board.

(6) Where the VEC 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 31 of the 2001 (Amendment) Act.

(7) The VEC shall provide in accordance with section 16 (7) of the 1998 Act for the re-establishment of a board under section 31 of the 2001 (Amendment) Act not later than six months following the dissolution or such longer period as the VEC, 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).

11. Dissolution by Patron at request of Minister

(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 VEC to dissolve a board for reasons stated in such notice and the VEC shall dissolve a board accordingly as soon as may be after the date of such notice pursuant to section 17 of the Act of 1998, and section 31(8) of the Vocational Education (Amendment) Act 2001.

(2) Before the Minister serves a notice as provided for in subsection (1), he or she shall inform a board and the VEC 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 VEC within one month of informing a board and the VEC.

(3) Whenever the VEC dissolves a board under this section, subsections (5) and (7) of section 16 of the Education Act, 1998, and subsection 1(a) of section 31 of the Vocational Education Amendment Act, 2001, 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. Whenever 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 CEO or his/her nominee shall act as secretary for the time being.

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 CEO or his/her delegated officer under Section 16 of the Vocational Education (Amendment) Act, 2001, shall have the right to attend meetings of a board 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, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the secretary shall be left at, or sent by post or email, if appropriate, to the usual place of residence of each member of a board. Provided that in the case of a meeting of a board requested by any five of its voting members, in accordance with section 14 (2) above, the aforesaid request shall be signed by the five members convening the meeting who shall notify the secretary in writing. The secretary shall subsequently issue notice for 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 of the proceedings of a board shall be kept by the secretary. The minutes shall be open to inspection by the Minister and the VEC and the secretary of a board shall within seven days after every meeting of a board send to the VEC 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 e.g. a board may decide to issue an agreed report of a meeting.

18. Voting

Every question, except as provided for in section 20 of this instrument, at a meeting of a board 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

(1) Members of a board are subject to the same ethical standards and obligations as provided for in Circular Letter F11/05 and in the Code of Corporate Governance Handbook.

(2) Except in special circumstances, with the approval in writing of the Minister, no member of a board 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.

20. Rescinding Resolutions

Any resolution of a board may be rescinded or varied at a subsequent meeting, if not less than seven days' notice of the intention to rescind or vary the same, and of the terms of the proposed rescinding or varying resolution has been given in writing to all members of a board. Provided that if the resolution proposed to be rescinded or varied was passed during the previous six months, the notice shall be signed by three members of a board. No resolution passed at any board meeting shall be rescinded at any subsequent meeting unless such rescission be determined upon by a majority of two-thirds of the members present and voting. Any such procedures in relation to rescission should be provided for in a board's standing orders as set out by the VEC.

21. First Meeting and Validity of Board Procedures

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

(2) On the occasion of the establishment of a school when all the members of a board have not yet been elected/nominated, the members shall act as a full board under a duly elected protem 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 for membership of that board.

(B) Articles of Management

1. Status and Purpose of Board

(1) The school shall be managed by a sub-committee to be known as the board, established under section 31, subsection 1(a) of the Vocational Education (Amendment) Act, 2001, and in accordance with the provisions of Part IV of the Education Act, 1998, and the Vocational Education Acts, 1930 to 2001.

(2) The school 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 (A), section 1. A school will also provide ongoing opportunities for persons living in the area in keeping with national policies on lifelong learning.

2. Finance

(1) The financial affairs of a school shall at all times be managed and conducted in accordance with best practice guidelines as set out by the VEC/VSSU and shall be in compliance with the principles and standards as outlined in the Code of Corporate Governance Handbook.

(2) A board shall keep all proper and usual financial records of income and expenditure of all monies due/received and expended and in accordance with any direction issued by the VEC. The VEC shall ensure that in each year a board shall report and certify receipts and expenditure in accordance with best accounting practice and in a format specified by the VEC.

(3) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister, the VEC, VSSU, C&AG, and as provided for in the Education Act of 1998, 18 (2), by the parents of students in the school.

(4) A board shall keep all accounts as directed by the VEC. A board shall submit to the CEO, before the 31st day of May or before a date specified by the VEC in each year, an estimate in such form as may be required, of the income and expenditure required for the following financial year. Due provision shall be incorporated in the Committee's annual financial scheme and service plan in accordance with good corporate governance practices and submitted to the Department of Education and Science.

5) On receipt of the Department's annual financial allocation, the VEC shall allocate a budget to the school. A board shall plan and oversee the expenditure of the approved budget subject to compliance with the procedures as laid down by the VEC. A board shall not exceed the amount approved under any head in any year without the previous consent of the VEC, and shall comply with any directions which may, from time to time, be given by the VEC relating to all accounts, financial records and statements.

(6) The VEC shall provide, from time to time, up to an amount to be agreed with a board, monies for the petty cash account. A board shall authorise a Principal to make petty cash disbursements in the name of the school in accordance with the VEC's financial procedures.

(7) The VEC shall pay the salaries of the authorised full-time and part-time teaching and non-teaching staff of the school in accordance with the regulations of the Department and the procedures prescribed by the VEC. A board shall ensure that all returns in respect of attendances/absences are submitted to the VEC in accordance with directions and timescales issued by the VEC.

3. Returns

A board shall forward to the VEC such returns and reports as may be required from time to time by the VEC and the Minister.

4. Premises and Equipment

(1) The VEC shall be responsible for the erection of the school buildings and for the development of the school premises and shall be responsible for expenditure on the initial equipping of the school (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 premises and grounds out of the annual financial allocation provided by the VEC.

(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 apparatus and other materials for the school and such articles may, within the limits of the estimates approved for any year by the VEC and subject to such regulations as the VEC shall from time to time prescribe, be ordered by a board, which 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 shall be verified only by the Principal or such other person or persons nominated for that purpose by the Principal.

(5) The VEC shall make payment for expenditure properly incurred upon receipt of certified returns from a board or the Principal.

(6) A board shall ensure that a record (in a format approved by the VEC) 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 taken annually. Following consideration of the report it shall make a submission on it to the VEC.

(7) A board shall concern itself with the condition and state of repair of the school premises. With respect to major repairs and alterations of the school premises, the work shall be subject to the prior approval of the VEC and carried out under the direction of the VEC.

(8) A board shall determine the uses for community purposes of the school buildings or grounds at times which will not affect school work. Regulations and conditions governing the use of the premises for community purposes shall be prepared by a board for the approval of the VEC and shall be subject to alterations from time to time with the approval of the VEC. The regulations and conditions will consider the issue of all costs (direct /indirect) and insurance requirements.

5. Report on operation of Board

(1) Where the VEC is of the opinion that the functions of a board are not being effectively discharged, the VEC shall inform a board of that opinion and the reasons therefor.

(2) Having considered any representations by a board the VEC or the Minister may authorise any person or persons as the VEC or the Minister may deem appropriate to report to the VEC 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 a board, the Principal, teachers and other staff of the school, including access to all records, to perform his or her functions.

(4) The Principal or board shall supply the VEC and the Minister with such information regarding the performance of a board's functions as the Minister or the VEC may from time to time require.

(5) Where either the Minister or the VEC proposes to exercise functions under section 19 of the Education Act 1998 then

- (a) the Minister shall inform the VEC, or
 - (b) the VEC shall inform the Minister,
- as appropriate, of the proposed course of action.

6. Report and Information

(1) A board shall establish procedures for informing the parents of students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff and a student council as appropriate where one has been established of a report on the operation and performance of the school in any school year, with particular reference to the achievements of objectives as set out in the school plan provided for under section 7.

(2) A board shall provide for the VEC an annual report, and such other reports/information, required by the procedures as determined by the VEC in this regard.

7. The School Plan

(1) A board 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 as prescribed by section 21 of the Education Act of 1998 (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 VEC education service shall be made available to a board, and the Principal and staff of the school, in the initial preparation and development of the school plan.

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

(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 VEC 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.

8. Appointment of Staff

(1) In accordance with section 23 of the Education Act, 1998, and section 20 (1), (2) and (3) of the Vocational Education (Amendment) Act, 2001, it is the responsibility of the VEC to employ, and the duty of the CEO to arrange on behalf of the Committee for the appointment of the Principal, teachers and other staff of a school established or maintained by the VEC.

(2) All posts shall be established under the VEC and appointments shall be made in accordance with section 20 of the Vocational Education (Amendment) Act, 2001 and as provided for under Part V of the Education Act 1998.

(3) A board shall, in accordance with policies and procedures determined by the VEC in relation to staffing arrangements, request the VEC to make provision for the employment in the school 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.

(4) The decision of a board in relation to the staffing entitlement/allocation of teaching posts to a school shall be subject to the prior approval of the CEO.

(5) All appointments shall be in accordance with statutory provision, relevant DES Circular Letters, Memoranda and allocations, relevant VEC procedures and Articles of Management, and due regard shall be taken of the IVEA Information Document to Assist Selection Boards.

(6) Before assuming the duties of a post, all appointees shall sign contract/conditions of service with the VEC. The terms and conditions shall be as determined by the Minister or by the VEC with the consent of the Minister, section 20 (3) 2001.

(7) Following due process the VEC may suspend or dismiss such teachers and staff in accordance with procedures as statutorily set down and agreed from time to time between the Minister, the VEC, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate

(8) Selection procedures for appointment and promotion of staff are as set out in appendix (i).

9. Functions of Principal and Teachers

(1) The Principal of a recognised school established or maintained by the VEC and the teachers at that school, under the direction of the Principal, shall have responsibility, in accordance with these articles, for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school.

(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 VEC as appropriate.

10. The Principal

(1) In addition to the functions of the Principal provided for in section 9, the Principal shall—

- (a) be responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school, and be accountable to the board/VEC for that management,
- (b) provide leadership to the teachers and other staff and the students of the school,
- (c) be responsible for the creation, together with a board, parents of students and teachers, 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 a board and the CEO, in consultation with the teachers, the parents, and to the extent appropriate to their age and experience the students, set objectives for the school and monitor the achievement of these objectives, and
- (e) encourage the involvement of parents of students in the school in the education of those students and in the achievements of the objectives of the school.

(2) For the purpose of carrying out his or her functions and as provided for in the Education Act, 1998 and the Vocational Education (Amendment) Act, 2001, 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 VEC and a board under the executive direction of the CEO, to whom the Principal is accountable in accordance with Part V of the Act of 1998 and sections 12, 15, 16 and 20 of the Act of 2001.

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

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

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 VEC educational service will be available to the Principal in its preparation. This educational scheme shall be submitted to the board for its consideration and transmitted by it to the VEC.

12. Direction of Organisation and Curriculum

Subject to the provisions of the Minister and the general educational character of the school and to the policy and philosophy determined by the VEC, a board shall have responsibility for the general direction of the organisation and curriculum of the school.

13. Staff Council

(1) A board shall arrange for the setting up of a staff council consisting of all the teaching staff of the school under the chairpersonship of the Principal.

(2) The staff council will consider the curricular arrangements of the school and may make recommendations to a board regarding extending the subject range, the arrangement of the timetable, and the provision of school equipment.

(3) The staff council may, on request, advise a board of any educational or other problem which a board may put to it. The council may, on its own initiative, make submissions to a board on any educational or other matter connected with the school.

14. Staff Meetings

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

15. Internal Organisation and Discipline

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

(2) The board 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.

(3) The Principal shall ensure the implementation of the code in accordance with the provisions of the Education Act, 1998 and the Education (Welfare) Act, 2000.

16. Support Services of VEC

(1) The VEC will make available to the school its support services in areas such as education planning and provision, school plan, administration, finance, architecture, inservice training, stock control, etc.

(2) In this regard the relevant VEC personnel will be available to work with the Principal in drawing up a community adult education service to provide a comprehensive range of adult education and lifelong learning opportunities. The Principal, in consultation with a board, will each year prepare and cost a programme in accordance with DES and VEC guidelines and procedures.

17. Religious Worship and Instruction

Arrangements in this regard shall be in accordance with Circular Letter 73/74 or as so amended.

18. Insurance

(1) As provided for by the Education Act of 1998, section 14 (7), and by the VEC Acts, 1930-2001, 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 VEC.

(2) The VEC 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 VEC shall carry 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 VEC 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 default or wrongful act on the part of the board or members of staff against whom such claims are made.

19. Parents' Association

(1) The parents of students of the school may establish, and maintain from among their number, a parents' association for the school and membership of that association shall be open to all parents of students in the school.

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

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

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

(3) A board shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when it is established.

(4) (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.

20. Information to Students and Student Council

(1) A board shall establish and maintain procedures for the purposes of informing students in the school of the activities of the school.

(2) The procedures established and maintained under subsection (1) shall facilitate the involvement of the students in the operation of the school, having regard to the age and experience of the students, in association with their parents and teachers.

(3) Students at a school 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 and the involvement of students in the affairs of the school, in co-operation with a board, parents and teachers.

(5) The rules for the establishment of a student council shall be drawn up by a 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 a board, may make rules governing its meetings and the business and conduct of its affairs.

21. Grievance and Other Procedures under S. 28.

In accordance with section 28 of the Education Act, 1998, the Minister may prescribe procedures for the resolution of the grievances of students or their parents.

22. Appeals to Secretary General

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 regarding the suspension or expulsion of a student or a refusal to enrol a student. An appeal against a decision of a board of a school which is established or maintained by a VEC shall be made, in the first instance to the VEC and thereafter to the Secretary General pursuant to the provisions of section 29.

23. Curriculum

(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), the Minister-

- (a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under subsection (4),
- (b) shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section,
- (c) may give directions to schools, where he or she considers it appropriate, to ensure that the subjects and syllabuses pursued in those schools are appropriate and relevant to the educational and vocational needs of the students in those schools,

- (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, 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.

24. Teaching through Irish

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.

25. Educational Disadvantage

In accordance with section 32 of the Education Act, 1998, the Minister shall make special arrangements for advice on the policies and strategies to be adopted to identify and correct educational disadvantage.

26. Special Educational Needs

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, Principal and staff of a school in that regard.

27. Education Welfare Officer

Section 11 of the Education (Welfare) Act, 2000, obliges the board, 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.

28. Admission of Student

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.

29. School Attendance Records

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.

30. School Attendance Strategies

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 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 in section 7 of these articles and in section 21 of the Education Act of 1998.

31. Code of Behaviour

(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 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 Act of 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 code of behaviour in respect of the school concerned.

32. Expulsion of Student from recognised School

Section 24 of the Education (Welfare) Act, 2000, specifies duties for a board or a person acting on its behalf in the case of the expulsion of a student.

Part Three: Board of Management of a Community College

Management functions in sections (A) and (B), other than personnel matters, are assigned to a board as a sub-committee established by the VEC in accordance with the relevant legislation.

(A) Instrument of Management

1. Functions of College

(1) In accordance with section 9 of the Education Act, 1998, a recognised college 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 college,
- (e) promote equality of opportunity for both male and female students and staff of the college.
- (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 college relating to the progress of that student in his or her education,
- (h) in the case of colleges located in the Gaeltacht area, contribute to the maintenance of Irish as the primary community language,
- (i) conduct its activities in accordance with any regulations made from time to time by the Minister,

- (j) ensure that the needs of personnel involved in management functions and staff development needs generally in the college 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 college and attainment levels and academic standards of students,
- (l) establish or maintain contact with other colleges and schools and at other appropriate levels throughout the community served by the college, and
- (m) subject to the Act, establish and maintain an admissions policy which provides for maximum accessibility to the college,
- (n) promote insofar as is reasonably practicable, educational opportunities for persons living in the area in keeping with national policies on lifelong learning.

2. The Inspectorate

The provisions of section 13 of the Education Act, 1998, shall apply as appropriate to colleges under the patronage of the VEC.

3. Establishment of Board

(1) The VEC is the body corporate for all colleges established or maintained under its patronage in accordance with section 7 of the VEC Act, 1930 and section 14 (2) of the Education Act, 1998.

(2) It is the duty of the VEC as patron for the purposes of ensuring that each of its colleges is managed in a spirit of partnership to establish a board the composition of which is agreed between VECs , 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 31 of the Vocational Education (Amendment) Act, 2001.

(4) A board established under Part IV of the 1998 Act and section 31 of the 2001 Act shall consist of not more than 12 members and may consist partly of members who are members of the VEC concerned and partly of members who are not members of the VEC concerned.

(5) The members of a board shall, except where articles of management otherwise provide, be formally appointed by the VEC in its capacity as patron of the college.

(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 the new VEC, an incoming board shall become effective on being constituted by such VEC. These arrangements shall at all times be in accordance with procedures in the respective instruments 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 VEC, 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 31 of the 2001 (Amendment) Act, the VEC 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) and in the VEC Acts 1930-2001, no action shall lie against a member of a board in respect of anything done by a member in good faith and in pursuance of the above mentioned Acts or any regulation made by the Minister or the VEC.

(11) Where the VEC determines that the appointment of a board in accordance with Part IV and section 31 is not practicable, the VEC shall inform the parents of students, the teachers and other staff of the college 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 VEC 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

(1) A board of a college, when constituted, shall consist of not more than 12 members nominated or elected as set out hereunder:

(a) Three members, (at least two of whom shall be members of the VEC) shall be nominated by the VEC and are hereinafter referred to as “the Committee’s Nominees”,

(b) Three members shall be the nominees 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) Other Religious representation on a board will be considered by the VEC 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 college shall be elected, through a process organised by the college management, by the parents of the aforementioned students. The parents, so elected, are hereinafter referred to as “the Parents’ Representatives”,

(e) Two members, one female, one male, of the college’s teaching staff shall be elected by the teachers serving in the college at the time and acting as one body for the purpose of such election. The teachers so elected are hereinafter referred to “the Teachers’ Representatives”,

(f) On the occasion of the setting up of a new board, or at a subsequent date, a board may nominate a representative from primary schools within the college’s catchment area, or from local associations/organisations, or from students over the age of 18 years who are currently enrolled in the college, to fill with VEC approval one additional place on a board. The person so appointed is hereinafter referred to as “ the Board’s Nominee”,

(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 college board.

5. Term of Office of Board

(1) The term of office of a college board shall normally be deemed to expire on 30th day of September in the third year after a newly constituted board becomes effective, or shall be for the term of office of the VEC, whichever is the shorter.

(2) The members nominated and elected in accordance with the instruments and articles of management of a college shall remain members for the term of office of a board, save as prescribed in sections 7, 10 and 11 below.

6. Vacancy in Membership of Board

A vacancy occurring in the membership of a board shall be filled for the remainder of the term of office by the VEC 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. Termination of Membership

(1) Any member of a board who is absent from all meetings of a board during the period of one year, except for reasons approved by a board, or who is incapacitated from acting, or who ceases to hold the appropriate qualification of membership, or who communicates in writing to the secretary of a board a wish to resign, shall thereupon cease to be a member of a board.

8. Quorum for Board Meetings

(1) A minimum of four members shall be required to form a quorum for a meeting of a board.

(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 sine die and a special meeting shall be summoned as soon as may be convenient.

(3) Any meeting may be adjourned by resolution.

9. Functions of Board

(1) It shall be the duty of a board to manage the college on behalf of and in cooperation with the VEC 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 college for which that board has responsibility.

(2) The management functions of the VEC are outlined in Part One of the Handbook and in the instrument and articles of management.

(3) A board shall adopt the educational scheme for the college within approved resources in each year and shall have an opportunity to contribute to the service and education plans of the VEC.

(4) A board shall perform the functions conferred on it by Part IV of the Education Act, 1998, and by its status as a section 31 subcommittee of the VEC under the Vocational Education (Amendment) Act, 2001 and in carrying out its functions shall

(a) do so in accordance with the policies determined by the Minister and the VEC from time to time,

(b) uphold, and be accountable to the VEC for so upholding, the characteristic spirit of the 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 college, and 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 college,

(c) consult with and keep the VEC informed of decisions and proposals of a board, and act in accordance with the board's management functions, outlined in the instrument and articles of management,

(d) publish, in such manner as a board and the VEC considers appropriate, the policy of the college concerning admission to and participation in the college, including the policy of the college relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that principles of equality and the right of parents to send their children to the 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 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 VEC for the benefit of students in the college), the public interest in the affairs of the college and accountability to students, their parents, the VEC, particularly as provided for in the relevant articles of management and VEC procedures, staff and the community served by the college, and

(g) use the resources provided to the college from monies provided by the VEC to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary and with prior VEC approval the alteration of buildings and provision of appropriate equipment.

(5) 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 plan (in B, section 7, referred to as “the school plan”) and shall ensure that the plan is regularly reviewed and updated.

(6) For the avoidance of doubt, nothing in these articles shall confer or be deemed to confer on a board any right over or interest in the land and buildings of the college for which that board is responsible.

10. Dissolution by VEC

(1) Subject to this section and to the consent of the Minister the VEC may

(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 VEC proposes to remove a member of a board from that office or to dissolve a board, the VEC shall inform the member or board by notice in writing of the VEC’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 VEC, 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 VEC 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 31 of the Vocational Education (Amendment) Act, 2001.

(4) A copy of every 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 VEC dissolves a board, the VEC may, subject to the approval of the Minister, appoint any person or body of persons as the VEC thinks fit to perform the functions of a board.

(6) Where the VEC removes a member of a board the resulting vacancy will be filled in accordance with regulations made under section 14 (6) of the Education Act, 1998, or as provided for under section 31 of the Vocational Education (Amendment) Act, 2001.

(7) The VEC shall provide in accordance with section 16 (7) of the 1998 Act for the re-establishment of a board under section 31 of the 2001 (Amendment) Act not later than six months following the dissolution or such longer period as the VEC, 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).

11. Dissolution by Patron at request of Minister

(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 VEC to dissolve a board for reasons stated in such notice and the VEC shall dissolve a board accordingly as soon

as may be after the date of such notice pursuant to section 17 of the 1998 Act, and to section 31(8) of the Vocational Education (Amendment) Act 2001.

(2) Before the Minister serves a notice as provided for in subsection (1), he or she shall inform a board and the VEC 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 VEC within one month of informing a board and the VEC.

(3) Whenever the VEC dissolves a board under this section, subsections (5) and (7) of section 16 of the Education Act, 1998, and subsection 1(a) of section 31 of the Vocational Education (Amendment) Act, 2001, shall apply.

12. Chairperson of Board

The members of a board shall, at their first meeting, elect one of their number as chairperson of that board. An election for chairperson shall thereafter take place at the first meeting of each year or after a vacancy has arisen. If the chairperson is absent from any meeting for a period of fifteen minutes from 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. Whenever 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 CEO or his/her nominee shall act as secretary for the time being.

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 CEO or his/her delegated officer under section 16 of the Vocational Education (Amendment) Act, 2001, the Bishop/trustee partner or his/her representative shall have the right to attend meetings of a board 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, a notice to attend the meeting, specifying the business proposed to be transacted thereat and signed by the secretary shall be left at, or sent by post or email, if appropriate, to the usual place of residence of each member of a board. Provided that in the case of a meeting of a board requested by any five of its voting members, in accordance with section 14, subsection (2) above, the aforesaid request shall be signed by the five members convening the meeting who shall notify the secretary in writing. The secretary shall subsequently issue notice for 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 of the proceedings of a board shall be kept by the secretary. The minutes shall be open to inspection by the Minister and the VEC and the secretary of a board shall within seven days after every meeting of a board send to the VEC, and in the case of a Model Agreement 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 e.g. a board may decide to issue an agreed report of a meeting.

18. Voting

Every question, except as provided for in section 20 of this instrument, at a meeting of a board 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 College

(1) Members of a board are subject to the same ethical standards and obligations as provided for in Circular Letter F11/05 and in the Code of Corporate Governance Handbook.

(2) Except in special circumstances, with the approval in writing of the Minister, no member of a board shall take or hold any interest in any property held or used for the purposes of the college 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 college.

20. Rescinding Resolutions

Any resolution of a board may be rescinded or varied at a subsequent meeting, if not less than seven days' notice of the intention to rescind or vary the same, and of the terms of the proposed rescinding or varying resolution has been given in writing to all members of a board. Provided that if the resolution proposed to be rescinded or varied was passed during the previous six months, the notice shall be signed by three members of a board. No resolution passed at any board meeting shall be rescinded at any subsequent meeting unless such rescission be determined upon by a majority of two-thirds of the members present and voting. Any such procedures in relation to rescission should be provided for in a board's standing orders as set out by the VEC.

21. First Meeting and Validity of Board Procedures

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

(2) On the occasion of the establishment of the college when all the members of a board have not yet been elected/nominated, the members shall act as a full board under a duly elected protem 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 for membership of that board.

(B) Articles of Management

1. Status and Purpose of Board

(1) The college shall be managed by a sub-committee to be known as the board, established under section 31, subsection 1(a) of the Vocational Education (Amendment) Act, 2001, and in accordance with the provisions of Part IV of the Education Act, 1998, and the Vocational Education Acts, 1930 to 2001.

(2) The 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 (A), section 1. The college will also provide ongoing opportunities for persons living in the area in keeping with national policies on lifelong learning.

2. Finance

(1) The financial affairs of a college shall at all times be managed and conducted in accordance with best practice guidelines as set out by the VEC/VSSU and shall be in compliance with the principles as outlined in the Code of Corporate Governance Handbook.

(2) A board shall keep all proper and usual financial records of income and expenditure of all monies due/received and expended and in accordance with any direction issued by the VEC. The VEC 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 VEC.

(3) Accounts kept in pursuance of this section shall be made available by the college concerned for inspection by the Minister, the VEC VSSU, C&AG and as provided for in the Education Act of 1998, 18 (2), by parents of students in the college.

(4) A board shall keep all accounts as directed by the VEC. A board shall submit to the CEO, before the 31st day of May or before a date specified by the VEC in each year, an estimate in such form as may be required, of the income and expenditure required for the following financial year. Due provision shall be incorporated in the Committee's annual financial scheme and service plan in accordance with good corporate governance practices and submitted to the Department of Education and Science.

(5) On receipt of the Department's annual financial allocation, the VEC shall allocate a budget to the college. A board shall plan and oversee the expenditure of the approved budget subject to compliance with the procedures as laid down by the VEC. A board shall not exceed the amount approved under any head in any year without the previous consent of the VEC, and shall comply with any directions which may, from time to time, be given by the VEC relating to all accounts, financial records and statements.

(6) The VEC shall provide, from time to time, up to an amount to be agreed with a board, monies for the petty cash account. A board shall authorise a Principal to make petty cash disbursements in the name of the college in accordance with the VEC's financial procedures.

(7) The VEC shall pay the salaries of the authorised full-time and part-time teaching and non-teaching staff of the college in accordance with the regulations of the DES and the procedures prescribed by the VEC. A board shall ensure that all returns in respect of attendances/absences are submitted to the VEC in accordance with directions and timescales issued by the VEC.

3. Returns

A board shall forward to the VEC such returns and reports as may be required from time to time by the VEC, the Bishop/trustee partner and the Minister.

4. Premises and Equipment

(1) The VEC shall be responsible for the erection of the college buildings and for the development of the college premises and shall be responsible for expenditure on the initial equipping of the college (furniture, books and apparatus in the college and other college materials).

(2) A board shall be responsible for the maintenance and upkeep of the college premises and grounds out of the annual financial allocation provided by the VEC.

(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 apparatus and other materials for the college and such articles may, within the limits of the estimates approved for any year by the VEC and subject to such regulations as the VEC shall from time to time prescribe, be ordered by a board, which may delegate its functions 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 college shall be verified only by the Principal or such other person or persons nominated for that purpose by the Principal.

5) The VEC shall make payment for expenditure properly incurred upon receipt of certified returns from a board or the Principal.

(6) A board shall ensure that a record (in a format approved by the VEC) 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 college taken annually. Following consideration of the report it shall make a submission on it to the VEC.

(7) A board shall concern itself with the condition and state of repair of the college premises. With respect to major repairs and alterations of the college premises, the work shall be subject to the prior approval of the VEC and carried out under the direction of the VEC.

(8) A board shall determine the uses for community purposes of the college buildings or grounds at times which will not affect school work. Regulations and conditions governing the use of the premises for community purposes shall be prepared by a board for the approval of the VEC and shall be subject to alterations from time to time with the approval of the VEC. The regulations and conditions will consider the issue of all costs (direct /indirect) and insurance requirements.

5. Report on operation of a board

(1) Where the VEC is of the opinion that the functions of a board are not being effectively discharged, the VEC shall inform a board of that opinion and the reasons therefor.

(2) Having considered any representations by a board the VEC or the Minister may authorise any person or persons as the VEC or the Minister may deem appropriate to report to the VEC 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 college concerned and shall be afforded every facility and co-operation by a board, the Principal, teachers and other staff of the college, including access to all records, to perform his or her functions.

(4) The Principal or board shall supply the VEC and the Minister with such information regarding the performance of a board's functions as the Minister or the VEC may from time to time require.

(5) Where either the Minister or the VEC proposes to exercise functions under section 19 of the Education Act of 1998 then

- (a) the Minister shall inform the VEC, or
 - (b) the VEC shall inform the Minister,
- as appropriate, of the proposed course of action.

6. Report and Information

(1) A board shall establish procedures for informing the parents of students in the college of matters relating to the operation and performance of the 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 college in any school year, with particular reference to the achievements of objectives as set out in the school plan provided for under section 7.

(2) A board shall provide for the VEC an annual report and such other reports/information required by the procedures as determined by the VEC in this regard.

7. The School Plan

(1) A board 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 as prescribed by section 21 of Education Act of 1998 (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 VEC education service shall be made available to a board, and the Principal and staff of the college, in the initial preparation and development of the school plan.

(3) The school plan shall state the objectives of the college relating to equality of access to and participation in the college and the measures which the college proposes to take to achieve those objectives including equality of access to and participation in the 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 college, as may be given from time to time by the VEC 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 college.

8. Appointment of Staff

(1) In accordance with section 23 of the Education Act, 1998, and section 20, subsections (1), (2) and (3) of the Vocational Education (Amendment) Act, 2001, it is the responsibility of the VEC to employ, and the duty of the CEO to arrange on behalf of the Committee for the appointment of the Principal, teachers and other staff of a college established or maintained by the VEC.

(2) All posts shall be established under the VEC and appointments shall be made in accordance with section 20 of the Vocational Education (Amendment) Act, 2001 and as provided for under Part V of the Education Act 1998.

(3) A board shall, in accordance with policies and procedures determined by the VEC in relation to staffing arrangements, request the VEC to make provision for the employment in the 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.

(4) The decision of a board in relation to the staffing entitlement/allocation of teaching posts to a school shall be subject to the prior approval of the CEO.

(5) The VEC will appoint a Chaplain to a College in accordance with the Model Agreement.

(6) All appointments shall be in accordance with statutory provision, relevant DES Circular Letters, Memoranda and allocations, relevant VEC procedures and Articles of Management, and due regard shall be taken of IVEA Information Document to Assist Selection Boards.

(7) Before assuming the duties of a post, all appointees shall sign contract/conditions of service with the VEC. The terms and conditions shall be as determined by the Minister or by the VEC with the consent of the Minister, section 20 (3) 2001.

8) Following due process the VEC may suspend or dismiss such teachers and staff in accordance with procedures as statutorily set down and agreed from time to time between the Minister, the VEC, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

(9) Selection procedures for appointment and promotion of staff are as set out in Appendix (ii).

9. Functions of Principal and Teachers.

(1) The Principal of a recognised college established or maintained by the VEC and the teachers in that college, under the direction of the Principal shall have responsibility, in accordance with these articles, for the instruction provided to students in the college and shall contribute, generally, to the education and personal development of students in that 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 college 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 VEC as appropriate.

10. The Principal

(1) In addition to the functions of the Principal provided for in section 9, the Principal shall—

(a) be responsible for the day-to-day management of the college, including guidance and direction of the teachers and other staff of the college, and be accountable to the board/VEC for that management,

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

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

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

(e) encourage the involvement of parents of students in the college in the education of those students and in the achievements of the objectives of the college.

(2) For the purpose of carrying out his or her functions and as provided for in the Education Act, 1998 and the Vocational Education(Amendment) Act, 2001, 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 VEC and a board under the executive direction of the CEO, to whom the Principal is accountable in accordance with Part V of the Act of 1998 and sections 12, 15, 16 and 20 of the Act of 2001.

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

(4) Wherever practicable, the Principal shall, in exercising his or her functions under this section, consult with teachers and other staff of the 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 VEC educational service will be available to the Principal in its preparation. This educational scheme shall be submitted to the board for its consideration and transmitted by it to the VEC.

12. Direction of Organisation and Curriculum

Subject to the provisions of the Minister and the general educational character of the college and to the policy and philosophy determined by the VEC and the Bishop/trustee partner, a board shall have responsibility for the general direction of the organisation and curriculum of the college.

13. Staff Council

(1) A board shall arrange for the setting up of a staff council consisting of all the teaching staff of the college under the chairpersonship of the Principal.

(2) The staff council will consider the curricular arrangements of the college and may make recommendations to a board regarding extending the subject range, the arrangement of the timetable, and the provision of college equipment.

(3) The staff council may, on request, advise the board of any educational or other problem which a board may put to it. The council may, on its own initiative, make submissions to a board on any educational or other matter connected with the college.

14. Staff Meetings

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

15. Internal Organisation and Discipline

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

(2) The board shall in accordance with relevant legislation ensure the preparation and operation of a code of behaviour as referred to in section 31 of these articles in respect of the students registered at the college.

(3) The Principal shall ensure the implementation of the code in accordance with the provisions of the Education Act, 1998 and the Education (Welfare) Act, 2000.

16. Support Services of VEC

(1) The VEC will make available to the school its support services in areas such as education planning and provision, school plan, administration, finance, architecture, inservice training, stock control, etc.

(2) In this regard the relevant VEC personnel will be available to work with the Principal in drawing up a community adult education service to provide a comprehensive range of adult education and lifelong learning opportunities. The Principal, in consultation with a board, will each year prepare and cost a programme in accordance with DES and VEC guidelines and procedures.

17. Religious Worship and Instruction

Arrangements in this regard shall be in accordance with Circular Letter 73/74 or as so amended and/or as provided for in the Model Agreement.

18. Chaplain

In accordance with the existing Model Agreement arrangement the VEC will appoint a chaplain, nominated by the relevant competent religious authority, 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 VEC and of the nominating authority and must abide by the regulations of the Minister for Education and Science.

19. Insurance

(1) As provided for in the Education Act of 1998, section 14 (7), and by the VEC Acts, 1930-2001, 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 VEC.

(2) The VEC 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 VEC shall carry 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 VEC 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 default or wrongful act on the part of the board or members of staff against whom such claims are made.

20. Parents' Association

(1) The parents of students of the college may establish, and maintain from among their number, a parents' association for the college and membership of that association shall be open to all parents of students in the college.

(2) A parents' association shall promote the interests of the students in the college in co-operation with a board, Principal, teachers and students of the college and for that purpose may-

(a) advise the Principal or a board on any matter relating to the 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 college.

(3) A board shall promote contact between the college, parents of students in that 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.

21. Information to Students and Student Council

(1) A board shall establish and maintain procedures for the purposes of informing students in the college of the activities of the college.

(2) The procedures established and maintained under subsection (1) shall facilitate the involvement of the students in the operation of the college, having regard to the age and experience of the students, in association with their parents and teachers.

(3) Students at a 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 college and the involvement of students in the affairs of the college, in co-operation with a board, parents and teachers.

(5) The rules for the establishment of a student council shall be drawn up by a 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 a board, may make rules governing its meetings and the business and conduct of its affairs.

22. Grievance and Other Procedures under S. 28.

In accordance with section 28 of the Education Act, 1998, the Minister may prescribe procedures for the resolution of the grievances of students or their parents.

23. Appeals to Secretary General

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 regarding the suspension or expulsion of a student or a refusal to enrol a student. An appeal against a decision of a board of a college which is established or maintained by a VEC shall be made, in the first instance to the VEC and thereafter to the Secretary General pursuant to the provisions of section 29.

24. Curriculum

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), the Minister-

- (a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under subsection (4),
- (b) shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section,
- (c) may give directions to schools, where he or she considers it appropriate, to ensure that the subjects and syllabuses pursued in those schools are appropriate and relevant to the educational and vocational needs of the students in those schools,
- (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, 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 college may, subject to the requirement that the curriculum as determined by the Minister is taught in that college, provide courses of instruction in such other subjects as the board considers appropriate.

25. Teaching through Irish

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.

26. Educational Disadvantage

In accordance with section 32 of the Education Act, 1998, the Minister shall make special arrangements for advice on the policies and strategies to be adopted to identify and correct educational disadvantage.

27. Special Educational Needs

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, Principal and staff of a college in that regard.

28. Education Welfare Officer

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

29. Admission of Student

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

30. School Attendance Records

Section 21 of the Education (Welfare) Act, 2000, specifies duties for the Principal and board of the college 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.

31. School Attendance Strategies

In accordance with section 22 of the Education (Welfare) Act, 2000, a board of a college 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 college, prepare and submit to the National Educational Welfare Board a statement of the strategies and measures it proposes to adopt for the purposes of fostering an appreciation of learning among students attending the college and encouraging regular attendance at college 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 in section 7 of these articles and in section 21 of the Education Act of 1998.

32. Code of Behaviour

(1) In accordance with section 23 of the Education (Welfare) Act, 2000, a board of a college 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 college, prepare pursuant to section 23 (2) of the Act of 2000, a code of behaviour in respect of the students registered at the college.

(2) The code of behaviour shall specify:-

- a) the standards of behaviour that shall be observed by each student attending the college,
- 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 college concerned,
- d) the grounds for removing a suspension imposed in relation to a student; and
- e) the procedures to be followed relating to notification of a child's absence from college.

(3) A code of behaviour shall be prepared in accordance with such guidelines as may be issued by the National Education Welfare Board.

(4) The Principal of a college shall, before registering a child as a student at that college in accordance with section 20 of the Act of 2000, provide the parents of such child with a copy of the code of behaviour in respect of the college 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 college 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 code of behaviour in respect of the college concerned.

33. Expulsion of Student from Recognised School

Section 24 of the Education (Welfare) Act, 2000, specifies duties for a board or a person acting on its behalf in the case of the expulsion of a student.

APPENDIX (i)

Selection Procedures for Posts in VEC Schools.

Procedures shall be in accordance with the following Department of Education and Science Circular Letters:-

C.L. 20/98;

C.L. 21/98;

C.L. 43/00;

C.L. 44/00;

C.L. 6/02.



Circular 20/98

To: The Chief Executive Officer of
each Vocational Education Committee

Implementation of revised in-school management structures in vocational schools and community colleges.

The Agreement on Pay and Conditions of Teachers under Clause 2(iii) of Annex 1 of the Programme for Competitiveness and Work contained proposals in relation to in-school management.

The Minister for Education and Science now authorises the implementation of the revised in-school management structures in vocational schools and community colleges.

These proposals are aimed at improving significantly, through restructuring, in-school management in second level schools and respond to teacher union claims for improved career structures and opportunities for teachers and increased payment for post holders.

The objectives of this restructuring include:

matching the responsibilities of the posts more clearly to the central tasks of the school and the clear specification of responsibilities for various posts focusing on the provision of opportunities for teachers to assume responsibility in the school for instructional leadership, curriculum development, the management of staff and their development, and the academic and pastoral work of the school.

The current structure of posts of Principal, Vice-Principal, Grade A and Grade B will be replaced by grades of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher respectively.

The current schedules for the allocation of posts to schools, which are based on points categories of schools, will be replaced by schedules based on the numbers of approved teacher posts in schools. Details of the revised schedules for second level schools together with the method of calculation of wholetime teacher equivalents for the purpose of calculating the level of allowances of Principal and Deputy Principals and generating posts of Assistant Principal and Special Duties teacher are contained in [Circular 21/98](#).

RATES OF ALLOWANCES

The rates of allowances for posts in the revised structure will be set by increasing the current rates of allowances for corresponding posts by 28%. In addition the minimum rate of allowance for Principals will be increased and the cap on Principals' and Deputy Principals' allowances will

be raised. Rates of allowances for Principals and Deputy Principals will be set by reference to the approved number of teachers on the staff of the school.

Increased allowances for Principals and Deputy Principals will be implemented in three equal phases from 1 September, 1996, 1 September, 1997 and 1 September, 1998.

Increased allowances for Assistant Principal and Special Duties Teacher will be implemented in three equal phases from 1 January, 1997, 1 September, 1997 and 1 September, 1998.

In order to qualify for payment of the revised rate of allowance, Principals, Deputy Principals and other post-holders will be required, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to their posts.

If, in exceptional circumstances, the CEO cannot certify that an existing Principal, Vice-Principal or post-holder is carrying out assigned duties appropriate to his/her post, the Principal, Vice-Principal or post-holder may retain his/her existing allowance provided that he/she continues to carry out his/her existing duties.

Full details of the allowances payable and the conditions for the payment of such allowances are contained in Circular 22/98.

CONDITIONS GOVERNING PROPOSALS

The revised in-school management arrangements are subject to the following conditions relating to

- (a) the responsibilities and duties attaching to the posts and
- (b) appointment to the posts.

Responsibilities/Duties

The Principal, Deputy Principal and holders of posts of responsibility will together form the in-school management team for the school.

The Principal has overall responsibility under the CEO for the day-to-day management of the school.

All post-holders will, in accordance with their contracts undertake the duties of the grade of post to which they are appointed.

In assigning the duties to Assistant Principal and Special Duties Teacher posts, the duties should be inclusive so as to be open to applications from all eligible members of the teaching staff. Duties will be assigned in accordance with the Revised Teachers' PCW proposals which are set out in Appendix 1.

The duties of a post may be varied from time to time, following a consultative process, as the needs of the school require subject to the revised post carrying, in general, the same level of responsibility as the previous one.

The schedule of post duties and the names of those who will undertake the duties shall be approved formally by the CEO and a copy forwarded to the Department of Education and Science.

Appointments

Appointment to all posts will be made through the formal selection procedures.

In the case of a vacancy occurring in the Principalship, the post will be filled by way of open competition.

At present in vocational schools vice-principalships are filled either from within the VEC scheme or, more likely, through open competition. In designated Community Colleges vice-principalships are filled through open competition.

In filling vacancies for Deputy Principals existing practice (as for vice-principals) will be continued. However, the decision as to whether a post should be filled from within the Scheme or through open competition will be determined by the number of teachers in the school rather than on the points rating as heretofore. In future, vacancies for Deputy Principal in vocational schools with 10 teachers or less will be filled from within the Scheme while vacancies in schools with 11 or more teachers will be filled through open competition. This figure relates to the number as determined by reference to the calculation of wholetime teacher equivalents referred to in Circular 21/98.

In the case of other posts, vacancies will be filled from among the teachers in the school.

Advertising vacancies for Assistant Principal and Special Duties Teacher posts

All permanent teachers on the staff of the school with a minimum of three and one year's wholetime teaching service are eligible to apply for Assistant Principal and Special Duties Teacher posts respectively.

Notice of the vacant post shall be posted in the school for a period of not less than 5 school days, i.e. days on which the school is in operation for pupils.

Every reasonable effort shall be made to bring the vacancy to the attention of all eligible teachers. Members of staff on approved leave are eligible to apply and, therefore, a copy of the notice of the vacant post should be sent directly to the designated contact addresses of such teachers.

The notice shall specify the closing date for receipt of written applications which should not be earlier than ten school days after the initial date of posting of the notice in the school.

The notice shall specify the category of the post.

Transitional Arrangements

In regard to the initial appointments to the posts the following arrangements will apply:-

(a) All existing Principals and Vice-Principals may be appointed to the new posts of Principal and Deputy Principal respectively provided they are prepared, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to those posts.

(b) Existing Grade B Post-holders and Grade A post-holders may be appointed to the new grades of Special Duties Teacher and Assistant Principal, respectively, provided they are prepared, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to those posts.

(c) In the case where the number of new Assistant Principal posts is greater than the number of existing Grade A posts, appointment to the additional Assistant Principal posts will be by way of the agreed selection procedures confined initially to existing Grade B post-holders.

MONITORING OF THE REVISED ARRANGEMENTS FOR IN-SCHOOL MANAGEMENT

The proposals on in-school management involve substantial additional payments to Principals, Deputy Principals and other post-holders aimed at significantly improving in-school management in second level schools. The Department of Education and Science needs to ensure that the objectives of in-school management restructuring will in fact be achieved.

In order to carry out the necessary monitoring of the operation of revised in-school management arrangements the Department of Education and Science will periodically obtain from school authorities the schedule of posts of responsibility attaching to the school. Certification will be sought that the school authorities are satisfied that, insofar as possible, the necessary in-school management duties are being carried out through the implementation of the school's in-school management arrangements.

In the case of individual appointments to posts of responsibility, schools should, when seeking sanction for the appointment, submit a copy of the list of duties of the post.

In conjunction with school management and teacher organisations at national level, the Department of Education and Science will examine the operation of the revised in-school management arrangements on a regular basis with a view to ensuring that the system is operating satisfactorily.

DISSEMINATION OF CIRCULAR

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

John Dennehy,
Secretary General.
April, 1998.

Circular 20/98

APPENDIX ONE

NATIONAL CRITERIA FOR LEVEL AND TYPES OF DUTIES FOR POSTS OF ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHERS

1. The duties attached to posts should be such as to meet the administrative, pastoral and curriculum needs of the school.
2. The definition and list of duties attached to the schedule of posts decided by the Board of Management should be inclusive so as to reflect the individual circumstances of the school and be open to applications from all eligible members of the teaching staff.
3. Duties should reflect the grade and level of responsibility entailed by the post, taking into account the size and needs of the school.
4. The following are duties and responsibilities appropriate to posts. In larger schools, duties marked with asterisk are appropriate for Assistant Principal posts. Schools may combine duties for one post-holder or may assign more than one post-holder to a duty depending on the size of school and the level of responsibilities.
5. Duties and responsibilities appropriate to posts include:-

Year Heads*

Assistant Year Heads

Class Tutor

Responsibility for timetabling arrangements*

Responsibility for enrolment and monitoring of absenteeism*

Co-ordinator of school plan*

Subject Co-ordinators

Curricular Programme Co-ordinators*

Co-ordinator of Staff Development Programmes

Co-ordination and implementation of school policies, e.g. discipline*

Co-ordinator of Work Experience Programmes, including placement duties*

Organisation/promotion of cultural activities*

Organisation/promotion of sporting activities*

Budgetary/Financial Administration Assistant*

Organiser/co-ordinator of external school visits

Examinations Secretary*

State Examinations co-ordinator

School Examinations co-ordinator

Administration of School Library*

First Aid and Safety Officer (Fire Drills, etc.)

Liaison with Parents' Associations

Liaison with Department of Education and Science

Liaison with local community /press

Supervising the maintenance of and availability of school equipment

Supervising the maintenance and availability of facilities such as laboratories, PE, halls, etc.

Stock Control

Co-ordination of school transport

Administration of special assistance schemes, e.g. free books.

The above list is not exhaustive.



Circular 21/98

To: The Chief Executive Officer of each Vocational Education Committee

Implementation of revised in-school management structures in vocational schools and community colleges.

1. The Minister for Education and Science hereby authorises Vocational Education Committees to implement the procedures outlined below in relation to the creation of posts of Assistant Principal and Special Duties Teacher in vocational schools and community colleges.
2. The current structure of posts of Principal, Vice-Principal, Grade A and Grade B will be replaced by grades of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher respectively.
3. With effect from 1st March, 1998, the current schedules for the allocation of posts of responsibility to schools, which are based on points categories of schools, will be replaced by schedules based on the numbers of approved teacher posts in schools.

Approved teacher posts for the purposes of determining the allowances payable and the number of posts of responsibility to which a school is entitled are defined as the wholetime teacher equivalents of

- all sanctioned ex-quota posts,
 - all supernumerary teaching posts of a permanent nature,
 - notional teacher allocation based on the Pupil Teacher Ratio, and
 - surplus posts or concessionary posts (subject to certain conditions).
4. Appendix A sets out the details of the method of calculation of wholetime teacher equivalents for the purpose of
 - (a) calculating the level of allowances of Principals and Deputy Principals and
 - (b) generating posts of Assistant Principal and Special Duties Teacher.
 5. Details of the revised schedules of posts for second level schools are contained in Appendix B.
 6. Posts arising from the implementation of these proposals must be filled in accordance with the terms of Circulars 29/97 and 30/97 where appropriate.
 7. The Department will notify school authorities of the number and level of posts to which they are entitled.

8. DISSEMINATION OF CIRCULAR

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

John Dennehy,
Secretary General.

April, 1998.

Appendix A

Calculation of Wholetime Teacher Equivalent for the purposes of calculating the level of allowances for Principals and Deputy Principals and generating posts of Assistant Principal and Special Duties Teacher in second level schools.

(i) **Actual allocation of ex-quota posts*** to the school on 1st September of the current year

- *Principal _____
- *Deputy Principal _____
- *Special Deputy Principal _____
- *Guidance _____
- *Remedial _____
- *Resource _____
- *Disadvantaged Area _____
- *Home School Liaison _____
- *Class AI/Lan Ghaelach _____
- *Small School (VECs) _____
- *Chaplains (C&C Schools. Community Colleges) _____

Total Ex. Quota _____

(ii) **Supernumerary Teaching Posts** of a permanent nature which arise because of declining enrolments in a school _____

Teachers allocated under Par. 5.2 of Redeployment Scheme (Provided they are in at least their second year in the school.) [Secondary Schools] _____

Curricular concessions (735 hours per annum = 1 WTE) (Provided concession is being allowed to the school for a third consecutive year. Full WTEs only to be taken into account.) _____ Total concessionary _____

(iii) **Notional PTR teacher allocation** (Calculate as follows)

(a) enrolment of Junior and Senior Cycle students (including VTOS dispersed mode) on 30 September of previous year divided by 19 _____

(b) enrolment of LCAP and LCVP students (including VTOS - dispersed mode) on 30 September of previous year divided by 16 _____

(c) enrolment of PLC students (including VTOS - dispersed mode) on 30 September of previous year divided by 16 and multiplied by 1.5. _____

Notional PTR allocation {(a) + (b) + (c)} _____

(iv) **Approved Teaching Posts**

Total at ex-quota (i) _____

Total Concessionary (ii) _____

Notional PTR at (iii) _____

Total # WTE _____

#Whole post numbers only with rounding up or down to be taken into account in the expression of the final total.

Appendix B

SCHEDULE FOR ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHER POSTS

WTES	Assistant Principal	Special Duties Teacher
4-5	0	0
6-7	0	1
8	0	2
9-11	0	3
12	1	3
13	1	4
14-15	2	3
16-17	3	3
18	3	4
19-20	4	5
21-22	5	5
23-24	6	6
25-26	6	8
27-29	6	10
30-33	8	11
34-37	8	12
38-43	8	13
44-46	9	13
47-49	9	14
50-53	9	15
54-55	10	15
56-59	11	15
60-64	11	16
65-71	11	17
72-74	11	18
75-76	12	18
77-78	12	19
79-80	12	20
81-82	12	21
83-84	13	22
85-88	13	23
89-92	13	24
93-95	14	24
96-99	14	25
100-102	14	26
103-106	14	27
107-109	14	28
110-111	15	28
112-113	15	29
114-115	15	30
116-117	16	30
118-119	16	31
120-123	16	32
124-129	16	33
130-131	17	33
132-134	17	34
135-136	18	34
137-139	18	35
140-143	18	36
144-145	18	37
146-147	19	37
148-149	19	38

150-152	20	38
153-154	20	39
155-156	20	40
157-159	20	41
160-162	21	41
163-164	21	42
165-169	21	43
170-172	21	44
173-175	22	44
176-178	22	45
179-180	23	45
181-182	23	46
183-184	24	46
185-187	24	47
188-192	24	48
193-195	25	48
196-199	25	49
200	25	50

1. The schedule is based on the allocation of wholetime teacher equivalents.
2. An adjustment is made for PLC students using a factor of 1.5 to produce a notional WTE for PLC schools.
3. A school which would lose posts by reference to the schedule will retain entitlement to its current level of posts until the year 2000.
4. In addition to the posts generated by the schedule, all schools with an enrolment of 70 or more Transition Year students will be entitled to an additional Special Duties teacher post.



Circular Letter 43/00

To the Chief Executive Officer of
Each Vocational Education Committee

Revised Selection Procedures for the Appointment and Promotion of Teachers in VOCATIONAL SCHOOLS

1. **New Selection Procedures**

- 1.1 The Minister for Education and Science wishes to advise Vocational Education Committees that, following consultation with the interested parties agreement has been reached on the following revised selection procedures for the appointment of..

Teachers

Principals, Deputy Principals

Assistant Principals and Special Duties Teachers.

- 1.2 The Minister for Education and Science hereby authorises the implementation of the procedures in question. The new procedures shall apply to all competitions with effect from 1 October, 2000.
- 1.3 This Circular supersedes all previous Circulars and arrangements relating to appointment, promotion and appeal procedures.

2. **Composition of Selection Boards**

- 2.1 The composition of Selection Boards for appointment as temporary wholetime or permanent teacher, as Special Duties Teacher, Assistant Principal, Deputy Principal and, in schools of under 500 full-time day pupils, as Principal shall be:

1 VEC Representative (to be a member of the VEC)

1 Personnel Expert

1 Education Expert

All members must be present.

2.2 In the case of appointment of Principal in schools with a full-time day enrolment of 500 pupils or more the Selection Board shall be:-

2 VEC Representatives (to be members of the VEC)
1 Inspector of the Department of Education and Science
1 Personnel Expert
1 Education Expert

The quorum in this case will be four but must include the Inspector. In the case of appointment of a Catechetics Teacher the Education Expert may be nominated by the Diocesan Authority.

2.3 Normally an expert each will be drawn from the VEC and TUI list of nominations.

2.4 The Selection Board for eligible part-time teachers will be: -

The Chief Executive or Deputed Officer

A Principal or Centre Director as appropriate

A representative of the VEC

The Selection Board as set out at paragraph 2.1 above may also be used for the selection of eligible part-time teachers.

As in the case of temporary whole-time and permanent teachers, eligible part-time teachers will be appointed to the VEC Scheme rather than an individual school. The circumstances in which EPT contracts may be awarded are set out in Appendix 1.

2.5 There shall be gender representation on Selection Boards and in the case of 5 person boards every effort should be made to have at least two of each gender on the board.

2.6 Where the scheme CEO is a member of the Selection Board she/he should normally act as secretary. In the absence of the scheme CEO a Board member should be assigned responsibility for keeping records. Alternatively a VEC staff member may be assigned as recording secretary to the Board.

2.7 The IVEA will initiate a programme of Selection Interview Skills training for members of Boards with the objective that eventually all members will have available to them Selection Inter-viewing Skills training

3. Panel of Experts

3.1 The VEC and the local branch of the TUI will nominate appropriate persons to form a local panel of education experts and personnel experts. The number of nominees should reflect the needs of the scheme. Nominations must be accompanied by letters from each nominee indicating acceptance of the nomination and a willingness to serve on Selection Boards. The local panels will together form national panels of education and personnel experts. In so far as possible personnel for Selection Boards will be drawn from local panels supplemented by agreement as required. If this is not feasible, recourse will be had to the national panel but in drawing from this panel every effort will be made to draw from a reasonable Geographical area.

Over time a balance should be achieved between the number of panel nominees of the VEC and the TUI in the composition of Selection Boards.

3.2 Principals may be members of all Selection Boards for appointments as set out in Paragraph 2 above. Principals may be members of Selection Boards for promotion to posts of Assistant Principal and Special Duties Teacher subject to the conditions set out below:

- (a) Principals may be members of Selection Boards for promotion to posts of Assistant Principal and Special Duties Teacher in a VEC scheme other than that in which they are serving.
- (b) On a pilot basis Principals in the City of Dublin and County Dublin Schemes may be members of Selection Boards for promotions in their own schemes. Principals will not be members of Selection Boards for promotions in their own school. The pilot scheme will be for the school years 2000/01 and 2001/02. In applying these arrangements it is understood that not more than one Principal will act on any Selection Board.

These procedures will be reviewed before the end of the 2001/02 school year in conjunction with the other provisions of this agreement.

4. **Criteria for Selection for appointment to Assistant Principal and Special Duties Teacher posts.**

4.1 The objective of the Selection Board will be to select the most suitable candidate for the post. In making its selection, the Board shall adopt the following criteria and marking system when determining their order of merit for submission to the VEC.

Capacity of the applicant to meet the needs of the School	50% of marks
Service to the particular scheme	30% of marks
Experience of a professional nature in the field of Education and involvement in the school	20% of marks

4.2 The total of the marks awarded under the headings (a), (b) and (c) above shall determine the order of merit. All appointments from a given competition shall be made in accordance with such order of merit.

5. **Testing of candidates and awarding of marks.**

5.1 In assessing candidates for Assistant Principal and Special Duties Teacher posts the following is an indicative but not exhaustive list of appropriate areas of testing by Selection Boards in awarding marks under each of the headings (a), (b) and (c).

- (a) ***Capacity of applicant to meet the needs of the school - 50% of Total Marks available at interview***

Indicative areas of testing.

Knowledge and awareness of relevant educational issues including the school's present provisions and structures.

Capacity to fulfil a middle management role by meeting the needs of the school as set out in the schedule.

Contribution to the overall management, organisation and development of the school. Communication and Organisation skills.

General presentation of case including application form/C.V.

(b) **Service to the particular scheme (Max 30% of Total Marks available at interview)**

Marks for service to the particular scheme in a permanent whole-time, temporary and part-time capacity should be on the basis of 100% of the available marks for the most senior candidate and pro rata for the other candidates. The computation of such service shall be in accordance with Circular Letter 44/00 and any subsequent circulars replacing or amending same issued by the Minister for Education and Science from time to time.

(c) **Experience of a professional nature in the field of education and involvement in the school Max 20 % of Total Marks available at interview).**

Indicative areas of testing.

Personal Professional Development through in-career and/or external programmes.

Involvement with Boards of Management / Parents' Association Representative Bodies / School Committees.

Work in association with educational bodies and institutions.

Course/subject development, co-ordination of courses.

Involvement in organising, school events e.g. open days, prize giving, parent information meetings, extra curricular activities, school tours.

6. Advertising of posts.

6.1 Posts of Assistant Principal and Special Duties Teacher should be advertised in accordance with Circular Letter 20/98. In addition schools should make the following information available to candidates:

- (a) A list of all the existing posts in the school and the duties of each post.
- (b) A list of other duties appropriate to posts of responsibility determined by the Board of Management as priority needs of the school following consultation between the Principal and Staff in accordance with Circular Letter 20/98.

Candidates should be informed that they will be assessed on the basis of their capacity to fulfil the duties listed at (a) and (b) above.

Appeal Process in relation to the appointment to Assistant Principal and Special Duties Teacher posts

7. Appeals

7.1 The decision of a Selection Board may be appealed by a candidate on the grounds that the agreed criteria and marking scheme as set out above were not applied by the Board.

7.2 The purpose of the appeals process is to ensure that candidates have been evaluated and awarded marks by the Selection Board in accordance with the criteria and marking scheme as set out in paragraphs 4 and 5 of this Circular Letter.

- 7.3 The appeals process is not an instrument to examine or override the evaluation of the Board or to deal with other technical infringements of the selection procedures set out in this Circular Letter. Concerns in relation to departures from or interpretation of aspects of the circular should be submitted to the Department of Education and Science for decision.
- 7.4 The only grounds for appeal through this procedure are
- (i) The candidate was not evaluated in accordance with criteria set out in paragraphs 4 and 5 of this Circular Letter
- and/or**
- (ii) the marks for service to the scheme were incorrectly calculated.
- 7.5 Each appeal must state precisely the grounds as to 7.4.(1) and 7.4.(ii) above. The appeal shall outline the arguments which will be made at an oral hearing. No additional issues will be admissible at a hearing. At the hearing stage extraneous matters, allegations or arguments unrelated to the written appeal and the VEC statement of its position must not be introduced.
- 7.6 An Appeal must be delivered to the VEC within 14 calendar days of the date of notification of the Selection Board's recommendation.
- 7.7 Within 14 calendar days of the final date for receipt of appeals the VEC shall notify all the candidates of the appeals and forward the appeal to the appropriate Arbitrator. In forwarding the appeal to the Arbitrator the VEC shall include a statement of its position. This statement shall include all the arguments which the VEC wish to make at an oral hearing. A copy of the VEC statement shall be sent to the appellant at the same time.
- 7.8 No appointment shall be made pending the outcome of the appeal.
- 7.9 The Arbitrator shall arrange an oral hearing as soon as possible. It is desirable that the hearing take place within 15 days of receipt of the appeal. At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland.
- 7.10 Having heard the appellant's case and consulted the advisors the Arbitrator may:
- (i) make a decision
 - (ii) seek further information/documents before making a decision. Any such documentation or information will be made available to the appellant, the VEC and the IVEA and TUI advisors. Apart from this the parties shall make no other submissions to the Arbitrator.

The Arbitrator shall issue his/her decision as soon as practicable. The decision shall be

- (i) to reject the appeal
- or
- (ii) to uphold the appeal

The reasons for the decision shall be given.

7.11 All candidates shall be notified of the decision. If the appeal is upheld the original applicants will be invited to attend for re-interview. If the appeal is rejected the original successful candidate shall be appointed.

7.12 The appointment arrangements and terms of reference for arbitrators are set out in Appendix II.

8. Copies of circular

8.1 You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,
Principal Officer.**

November, 2000.

EPT CONTRACTS

Circular Letters 38/89 and 39/89 set out the conditions applying to the EPT contracts generally. This appendix sets out the agreements reached on the operation of the scheme in VECs with effect from 1 September 2000

With effect from 1 September 2000 a teacher may be given an EPT contract based on available part-time hours in more than one school. In these circumstances part-time hours will not extend over more than three schools, with a minimum of three part-time hours per week in any one school.

In the event of part-time hours to sustain an eligible part-time teacher's contract no longer being available, the incumbent eligible part-time teacher, subject to satisfactory service and subject suitability, will be offered any residual part-time hours which may be available.

Where existing eligible part-time teachers' hours continue to be available and the service of the serving eligible part-time teachers is satisfactory the VEC will not require re-interviewing in the appointment process.

It is agreed that the terms of Paragraph 5 of the "Agreement between the CDVEC and the TUI on the operation of the pro-rata scheme for Eligible Part-time Teachers (23rd March, 1989)" will apply to all EPTs. This agreement was issued as an attachment to Circular Letter No. 38/89 dated 25 May, 1989. A copy of the relevant Paragraph is attached.

Terms of Reference for Arbitrators

1. Arbitrators are appointed jointly by the IVEA and TUI. These are the terms of reference under which the Arbitrator shall operate. These terms of reference may be amended or extended from time to time by way of a joint written instruction authenticated jointly by the signatures of the General Secretaries of the IVEA and TUI. In the event of any doubt or dispute arising in relation to the interpretation of these terms of reference the matter shall be referred to the IVEA and TUI whose decision shall be final.
2. The only grounds for an appeal under this procedure are those as set out in Circular Letter 43/00. Each appeal should state clearly the grounds of the appeal and the arguments which will be used at the oral hearing. The introduction of any matters unrelated to the interview and the marking criteria may warrant the disallowing of the appeal.
3. Each appeal submitted to the Arbitrator shall be accompanied by a statement of case by the VEC.
4. The only arguments to be considered by the Arbitrator shall be those contained in the Appeal and VEC statement.
5. The arbitrator shall convene an oral hearing as soon as possible on receipt of an appeal. It is desirable that a hearing should be held within 15 days of receipt of the appeal by the Arbitrator. Every effort should be made to meet that objective.
6. At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland.
7. Following the hearing the Arbitrator shall issue a finding in writing to both parties. The finding shall give the reasons for the decision. The Arbitrator shall not enter into any further correspondence or communication with the parties.
8. On appointment each Arbitrator will be briefed jointly by the IVEA and TUI.
9. While the appointment is a Joint appointment and the costs of arbitration will be borne Jointly by the particular VEC and TLTI the IV-EA shall arrange payments to all the Arbitrators.

Agreement between the CDVEC and TUI on the operation of the pro rata scheme for Eligible Part-time Teachers (23rd March 1989)

5. Industrial Relations Procedures

- 5.1 The Committee and the Union acknowledge that for the vast majority of teachers the question of disciplinary action never arises. With a view to ensuring that on the exceptional occasion when disciplinary action must be taken, it is exercised in a fair and reasonable manner and with due regard to the rights and responsibilities of all the parties concerned, the procedures which operate between the Committee and the Union will be respected.
- 5.2 In the context of 5.1, both the Committee and the Union wish to encourage teachers employed on a pro rata basis to seek agreement over individual or minor difficulties by discussion between the teacher and his or her immediate supervisor.
- 5.3 If still unresolved the matter will be brought to the Principal and the teacher may be represented by his or her TUI representative. The School/College Principal will advise the teacher verbally of the specific aspects of his or her work which is deemed to be unsatisfactory. The School/College Principal will state clearly that his or her statement constitutes a first warning and will also advise of the improvements deemed to be necessary.
- 5.4 If the improvements requested are deemed to have not been achieved and if dissatisfaction with the teacher continues, the School/College Principal will confirm his or her statements in writing to the teacher. The School/College Principal will also state clearly in writing that his or her confirmation constitutes a first written warning and will also forward a copy of the letter to the Committee's Personnel Department.
- 5.5 If the problem persists, the Chief Executive Officer, or a deputed Senior Officer of the Committee, will write to the teacher advising that his or her letter constitutes a final written warning and advising also that the teacher's employment may be terminated if the improvement deemed to be necessary is not achieved. A copy of this letter will also be sent to the Committee's Personnel Department and to the School/College Principal involved.
- 5.6 A teacher who has been issued with a final written warning as per the above and who continues to fail to maintain a level of performance deemed to be satisfactory may be dismissed, but only in accordance with the industrial relations procedures which have been agreed between the Committee and the Teachers' Union of Ireland.
- 5.7 Every effort shall be made to resolve the issue involved at each stage of the procedures prescribed above. Further, at each stage of the above procedures the teacher is free to appeal the actions taken by invoking the industrial relations procedures which have been agreed between the Committee and the Teachers' Union of Ireland.
- 5.8 If no settlement is reached under 5.7 then the dispute shall be referred to a Rights Commissioner or to the Chief Conciliation Officer of the Labour Court who may arrange a Conciliation Conference and reference to the Labour Court as appropriate. No industrial action will take place until this procedure has been carried through and a Labour Court or Rights Commissioner recommendation has been issued.

- 5.9 For breaches of Clause 2.3 of the Contract of Employment and offences of suspected or alleged serious misconduct, immediate suspension will normally apply which, after investigation, may be followed by summary dismissal if the offence is established and there are no acceptable mitigating circumstances. At each stage in the procedure the teacher can appeal the action taken through the industrial relations procedures which have agreed between the Committee and the Teachers' Union of Ireland.

Rannóg Múinteoirí Iarbhunoideachais
An Roinn Oideachais agus Eolaíochta
Cor na Madadh
Átha Luain
Co. na hÍarmhí



Post-Primary Teachers Section
Department of Education and Science
Cornamaddy
Athlone
Co Westmeath

Circular Letter 44/00

To the Chief Executive Officer of
Each Vocational Education Committee

Computation of Service for the purposes of Appointment to Assistant Principal and Special Duties Teacher Posts in VOCATIONAL SCHOOLS

The Minister for Education and Science wishes to advise that, following consideration of the advices of the Attorney General in this matter and following agreement between the Irish Vocational Education Association, the Teachers' Union of Ireland and the Department of Education and Science, the following arrangements for the computation of service for the purpose of appointment to Assistant Principal and Special Duties posts as set out in paragraphs 4.1 and 5.1(b) of Circular 43/00 will apply.

1. The seniority of candidates shall be determined by reference to the length of service on the 1st September of the year in which the appointment/s is/are being made and by reference to qualified service in a permanent, temporary, substitute, eligible part-time or part-time capacity as a teacher in the particular VEC scheme.
2. A maximum of one year's credit may be granted in respect of any one school year. Seniority will be credited in full years only and will be computed as follows:
 - (a) each full year of permanent service will reckon as one year for seniority purposes.
 - (b) permanent, temporary, substitute, eligible part-time or part-time service for a maximum of 22 school weeks in any one school year will reckon as a full year for seniority purposes.
 - (c) permanent, temporary, substitute, eligible part-time or part-time service which, collectively or separately, amount to more than 200 hours in any school year will reckon as a full year for seniority purposes.

- (d) service in any school year which is less than 22 school weeks will not be reckonable

- (e) service in any one school year which is less than 200 hours will not be reckonable.

The revised arrangements are effective immediately and should be applied to all posts remaining to be filled from the commencement of the 1999/2000 school year.

You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,
Principal Officer,**

November, 2000

Dept. of Education & Science
Post Primary Teachers Section
Cornamaddy,
Athlone,
Co. Westmeath.

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An Roinn Oideachais & Eolaíochta
Rannóg Múinteoirí Iarbhuíochais
Cor na Madadh,
Baile Átha Luain
Co. na hIarmhí

Circular Letter PPT 06/02

To: The Chief Executive Officer of
Each Vocational Education Committee.

Revised Arrangements for Eligibility for Promotion Posts in Vocational Schools and Community Colleges to Include Certain Non-Permanent Teaching Service.

The Minister for Education and Science wishes to advise that, following the enactment of the Protection of Employees (Part-Time Work) Act 2001, agreement has been reached with the Teachers' Union of Ireland, the Irish Vocational Education Association and the Department of Education and Science on revised arrangements for eligibility for the posts of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher. The revised arrangements are effective immediately and shall apply to future competitions and all current competitions where the selection process has not been completed.

Eligibility

Candidates for appointment to the post of Principal and Deputy Principal will be required to have a minimum of five years' whole-time teaching service or its equivalent.

In the case of Assistant Principal and Special Duties Teachers posts, all qualified teachers on the staff of the school with a minimum of three and one years' whole-time teaching service respectively or its equivalent and who are contracted for the full school year are eligible to apply for the post.

Calculation of Service for eligibility for posts

The following service will reckon as a full year's service:

- (a) Permanent, temporary, eligible part-time, substitute or part-time service which collectively or separately amount to 22 weeks or more in any one school year will reckon as a full year for eligibility purposes;

or

- (b) Permanent, temporary, eligible part-time, substitute or part-time service which, collectively or separately, amount to 200 hours or more in any one school year will reckon as a full year for eligibility purposes.

General

Following success in the competition, appointment to a post of responsibility will be conditional on the teacher being available to carry out the duties assigned to the post. The nature of the duties attaching to posts of responsibility may require attendance at the school over the entire school week. The performance of these duties by a part-time teacher may require a change in the attendance requirements of such a teacher on appointment to a post of responsibility. Where a part-time teacher is successful the entitlement of that teacher to the post will lapse on the expiry of the teaching contract except where the part-time teaching contract is followed immediately by a whole-time or further part-time teaching contract.

No teacher may hold more than one post of responsibility at any one time.

Dissemination of circular

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

Johnny Bracken
Principal Officer.

April 2002.

APPENDIX (ii)

Selection Procedures for Posts in Colleges.

Procedures shall be in accordance with the following Department of Education and Science Circular Letters:-

C.L. 20/98;

C.L. 21/98;

C.L. 6/02;

C.L. 13/02;

C.L. 14/02;

C.L. 15/02.



Circular 20/98

To: The Chief Executive Officer of
each Vocational Education Committee

Implementation of revised in-school management structures in vocational schools and community colleges.

The Agreement on Pay and Conditions of Teachers under Clause 2(iii) of Annex 1 of the Programme for Competitiveness and Work contained proposals in relation to in-school management.

The Minister for Education and Science now authorises the implementation of the revised in-school management structures in vocational schools and community colleges.

These proposals are aimed at improving significantly, through restructuring, in-school management in second level schools and respond to teacher union claims for improved career structures and opportunities for teachers and increased payment for post holders.

The objectives of this restructuring include:

matching the responsibilities of the posts more clearly to the central tasks of the school and the clear specification of responsibilities for various posts focusing on the provision of opportunities for teachers to assume responsibility in the school for instructional leadership, curriculum development, the management of staff and their development, and the academic and pastoral work of the school.

The current structure of posts of Principal, Vice-Principal, Grade A and Grade B will be replaced by grades of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher respectively.

The current schedules for the allocation of posts to schools, which are based on points categories of schools, will be replaced by schedules based on the numbers of approved teacher posts in schools. Details of the revised schedules for second level schools together with the method of calculation of wholetime teacher equivalents for the purpose of calculating the level of allowances of Principal and Deputy Principals and generating posts of Assistant Principal and Special Duties teacher are contained in [Circular 21/98](#).

RATES OF ALLOWANCES

The rates of allowances for posts in the revised structure will be set by increasing the current rates of allowances for corresponding posts by 28%. In addition the minimum rate of allowance for Principals will be increased and the cap on Principals' and Deputy Principals' allowances will be raised. Rates of allowances for Principals and Deputy Principals will be set by reference to the approved number of teachers on the staff of the school.

Increased allowances for Principals and Deputy Principals will be implemented in three equal phases from 1 September, 1996, 1 September, 1997 and 1 September, 1998.

Increased allowances for Assistant Principal and Special Duties Teacher will be implemented in three equal phases from 1 January, 1997, 1 September, 1997 and 1 September, 1998.

In order to qualify for payment of the revised rate of allowance, Principals, Deputy Principals and other post-holders will be required, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to their posts.

If, in exceptional circumstances, the CEO cannot certify that an existing Principal, Vice-Principal or post-holder is carrying out assigned duties appropriate to his/her post, the Principal, Vice-Principal or post-holder may retain his/her existing allowance provided that he/she continues to carry out his/her existing duties.

Full details of the allowances payable and the conditions for the payment of such allowances are contained in Circular 22/98.

CONDITIONS GOVERNING PROPOSALS

The revised in-school management arrangements are subject to the following conditions relating to

- (a) the responsibilities and duties attaching to the posts and
- (b) appointment to the posts.

Responsibilities/Duties

The Principal, Deputy Principal and holders of posts of responsibility will together form the in-school management team for the school.

The Principal has overall responsibility under the CEO for the day-to-day management of the school.

All post-holders will, in accordance with their contracts undertake the duties of the grade of post to which they are appointed.

In assigning the duties to Assistant Principal and Special Duties Teacher posts, the duties should be inclusive so as to be open to applications from all eligible members of the teaching staff. Duties will be assigned in accordance with the Revised Teachers' PCW proposals which are set out in Appendix 1.

The duties of a post may be varied from time to time, following a consultative process, as the needs of the school require subject to the revised post carrying, in general, the same level of responsibility as the previous one.

The schedule of post duties and the names of those who will undertake the duties shall be approved formally by the CEO and a copy forwarded to the Department of Education and Science.

Appointments

Appointment to all posts will be made through the formal selection procedures.

In the case of a vacancy occurring in the Principalship, the post will be filled by way of open competition.

At present in vocational schools vice-principalships are filled either from within the VEC scheme or, more likely, through open competition. In designated Community Colleges vice-principalships are filled through open competition.

In filling vacancies for Deputy Principals existing practice (as for vice-principals) will be continued. However, the decision as to whether a post should be filled from within the Scheme or through open competition will be determined by the number of teachers in the school rather than on the points rating as heretofore. In future, vacancies for Deputy Principal in vocational schools with 10 teachers or less will be filled from within the Scheme while vacancies in schools with 11 or more teachers will be filled through open competition. This figure relates to the number as determined by reference to the calculation of wholetime teacher equivalents referred to in [Circular 21/98](#).

In the case of other posts, vacancies will be filled from among the teachers in the school.

Advertising vacancies for Assistant Principal and Special Duties Teacher posts

All permanent teachers on the staff of the school with a minimum of three and one year's wholetime teaching service are eligible to apply for Assistant Principal and Special Duties Teacher posts respectively.

Notice of the vacant post shall be posted in the school for a period of not less than 5 school days, i.e. days on which the school is in operation for pupils.

Every reasonable effort shall be made to bring the vacancy to the attention of all eligible teachers. Members of staff on approved leave are eligible to apply and, therefore, a copy of the notice of the vacant post should be sent directly to the designated contact addresses of such teachers.

The notice shall specify the closing date for receipt of written applications which should not be earlier than ten school days after the initial date of posting of the notice in the school.

The notice shall specify the category of the post.

Transitional Arrangements

In regard to the initial appointments to the posts the following arrangements will apply:-

- (a) All existing Principals and Vice-Principals may be appointed to the new posts of Principal and Deputy Principal respectively provided they are prepared, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to those posts.
- (b) Existing Grade B Post-holders and Grade A post-holders may be appointed to the new grades of Special Duties Teacher and Assistant Principal, respectively, provided they are prepared, in accordance with their contracts, to undertake the assigned duties and responsibilities appropriate to those posts.

In the case where the number of new Assistant Principal posts is greater than the number of existing Grade A posts, appointment to the additional Assistant Principal posts will be by way of the agreed selection procedures confined initially to existing Grade B post-holders.

MONITORING OF THE REVISED ARRANGEMENTS FOR IN-SCHOOL MANAGEMENT

The proposals on in-school management involve substantial additional payments to Principals, Deputy Principals and other post-holders aimed at significantly improving in-school management in second level schools. The Department of Education and Science needs to ensure that the objectives of in-school management restructuring will in fact be achieved.

In order to carry out the necessary monitoring of the operation of revised in-school management arrangements the Department of Education and Science will periodically obtain from school authorities the schedule of posts of responsibility attaching to the school. Certification will be sought that the school authorities are satisfied that, insofar as possible, the necessary in-school management duties are being carried out through the implementation of the school's in-school management arrangements.

In the case of individual appointments to posts of responsibility, schools should, when seeking sanction for the appointment, submit a copy of the list of duties of the post.

In conjunction with school management and teacher organisations at national level, the Department of Education and Science will examine the operation of the revised in-school management arrangements on a regular basis with a view to ensuring that the system is operating satisfactorily.

DISSEMINATION OF CIRCULAR

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

John Dennehy,
Secretary General.
April, 1998.

NATIONAL CRITERIA FOR LEVEL AND TYPES OF DUTIES FOR POSTS OF ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHERS

1. The duties attached to posts should be such as to meet the administrative, pastoral and curriculum needs of the school.
2. The definition and list of duties attached to the schedule of posts decided by the Board of Management should be inclusive so as to reflect the individual circumstances of the school and be open to applications from all eligible members of the teaching staff.
3. Duties should reflect the grade and level of responsibility entailed by the post, taking into account the size and needs of the school.
4. The following are duties and responsibilities appropriate to posts. In larger schools, duties marked with asterisk are appropriate for Assistant Principal posts. Schools may combine duties for one post-holder or may assign more than one post-holder to a duty depending on the size of school and the level of responsibilities.
5. Duties and responsibilities appropriate to posts include:-

Year Heads*
 Assistant Year Heads
 Class Tutor
 Responsibility for timetabling arrangements*
 Responsibility for enrolment and monitoring of absenteeism*
 Co-ordinator of school plan*
 Subject Co-ordinators
 Curricular Programme Co-ordinators*
 Co-ordinator of Staff Development Programmes
 Co-ordination and implementation of school policies, e.g. discipline*
 Co-ordinator of Work Experience Programmes, including placement duties*
 Organisation/promotion of cultural activities*
 Organisation/promotion of sporting activities*
 Budgetary/Financial Administration Assistant*
 Organiser/co-ordinator of external school visits
 Examinations Secretary*
 State Examinations co-ordinator
 School Examinations co-ordinator
 Administration of School Library*
 First Aid and Safety Officer (Fire Drills, etc.)
 Liaison with Parents' Associations
 Liaison with Department of Education and Science
 Liaison with local community /press
 Supervising the maintenance of and availability of school equipment
 Supervising the maintenance and availability of facilities such as laboratories, PE, halls, etc.
 Stock Control
 Co-ordination of school transport
 Administration of special assistance schemes, e.g. free books.

The above list is not exhaustive.



Circular 21/98

To: The Chief Executive Officer of each Vocational Education Committee

Implementation of revised in-school management structures in vocational schools and community colleges.

1. The Minister for Education and Science hereby authorises Vocational Education Committees to implement the procedures outlined below in relation to the creation of posts of Assistant Principal and Special Duties Teacher in vocational schools and community colleges.
2. The current structure of posts of Principal, Vice-Principal, Grade A and Grade B will be replaced by grades of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher respectively.
3. With effect from 1st March, 1998, the current schedules for the allocation of posts of responsibility to schools, which are based on points categories of schools, will be replaced by schedules based on the numbers of approved teacher posts in schools.

Approved teacher posts for the purposes of determining the allowances payable and the number of posts of responsibility to which a school is entitled are defined as the wholetime teacher equivalents of

- all sanctioned ex-quota posts,
 - all supernumerary teaching posts of a permanent nature,
 - notional teacher allocation based on the Pupil Teacher Ratio, and
 - surplus posts or concessionary posts (subject to certain conditions).
4. Appendix A sets out the details of the method of calculation of wholetime teacher equivalents for the purpose of
 - (a) calculating the level of allowances of Principals and Deputy Principals and
 - (b) generating posts of Assistant Principal and Special Duties Teacher.
 5. Details of the revised schedules of posts for second level schools are contained in Appendix B.
 6. Posts arising from the implementation of these proposals must be filled in accordance with the terms of Circulars 29/97 and 30/97 where appropriate.
 7. The Department will notify school authorities of the number and level of posts to which they are entitled.

8. DISSEMINATION OF CIRCULAR

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

John Dennehy,
Secretary General.

April, 1998.

Appendix A

Calculation of Wholetime Teacher Equivalent for the purposes of calculating the level of allowances for Principals and Deputy Principals and generating posts of Assistant Principal and Special Duties Teacher in second level schools.

(i) **Actual allocation of ex-quota posts*** to the school on 1st September of the current year

*Principal _____
 *Deputy Principal _____
 *Special Deputy Principal _____
 *Guidance _____
 *Remedial _____
 *Resource _____
 *Disadvantaged Area _____
 *Home School Liaison _____
 *Class AI/Lan Ghaelach _____
 *Small School (VECs) _____
 *Chaplains (C&C Schools. Community Colleges) _____

Total Ex. Quota _____

(ii) **Supernumerary Teaching Posts** of a permanent nature which arise because of declining enrolments in a school _____

Teachers allocated under Par. 5.2 of Redeployment Scheme (Provided they are in at least their second year in the school.) [Secondary Schools] _____

Curricular concessions (735 hours per annum = 1 WTE) (Provided concession is being allowed to the school for a third consecutive year. Full WTEs only to be taken into account.) _____ Total concessionary _____

(iii) **Notional PTR teacher allocation** (Calculate as follows)

(a) enrolment of Junior and Senior Cycle students (including VTOS dispersed mode) on 30 September of previous year divided by 19 _____

(b) enrolment of LCAP and LCVP students (including VTOS - dispersed mode) on 30 September of previous year divided by 16 _____

(c) enrolment of PLC students (including VTOS - dispersed mode) on 30 September of previous year divided by 16 and multiplied by 1.5. _____

Notional PTR allocation {(a) + (b) + (c)} _____

(iv) **Approved Teaching Posts**

Total at ex-quota (i) _____

Total Concessionary (ii) _____

Notional PTR at (iii) _____

Total # WTE _____

#Whole post numbers only with rounding up or down to be taken into account in the expression of the final total.

Appendix B

SCHEDULE FOR ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHER POSTS

WTES	Assistant Principal	Special Duties Teacher
4-5	0	0
6-7	0	1
8	0	2
9-11	0	3
12	1	3
13	1	4
14-15	2	3
16-17	3	3
18	3	4
19-20	4	5
21-22	5	5
23-24	6	6
25-26	6	8
27-29	6	10
30-33	8	11
34-37	8	12
38-43	8	13
44-46	9	13
47-49	9	14
50-53	9	15
54-55	10	15
56-59	11	15
60-64	11	16
65-71	11	17
72-74	11	18
75-76	12	18
77-78	12	19
79-80	12	20
81-82	12	21
83-84	13	22
85-88	13	23
89-92	13	24
93-95	14	24
96-99	14	25
100-102	14	26
103-106	14	27
107-109	14	28
110-111	15	28
112-113	15	29
114-115	15	30
116-117	16	30
118-119	16	31
120-123	16	32
124-129	16	33
130-131	17	33
132-134	17	34
135-136	18	34
137-139	18	35
140-143	18	36
144-145	18	37
146-147	19	37
148-149	19	38

150-152	20	38
153-154	20	39
155-156	20	40
157-159	20	41
160-162	21	41
163-164	21	42
165-169	21	43
170-172	21	44
173-175	22	44
176-178	22	45
179-180	23	45
181-182	23	46
183-184	24	46
185-187	24	47
188-192	24	48
193-195	25	48
196-199	25	49
200	25	50

1. The schedule is based on the allocation of wholetime teacher equivalents.
2. An adjustment is made for PLC students using a factor of 1.5 to produce a notional WTE for PLC schools.
3. A school which would lose posts by reference to the schedule will retain entitlement to its current level of posts until the year 2000.
4. In addition to the posts generated by the schedule, all schools with an enrolment of 70 or more Transition Year students will be entitled to an additional Special Duties teacher post.



Circular Letter PPT 06/02

To: The Chief Executive Officer of
Each Vocational Education Committee.

Revised Arrangements for Eligibility for Promotion Posts in Vocational Schools and Community Colleges to Include Certain Non-Permanent Teaching Service.

The Minister for Education and Science wishes to advise that, following the enactment of the Protection of Employees (Part-Time Work) Act 2001, agreement has been reached with the Teachers' Union of Ireland, the Irish Vocational Education Association and the Department of Education and Science on revised arrangements for eligibility for the posts of Principal, Deputy Principal, Assistant Principal and Special Duties Teacher. The revised arrangements are effective immediately and shall apply to future competitions and all current competitions where the selection process has not been completed.

Eligibility

Candidates for appointment to the post of Principal and Deputy Principal will be required to have a minimum of five years' whole-time teaching service or its equivalent.

In the case of Assistant Principal and Special Duties Teachers posts, all qualified teachers on the staff of the school with a minimum of three and one years' whole-time teaching service respectively or its equivalent and who are contracted for the full school year are eligible to apply for the post.

Calculation of Service for eligibility for posts

The following service will reckon as a full year's service:

- (a) Permanent, temporary, eligible part-time, substitute or part-time service which collectively or separately amount to 22 weeks or more in any one school year will reckon as a full year for eligibility purposes;

or

- (b) Permanent, temporary, eligible part-time, substitute or part-time service which, collectively or separately, amount to 200 hours or more in any one school year will reckon as a full year for eligibility purposes.

General

Following success in the competition, appointment to a post of responsibility will be conditional on the teacher being available to carry out the duties assigned to the post. The nature of the duties attaching to posts of responsibility may require attendance at the school over the entire school week. The performance of these duties by a part-time teacher may require a change in the attendance requirements of such a teacher on appointment to a post of responsibility. Where a part-time teacher is successful the entitlement of that teacher to the post will lapse on the expiry of the teaching contract except where the part-time teaching contract is followed immediately by a whole-time or further part-time teaching contract.

No teacher may hold more than one post of responsibility at any one time.

Dissemination of circular

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

Johnny Bracken
Principal Officer.

April 2002.



*To the Chief Executive Officer of
Each Vocational Education Committee*

*Revised Selection Procedures for the Appointment and Promotion of
Teachers in Designated Community Colleges*

1. New Selection Procedures

- 1.1** The Minister for Education and Science wishes to advise Vocational Education Committees that, following consultation with the interested parties agreement has been reached on the following revised selection procedures for the appointment of:

Teachers

Principals, Deputy Principals

Assistant Principals and Special Duties Teachers.

- 1.2** The Minister for Education and Science hereby authorises the implementation of the procedures in question. The new procedures shall apply to all competitions in respect of posts remaining unfilled.
- 1.3** This Circular supersedes all previous Circulars and arrangements relating to appointment, promotion and appeal procedures.

2. Composition of Selection Boards

- 2.1** The composition of Selection Boards for all teaching appointments in designated Community Colleges, including appointments to Assistant Principal and Special Duties posts shall be that set out in the Articles of Management.
- 2.2** There shall be gender representation on Selection Boards and in the case of 5 person boards every effort should be made to have at least two of each gender on the board.

2.3 The IVEA will initiate a programme of Selection Interview Skills training for members of Boards with the objective that eventually all members will have available to them Selection Interviewing Skills training.

2.4 These procedures will be reviewed before the end of the 2003/2004 school year.

3. Criteria for Selection for appointment to Assistant Principal and Special Duties Teacher posts.

3.1 The objective of the Selection Board will be to select the most suitable candidate for the post. In making its selection, the Board shall adopt the following criteria and marking system when determining their order of merit for submission to the VEC.

- | | | |
|----|---|--------------|
| a. | Capacity of the applicant to meet the needs of the School | 50% of marks |
| b. | Service [See Par 4.1(b)] | 30% of marks |
| c. | Experience of a professional nature in the field of Education and involvement in the school | 20% of marks |

3.2 The total of the marks awarded under the headings (a), (b) and (c) above shall determine the order of merit. All appointments from a given competition shall be made in accordance with such order of merit.

4. Testing of candidates and awarding of marks.

4.1 In assessing candidates for Assistant Principal and Special Duties Teacher posts the following is an indicative but not exhaustive list of appropriate areas of testing by Selection Boards in awarding marks under each of the headings (a), (b) and (c).

(a) Capacity of applicant to meet the needs of the school – 50% of Total Marks available at interview

Indicative areas of testing.

Knowledge and awareness of relevant educational issues including the school's present provisions and structures.

Capacity to fulfil a middle management role by meeting the needs of the school as set out in the schedule.

Contribution to the overall management, organisation and development of the school. Communication and Organisation skills.

General presentation of case including application form/C.V.

(b) Service to the particular scheme (Max 30% of Total Marks available at interview).

Marks for service in a permanent whole-time, temporary and part-time capacity should be on the basis of 100% of the available marks for the most senior candidate and pro rata for the other candidates. The computation of such service shall, in the case of an amalgamated designated community college, be in accordance with Circular Letter PPT 14/02 and, in the case of a Greenfield designated community college, be in accordance with Circular Letter PPT15/02 and any subsequent circulars replacing or amending same issued by the Minister for Education and Science from time to time.

(c) Experience of a professional nature in the field of education and involvement in the school (Max. 20 % of Total Marks available at interview).

Indicative areas of testing.

Personal Professional Development through in-career and/or external programmes.

Involvement with Boards of Management / Parents' Association / Representative Bodies / School Committees.

Work in association with educational bodies and institutions.

Course/subject development, co-ordination of courses.

Involvement in organising school events e.g. open days, prize giving, parent information meetings, extra curricular activities, school tours.

5. Advertising of posts.

5.1 Posts of Assistant Principal and Special Duties Teacher should be advertised in accordance with Circular Letter 20/98. In addition schools should make the following information available to candidates:

- (a) A list of all the existing posts in the school and the duties of each post.
- (b) A list of other duties appropriate to posts of responsibility determined by the Board of Management as priority needs of the school following consultation between the Principal and Staff in accordance with Circular Letter 20/98.

Candidates should be informed that they will be assessed on the basis of their capacity to fulfil the duties listed at (a) and (b) above.

Appeal Process in relation to the appointment to Assistant Principal and Special Duties Teacher posts

6. Appeals

- 6.1 The decision of a Selection Board may be appealed by a candidate on the grounds that the agreed criteria and marking scheme as set out above were not applied by the Board.
- 6.2 The purpose of the appeals process is to ensure that candidates have been evaluated and awarded marks by the Selection Board in accordance with the criteria and marking scheme as set out in paragraphs 3 and 4 of this Circular Letter.
- 6.3 The appeals process is not an instrument to examine or override the evaluation of the Board or to deal with other technical infringements of the selection procedures set out in this Circular Letter. Concerns in relation to departures from or interpretation of aspects of the circular should be submitted to the Department of Education and Science for decision.
- 6.4 The only grounds for appeal through this procedure are
 - (i) The candidate was not evaluated in accordance with criteria set out in paragraphs 3 and 4 of this Circular Letter
 - and/or**
 - (ii) the marks for service were incorrectly calculated. [See Par. 4(1)(b)]
- 6.5 Each appeal must state precisely the grounds as to 6.4.(i) and 6.4.(ii) above. The appeal shall outline the arguments which will be made at an oral hearing. No new issues will be admissible at a hearing. At the hearing stage extraneous matters, allegations or arguments unrelated to the written appeal and the VEC statement of its position must not be introduced.

- 6.6** An Appeal must be delivered to the VEC within 14 calendar days of the date of notification of the Selection Board's recommendation.
- 6.7** Within 14 calendar days of the final date for receipt of appeals the VEC shall notify all the candidates of the appeals and forward the appeal to the appropriate Arbitrator. In forwarding the appeal to the Arbitrator the VEC shall include a statement of its position. This statement shall include all the arguments which the VEC wish to make at an oral hearing. A copy of the VEC statement shall be sent to the appellant at the same time.
- 6.8** No appointment shall be made pending the outcome of the appeal.
- 6.9** The Arbitrator shall arrange an oral hearing as soon as possible. It is desirable that the hearing take place within 15 days of receipt of the appeal. At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland/Association of Secondary Teachers Ireland as appropriate.
- 6.10** Having heard the appellant's case and consulted the advisors the Arbitrator may:
- (i) make a decision
 - (ii) seek further information/documents before making a decision. Any such documentation or information will be made available to the appellant, the VEC and the IVEA and TUI/ASTI advisors. Apart from this the parties shall make no other submissions to the Arbitrator.

The Arbitrator shall issue his/her decision as soon as practicable. The decision shall be

(i) to reject the appeal

or

(ii) to uphold the appeal.

The reasons for the decision shall be given.

- 6.11** All candidates shall be notified of the decision. If the appeal is upheld the original applicants who are in the continued employment of the VEC and are current members of the school staff will be invited to attend for re-interview. If the appeal is rejected the original successful candidate shall be appointed.
- 6.12** The appointment arrangements and terms of reference for arbitrators are set out in Appendix I.

7. Copies of circular

- 7.1** You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,
Principal Officer.**

June, 2002.

Terms of Reference for Arbitrators

- 1.** Arbitrators are appointed jointly by the IVEA and TUI/ASTI. These are the terms of reference under which the Arbitrator shall operate. These terms of reference may be amended or extended from time to time by way of a joint written instruction authenticated jointly by the signatures of the General Secretaries of the IVEA and TUI/ASTI. In the event of any doubt or dispute arising in relation to the interpretation of these terms of reference the matter shall be referred to the IVEA and TUI/ASTI whose decision shall be final.
- 2.** The only grounds for an appeal under this procedure are those as set out in Circular Letter PPT13/02. Each appeal should state clearly the grounds of the appeal and the arguments which will be used at the oral hearing. The introduction of any matters unrelated to the interview and the marking criteria may warrant the disallowing of the appeal.
- 3.** Each appeal submitted to the Arbitrator shall be accompanied by a statement of case by the VEC.
- 4.** The only arguments to be considered by the Arbitrator shall be those contained in the Appeal and VEC statement.
- 5.** The arbitrator shall convene an oral hearing as soon as possible on receipt of an appeal. It is desirable that a hearing should be held within 15 days of receipt of the appeal by the Arbitrator. Every effort should be made to meet that objective.
- 6.** At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland/ASTI as appropriate
- 7.** Following the hearing the Arbitrator shall issue a finding in writing to both parties. The finding shall give the reasons for the decision. The Arbitrator shall not enter into any further correspondence or communication with the parties.
- 8.** On appointment each Arbitrator will be briefed jointly by the IVEA and TUI/ASTI.
- 9.** While the appointment is a joint appointment and the costs of arbitration will be borne jointly by the particular VEC and TUI/ASTI the IVEA shall arrange payments to all the Arbitrators.

SELECTION BOARDS - COMMUNITY COLLEGES

Role of the Advisors to Selection Boards in Community Colleges as provided in the Model Agreement and the Articles of Management

The Advisor does not participate in the deliberations conducted by the Selection Board in arriving at its decision on the most suitable candidate for the post.

The role of the Advisor shall be to ensure the integrity of the interview process as follows:

- To record the attendance of each member of the Selection Board.
- To ensure that all members of the Selection Board have copies of the candidates application form.
- To confirm for Selection Board members that all pre-application procedures for the particular post have been carried out in accordance with the terms of the relevant Department of Education and Science Circular Letters and as provided for in the Model Agreement.
- To ensure that a copy of the agreed **Schedule of Duties** is available to each Selection Board member. (Interview for POR).
- To brief the Selection Board on the marking schedule and the marking criteria as set down in the Department of Education and Science Circular Letter for the particular post and ensure adherence to these provisions.
- To present the references of applicants for the post as received at the venue for the interviews.
- To clarify any issue for members of the Selection Board pertaining to documentation **or** the marking sheets prior to the commencement of the interviews.
- To introduce each candidate to the Chairperson of the Selection Board.
- To clarify at the request of the candidate any matter pertaining to the organisation, administration and discipline of the school that cannot normally be done by a member of the Selection Board.

- In the event of clarification being required by (a) member(s) of the Selection Board, to affirm, in the presence of the candidate, a candidate's claim.
- To assist the Selection Board in verifying the accuracy of the score sheet for each candidate and ensure that it is signed and dated by each member of the Selection Board.
- To compile a file of the Recommendation Sheet, Board Members Notes, Application Forms and a noted record of the Interviews given to each candidate.
- To forward the file to the Chief Executive Officer of the Vocational Education Committee.
- To affirm the need for confidentiality on the outcome of the selection process and result.



**To the Chief Executive Officer of
each Vocational Education Committee**

***Computation of Service for the purposes of Appointment to
Assistant Principal and Special Duties Teacher Posts in
Designated Community Colleges Established as a Result Of
Amalgamations of Two or More Second Level Schools***

The Minister for Education and Science wishes to advise that, following consideration of the advices of the Attorney General in this matter and following agreement between the Irish Vocational Education Association, the Religious Trustees, the Teachers' Union of Ireland, the Association of Secondary Teachers Ireland and the Department of Education and Science, the following arrangements for the computation of service for the purpose of appointment to Assistant Principal and Special Duties posts as set out in paragraphs 3.1 and 4.1(b) of Circular PPT13/02 will apply.

1. The seniority of candidates shall be determined by reference to the length of service on the 1st September of the year in which the appointment/s is/are being made and by reference to qualified service in a permanent, temporary, substitute, eligible part-time or part-time capacity as a teacher in the particular VEC scheme or service in the amalgamated college, service in the voluntary secondary school subject to amalgamation and service in the previous voluntary secondary school in the case of a compulsory redeployment.
2. A maximum of one year's credit may be granted in respect of any one school year. Seniority will be credited in full years only and will be computed as follows:
 - (a) each full year of permanent service will reckon as one year for seniority purposes
 - (b) permanent, temporary, substitute, eligible part-time or part-time service for a minimum of 22 school weeks in any one school year will reckon as a full year for seniority purposes

- (c) permanent, temporary, substitute, eligible part-time or part-time service which, collectively or separately, amount to more than 200 hours in any school year will reckon as a full year for seniority purposes
- (d) subject to paragraph (c) above service in any school year which is less than 22 school weeks will not be reckonable
- (e) subject to paragraph (b) above service in any one school year which is less than 200 hours will not be reckonable .

The revised arrangements are effective immediately and should be applied to all posts remaining to be filled.

You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,
Principal Officer.**

June, 2002.



**To the Chief Executive Officer of
each Vocational Education Committee**

***Computation of Service for the purposes of Appointment to
Assistant Principal and Special Duties Teacher Posts in
Designated Greenfield Community Colleges***

The Minister for Education and Science wishes to advise that, following consideration of the advices of the Attorney General in this matter and following agreement between the Irish Vocational Education Association, the Religious Trustees, the Teachers' Union of Ireland, the Association of Secondary Teachers Ireland and the Department of Education and Science, the following arrangements for the computation of service for the purpose of appointment to Assistant Principal and Special Duties posts as set out in paragraphs 3.1 and 4.1(b) of Circular PPT13/02 will apply.

3. The seniority of candidates shall be determined by reference to the length of service on the 1st September of the year in which the appointment/s is/are being made and by reference to qualified service in a permanent, temporary, substitute, eligible part-time or part-time capacity as a teacher with the current employer.
4. A maximum of one year's credit may be granted in respect of any one school year. Seniority will be credited in full years only and will be computed as follows:
 - (a) each full year of permanent service will reckon as one year for seniority purposes
 - (d) permanent, temporary, substitute, eligible part-time or part-time service for a minimum of 22 school weeks in any one school year will reckon as a full year for seniority purposes
 - (e) permanent, temporary, substitute, eligible part-time or part-time service which, collectively or separately, amount to more than 200 hours in any school year will reckon as a full year for seniority purposes

- (d) subject to paragraph (c) above service in any school year which is less than 22 school weeks will not be reckonable
- (e) subject to paragraph (b) above service in any one school year which is less than 200 hours will not be reckonable .

The revised arrangements are effective immediately and should be applied to all posts remaining to be filled.

You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,
Principal Officer.**

June, 2002.

Appendix (iii)

Working Group Members

Mr. Sean Burke, Chairperson

Mr. Sean Ashe

Mr. Luke Murtagh

Mr. Michael Moriarty

Mr. Barra O'Briain

Mr. Pat O'Connor

Mr. Sean O'Longain

Dr. Barney O'Reilly

Mr. Ted Owens

Ms. Padraigín Ní Riordáin

Mr. Pat Ryan

Mr. John Slattery (Editing and Technical Support)