



APPENDIX 1

ARTICLES OF MANAGEMENT

FOR

CATHOLIC

SECONDARY SCHOOLS

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FOR CATHOLIC SECONDARY SCHOOLS

1. Definitions

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

2. Role of the Board of Management

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

3. Composition of the Board of Management

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

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

b) Electoral Procedures

i. Parents:

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

ii. Teachers:

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

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

4. Re-nomination or re-election

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

5. Membership vacancy

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

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

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

6. Conflict of Interest

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

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

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

7. Removal from office

After due notice, any member of the Board may be removed from office by his/her nominator, subject to section 17 of the Education Act 1998, or by the electorate in the case of the Parents' or Teachers' nominees.

8. Attendance at Meetings

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

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

9. Ordinary Meeting

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

10. The Chairperson

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

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

11. Principal/Secretary to the Board

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

12. Voting

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

13. Special Meeting

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

14. Role of Secretary

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

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

15. Property and Finance (1)

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

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

16. Special Committees

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

17. Day-to-day management of the school

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

18. Criticism of a teacher

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

19. Admission, suspension, expulsion, fees.

Admission

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

Suspension

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

Expulsion

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

Fees

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

20. Post of Principal

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

21. (a) Appointment of the Principal

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

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

(b) Appointment of the Deputy Principal

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

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

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

c) Selection Committee: Disclosure of Interest

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

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

d) Selection Committee: Procedure

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

22. Role of the Principal

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

23. Appointment of teaching staff

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

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

24. Posts of Responsibility

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

25. Emergency Meetings

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

26. Non-teaching staff

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

27. Property and Finance (2)

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

28. Legal Indemnity

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

29. Contracts of Employment

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

30. Trustee Powers

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

31. Direct Management

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

32. Copy of the Articles

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

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

_____ day of _____

_____ 20 _____

Signed by: _____

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

ARTICLES OF MANAGEMENT FOR CATHOLIC SECONDARY SCHOOLS

APPENDIX 1A

THE COMPOSITION OF THE BOARD OF MANAGEMENT OF NEW SCHOOLS

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

1. Newly Established Schools

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

Appointment Procedures

Parents

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

Teachers

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

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

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

Appointment Procedures

Parents

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

Teachers

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

Amalgamation of more than two schools

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

General

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

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

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

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

General

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