

Governance Manual for Primary Schools 2015 - 2019

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Foreword

Over the 40 years since Boards of Management were first put in place in our primary schools, many thousands of volunteers have individually and collectively contributed enormously to the management and operation of our schools. As we approach the changeover to new Boards from 1 December 2015, I am very pleased that this strong tradition of volunteerism and civic spirit is continuing to play such an important part in the running of our schools.

We are all aware that the primary objective of every Board of Management is to ensure that the school is managed in a manner that provides all of its pupils with the best possible education. In order to achieve this objective, I believe that Boards must have a very clear understanding of their governance role and responsibilities and are fully aware of the importance of the school having good communications with its school community including, in particular, parents.

I am pleased that, in addition to setting out the various rules regarding the composition and operation of Boards, this governance manual contains a helpful overview of the role of the Board. I urge every new Board to use this overview as a framework to consider its role and responsibilities, identify the key activities and priorities it will address and ultimately to achieve its primary objective.

For the first time, this manual sets out a mechanism under which two schools can come together to elect twelve members to serve as the boards of management for the two schools. While such boards will still be required to maintain separate accounts and minutes, and to hold separate meetings (which may be held consecutively), this is the first time that these rules make provision for schools to pilot a shared governance arrangement. We will arrange for ongoing review of the pilot in consultation with the relevant stakeholders which may result in changes being identified in future years that would allow for shared governance to become a more embedded feature of the school landscape.

Appropriate training for Board members is also key to successfully managing a school. I am grateful to the various management bodies for the role they play in the provision of training, advice and guidance to Boards of Management and I strongly recommend that all new Boards of Management avail of training opportunities provided. I am also very pleased that my Department is supporting an increased focus on the use of online training to facilitate the delivery of training modules for each Board member.

I would like to thank each of the education partners for their positive input to the updating of this manual for new Boards.

Finally, I very much recognise and appreciate the commitment and contribution that members of the new Boards are making and I wish each and every Board member success in this very important role.

Jan O'Sullivan, T.D.,
Minister for Education and Skills

Introduction and overview of the role of the Board of Management

Boards of Management of primary schools are appointed for a four year term. The term of office for new Boards of Management is from 1 December 2015 to 30 November 2019.

The Board manages the school on behalf of the Patron and is accountable to the Patron and the Minister. The Principal is responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school, and is accountable to the Board for that management.

All Boards of Management of primary schools assuming office from 1 December 2015 onwards are required to adhere to the provisions of the *Governance Manual for Primary Schools 2015 - 2019*. It is acknowledged that the most effective Boards also have a clear understanding of their role and responsibilities and ensure that these are fulfilled. Training for Boards can play an important role in this regard. Board members are therefore strongly advised to avail of the training that is provided, including training provided by the Management Bodies.

The Board should adopt a child-centred approach to all of its work. It must also have regard to the efficient use of resources (particularly the grants provided by the State), the public interest in the affairs of the school and accountability to students, parents and the community. The Board must also uphold the characteristic spirit (ethos) of the school and is accountable to the Patron for so doing.

It is important that from the outset, the Board carefully considers its role and responsibilities and identifies the key activities and priorities that it will address during its term of office. These will vary from school to school depending on the school's individual circumstances.

As an aid to new Boards, the following is an outline of some of the key activities in which effective Boards typically and routinely engage:

The Board and the Patron

It is the duty of the Board to manage the school on behalf of the Patron. In carrying out this duty the Board is obliged to consult with and keep the Patron informed of decisions and proposals of the Board. The Board is also accountable to the Patron for upholding the school's characteristic spirit and the Board must publish, in such manner as the Patron considers appropriate, the policy of the school concerning admission to and participation in the school. Patrons have a specific role in nominating members to interview selection boards and in the prior approval of appointments ([Appendices D, E and H](#) contain further information).

It is essential, therefore, that arrangements are in place to ensure that the Patron is appropriately consulted in relation to Board matters and that any information required for the exercise of the Patron's role is made available to the Patron by the Board. Examples of information that must be supplied to the Patron include the Admission Policy, School Plan, Child Protection Policy, Code of Behaviour/Anti-Bullying Policy, school accounts etc.

Note: The [Education \(Admission to Schools\) Bill](#) was published in April 2015. The objective of the Bill is to provide an over-arching framework to ensure that how schools decide on who is enrolled and who is refused a place in schools is more structured, fair and transparent. It is anticipated that the Bill will be brought before the Houses of the Oireachtas in the autumn of 2015. It is therefore important to check the Department's website for the up to date position regarding same.

The Board as Employer

Under Section 24 of the Education Act, 1998 (as amended by the Education (Amendment) Act, 2012) the Board the Board of Management is the employer of teachers and other staff of the school. The Board's role as an employer includes responsibility for the recruitment and dismissal of teachers and other staff within the school, subject to relevant Department circulars, employment legislation and sectoral agreements.

Teachers and other staff proposed for appointment to the school will be remunerated by the Department of Education and Skills in accordance with the numbers and levels approved by the Department for such staff. It is the responsibility of the Board to ensure that staff are appointed to posts in accordance with the relevant procedures and requirements outlined in Department's circulars and in other agreements between the Unions and Management Bodies (see [Appendices D, E and H](#)).

Issues with teacher performance and conduct are addressed under agreements reached under Section 24(3) of the Education Act, 1998. Procedures in relation to professional competence issues and general disciplinary matters are set out in [Circular 60/2009](#).

Current Terms and Conditions for teaching and SNA staff are outlined in various circulars on the Department of Education and Skills website. Enquiries in relation to terms and conditions of employment or appointment procedures for teachers and Special Need Assistants (SNA's) may be sent to: teachersna@education.gov.ie

General information regarding employers' responsibilities is contained on www.workplacereactions.ie

School Policies

The Board has overall responsibility for school policies. Therefore, there are a range of different school policies that Boards will, from time to time, be involved in developing, implementing and reviewing as appropriate. Examples include the Admission (enrolment) Policy, Child Protection Policy, Code of Behaviour/Anti-Bullying Policy, Complaints Procedures, School Attendance Strategy, Health and Safety Statement etc.

The extent to which a new Board will need to consider any particular school policy will depend on the circumstances of the school in question. However, each Board must ensure that the appropriate and necessary school policies are in place as required.

Further information on the key policy areas of Child Protection and the Code of Behaviour/Anti-Bullying Policy is set out below.

Child Protection

Child protection and welfare considerations are relevant to all aspects of school life and the Board must ensure that such considerations are taken into account in all of the school's policies, practices and activities. In particular, the Board must be familiar with and ensure that the [Child Protection Procedures for Primary and Post Primary Schools](#) (issued under [Circular 65/2011](#)) are fully implemented by the school. This includes ensuring that:

- the Board has ratified a Child Protection Policy for the school,
- a copy of the school's Child Protection Policy which includes the names of the Designated Liaison Person (DLP) and Deputy DLP is available to all school personnel and the Parents' Association and is readily accessible to parents on request,
- the name of the DLP is displayed in a prominent position near the main entrance to the school,
- the Stay Safe Programme is fully implemented by the school,
- child protection matters are reported appropriately to the Board in accordance with the procedures,
- an annual review of the Child Protection Policy and its implementation is undertaken by the Board.

The [Child Protection Procedures for Primary and Post Primary Schools](#) are available on the Department's website at www.education.ie

A [Child Protection Policy template](#) is also available on the Department's website.

The [Children First National Guidelines for the Protection and Welfare of Children are](#) available on the Department of Children and Youth Affairs' website www.dcyu.gov.ie

Important Note regarding proposed Children First legislation relevant to schools and teachers.

At the time of publication of this manual, the Department's requirements in relation to child protection are set out in the *Child Protection Procedures for Primary and Post Primary Schools* and are based on *Children First: National Guidance for the Protection and Welfare of Children (2011)*.

The [Children First Bill, 2014](#), which will put elements of the *Children First: National Guidance for the Protection and Welfare of Children (2011)* on a statutory footing was published by the Houses of the Oireachtas on 14 April 2014. At the time of publication of this manual, the Bill has passed all stages in the Dáil and is due to come before the Seanad in autumn 2015. The Bill provides for a number of key child protection measures, as follows:

- a) A requirement on organisations providing services to children to keep children safe and to produce a Child Safeguarding Statement;
- b) A requirement on defined categories of persons (who are referred to as "mandated persons" and which include all registered teachers) to report child protection concerns over a defined threshold to the Child and Family Agency(the Agency);
- c) A requirement on mandated persons to assist the Agency in the assessment of a child protection risk arising from a mandated report under the Act, if so requested to do so by the Agency;
- d) Putting the Children First Interdepartmental Group on a statutory footing.

It is envisaged that the Department of Children and Youth Affairs will review and publish updated Children First Guidance on foot of the above legislation and other recent legislation relevant to child protection. This will also trigger some changes to the existing *Child Protection Procedures for Primary and Post-Primary Schools*. The Department of Education and Skills will, in due course, consult with the relevant education partners in this regard. It is therefore important to check the

Code of Behaviour /Anti-Bullying Policy

The Board must ensure that the school meets its obligations under the Education (Welfare) Act, 2000 to have in place a Code of Behaviour that has been drawn up in accordance with the guidelines of the National Educational Welfare Board (NEWB).

The Board must also ensure that the school has an Anti-Bullying Policy that fully complies with the requirements of the Department's [Anti-Bullying Procedures for Primary and Post-Primary Schools](#) issued under Circular 0045/2013. A template Anti-Bullying Policy which must be used by all schools for this purpose is provided in **Appendix 1** of the procedures.

The [Anti-Bullying Procedures for Primary and Post-Primary Schools](#) and associated [Circular 0045/2013](#) apply to all recognised primary schools. The procedures are designed to give direction and guidance to the Board and to school personnel in preventing and tackling school-based bullying behaviour amongst its pupils. The Board and school personnel are required to adhere to these procedures in dealing with allegations and incidents of bullying.

The Board must ensure that the school's Anti-Bullying Policy is made available to school personnel, published on the school website (or where none exists, be otherwise readily accessible to parents and pupils on request) and provided to the Parents' Association (where one exists).

The procedures also include oversight arrangements which require that, at least once in every school term, the Principal will provide a report to the Board of Management in relation to the numbers of bullying cases reported to him or her and confirmation that all of these cases have been, or are being, dealt with in accordance with the school's Anti-Bullying Policy and the *Anti-Bullying Procedures for Primary and Post-Primary schools*.

The oversight arrangements also require that the Board must undertake an annual review of the school's Anti-Bullying Policy and its implementation by the school. Written notification that the review has been completed must be made available to school personnel, published on the school website (or where none exists, be otherwise readily accessible to parents and pupils on request) and provided to the Parents' Association (where one exists).

Management of Resources

Section 15 of the Education Act, 1998 requires the Board of Management, in carrying out its functions, to have regard to the efficient use of resources and, in particular, to the efficient use of State funds. Boards therefore have a statutory duty to ensure that appropriate systems and procedures are in place to ensure school resources (including grants, staffing and other resources) are managed appropriately and efficiently and in a manner that provides for appropriate accountability to the relevant parties.

The Board should also be fully aware of and actively involved in the oversight of the school's applications for all resources. The approval of the Patron and Trustee (in schools where there are Trustees) is also required in respect of applications for building projects.

The Primary Online Database (POD) was rolled out across the primary school system in 2015. From 2016/2017, the enrolment counts on POD will become the basis for grant payments and

teacher allocations. Therefore it is imperative that a record exists on POD for each pupil enrolled in the school. The arrangements to apply in relation to the population of POD are set out in Department [Circular 0025/2015](#) which is available on the Department's website.

A critical factor in the allocation of resources to schools is the annual enrolment (National School Annual Census) return to the Department. The National School Annual Census form (or the annual return through POD) should be checked for accuracy and then the signature sheet should be signed by both the School Principal and the Chairperson of the Board of Management (or Manager) prior to its submission to the Department. This return must be brought to the attention of the Board of Management and the Board must be fully satisfied as to its accuracy.

Boards of Management and Principal teachers are reminded about the importance of ensuring the accuracy of enrolment returns to the Department. They have a responsibility to immediately notify the Department of any error or irregularity in their enrolment returns. The Department's standard policy for cases that involve any deliberate overstatement of enrolments is to refer them to An Garda Síochána.

Sections 12 and 21 of this manual set out requirements relating to the Treasurer and to Finance respectively.

School Leadership

The quality of school leadership in a school is central to setting direction in the school and achieving the best educational outcomes for pupils. Good leadership increases the overall effectiveness of the school generally but is particularly important in the context of the effective delivery of the curriculum, policy development and implementation, school self-evaluation and the creation of a positive school culture and climate for all pupils and staff. Boards of Management must be cognisant of the importance of encouraging and facilitating the Principal and Deputy Principal and others in developing and effectively exercising this leadership role in the school. The Department has made considerable investment to build the professional competence of school leaders through its support services and more recently through the decision to establish a Centre for School Leadership. The Centre's responsibilities will cover the range of leadership development for school leaders, from pre-appointment training and induction of newly appointed Principals to continuing professional development throughout their careers.

School Planning

Under the Education Act, 1998 it is the responsibility of the Board to arrange for the preparation of a School Plan, and to ensure that it is regularly reviewed and updated. The School Plan sets out the educational philosophy of the school, its aims and how it proposes to achieve them. Pupil learning needs are at the centre of all planning, and the focus of the school plan should be the teaching and learning that takes place in the school.

The School Plan is not a static document. It evolves in the light of the changing and developing needs of the school community. It must be regularly reviewed and updated. One of the first tasks of any newly appointed Board will therefore be to give careful consideration to the

School Plan. The School Plan serves as a basis for the work of the school as a whole and for evaluating and reporting on whole school progress and development.

Self-Evaluation/Teaching and Learning

Under the Education Act, 1998 a school is required to establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed. Effective Boards are keenly aware that self-evaluation is central to school improvement and will ensure ongoing evaluation and review of both the overall effectiveness and efficiency of the school and of the Board itself.

The Act places a statutory duty on the Board to ensure that an appropriate education is provided to all of the school's pupils. In order to effectively carry out this duty, appropriate and regular oversight by the Board of the teaching and learning in the school should be in place. Furthermore, the Board, from an oversight and governance perspective, can and should play a key role in improving standards in the school. For example, effective Boards will be actively involved in ensuring that appropriate targets are set for improving learning outcomes, particularly in literacy and numeracy, and in monitoring how well these targets are being achieved as part of the school's self-evaluation process.

The Department issued [Circular 0039/2012](#) in 2012, which outlines the requirements in relation to School Self-Evaluation of teaching and learning. A dedicated website www.schoolself-evaluation.ie also provides up-to-date information about school self-evaluation and contains materials and resources to support schools as they engage in the process.

The Board should ensure that a School Self-Evaluation Report and School Improvement Plan are prepared each year and that a summary of the School's Self-Evaluation Report and School Improvement Plan are provided to the whole school community annually. The Board is strongly advised to complete a legislative and regulatory checklist and to provide this to the school community annually to evaluate the extent to which the school is adhering to its obligations. A checklist is provided in the School Self-Evaluation Guidelines (pages 64-67) to assist Boards in this regard.

The focus of the Board's considerations in relation to teaching and learning must be on ensuring the best possible outcomes for the school's pupils. It is important to ensure that any such discussions do not breach pupil confidentiality. Likewise, information provided to the Board for this purpose should be in a format that does not breach pupil confidentiality (e.g. information aggregated by class or group, as appropriate).

Training for Boards

Board members are strongly advised to access relevant training to assist them in carrying out their role. In this regard, Boards should contact their relevant school Management Body (e.g. CPSMA, Church of Ireland Board of Education, Educate Together, NABMSE, as appropriate) for information in relation to available training or for advice and guidance in relation to Board matters.

The modules currently covered by such training are as follows:

- The Board as a Corporate Entity – Function, Roles and the Board in action
- Procedures governing the appointment of staff in schools
- Board finances and the role of Treasurer
- Legal issues - policies and procedures arising from legislation, guidelines and circulars
- Child Protection Procedures
- Anti-Bullying Procedures
- Data Protection

Given the importance of training in the effective operation of a Board of Management, it is recommended that Board of Management meetings are used to regularly discuss the training needs of Board members and available training resources. It is the responsibility of each Board member to ensure that he or she avails of any Board of Management training that is made available.

The school Principal and the Chairperson of the Board will normally be the main source of information for other Board members in relation to general information and in relation to queries regarding Board matters. Board members will also find that the websites of the relevant Management Bodies and the Department are a useful source of general information. If such general information is not available on the relevant websites then the Board member may seek it from the relevant Management Body or the Department. The sourcing of such general information is not a breach of Section 16(b) of this manual which deals with the making of representations in regard to the business of the Board, provided the information sought is of a general nature and does not involve a discussion or disclosure of any matters that are the confidential business of the Board.

Governance Manual for Primary Schools 2015 - 2019

1. General

Primary schools operate under the Education Act, 1998 other relevant legislation, circulars of the Department of Education and Skills and the Rules for National Schools currently applicable.

Section 15 of the Education Act, 1998 states:

- “(1) *It shall be the duty of the board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.*
- (2) *A board shall perform the functions conferred on it and on a school by this Act and in carrying out its function the board shall-*
- (a) *do so in accordance with the policies determined by the Minister from time to time,*
 - (b) *uphold, and be accountable to the patron for so upholding the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, 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 Patron informed of decisions and proposals of the board,*
 - (d) *publish, in such manner as the board with the agreement of the patron 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 education needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerns, 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 grants provided under section 12), the public interest in the affairs of the school and accountability to students, their parents, the patron, staff and the community served by the school, and*

- (g) *use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.*
- (3) *For the avoidance of doubt, nothing in this Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which the board is responsible.”*

Boards of Management of primary schools assuming office from 1 December 2015 onwards are required to adhere to the provisions of this manual. In relation to references in this manual to various other circulars, legislation and other relevant rules that may be subject to change, it is important to check the Department’s website or with the Department directly for the up to date position regarding same.

It is intended that patronage of the Community National Schools will in due course transfer to the relevant Education and Training Boards (ETBs). Any adjustments required to the provisions of this manual to reflect ETB patronage of such schools will be made available separately for those schools.

Note: Indemnification for Board Members

Section 14(7) of the Education Act, 1998 states “Except as provided by this Act, 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 this Act or any regulations made by the Minister under this Act”.

2. Definitions

- (a) For the purposes of this manual, the **Minister** means the Minister for Education and Skills and the **Department** means the Department of Education and Skills.
- (b) The **Patron** is the person recognised as such by the Minister in accordance with Section 8 of the Education Act, 1998. Where two or more persons exercise the functions of a Patron they may be registered as joint Patrons.

It is the duty of the Patron, in accordance with Section 14 of the Education Act, 1998 to appoint, where practicable, a Board of Management. Section 16 of the Act provides that the Patron may, with the consent of the Minister, remove a member of a Board or dissolve a Board.

- (c) In general, the **Trustees** are the persons who are parties to the lease of the school premises and are normally nominated by the Patron as Trustees of the school. The Trustees undertake that the buildings shall continue to be used as a primary school for the term of the lease and guarantee that the premises and contents are insured against fire and tempest.

In the case of Catholic Schools, in most dioceses the school property and enterprise are held by the Diocesan Trust. In a congregation-owned school the Trustees are those legally named as such by the religious congregation. In the case of Convent, Monastery schools and schools owned by a Trust, while the Bishop is Patron, ownership may rest

with the Diocese, Congregation Trust or a Catholic Trust Body.

Please note that in some schools there may not be any Trustees e.g. in cases where the school premises is in the direct ownership of the school patron.

- (d) The **Board of Management/Manager(s)** is the body of persons or the person appointed by the Patron to manage the school. The functions of the Board are set out in Section 15 of the Education Act, 1998 which provides, inter alia, that it shall be the duty of the Board to “*manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility*”. Section 15 of the Education Act also provides that a “*board shall perform the functions conferred on it and on a school by this Act*”.
- (e) “**Parent**” includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998 or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.
- (f) For the purposes of this manual, a **servicing teacher** shall be taken to mean a teacher serving in a school in a permanent capacity or in a fixed-term capacity where the term of appointment is six months or greater.

The following teachers are not regarded as serving teachers for the purposes of this manual:

- (i) teachers (including substitutes) whose term of appointment is less than six months*;
- (ii) teachers on career break;
- (iii) teachers on secondment;
- (iv) teachers on service overseas.

*Such a teacher may, however, be regarded as a serving teacher in circumstances where otherwise it is not possible to nominate/elect a serving teacher (other than the Principal/Acting Principal) to the Board.

- (g) **Days** as it appears in this manual should be taken to mean calendar days as distinct from 'school' days.
- (h) **Term of office** as it appears in this manual shall, unless the context requires otherwise, be taken to mean the 4 year period from 1 December 2015 up to and including 30 November 2019. The term of office of any Board is subject to the provisions of Sections 14, 16 and 17 of the Education Act, 1998 and to the relevant provisions of this manual.

3. Constitution of Boards of Management

(a) For schools having a recognised staff of more than one teacher the Board of Management shall, subject to 3(d), comprise the following:

- (i) Two direct nominees of the Patron.
- (ii) Two parents elected from parents of children who are enrolled and have commenced attendance at the school (one being a mother, the other a father, elected by the general body of parents of children who are enrolled and have commenced attendance at the school).
- (iii) The Principal teacher (or Acting Principal teacher) of the school.
- (iv) One other serving teacher on the staff of the school, elected by vote of the teaching staff which includes the Principal teacher.
- (iv) Two extra members proposed by those nominees, described at (i) - (iv) above, acting in accordance with the process set out at **Appendix C**.

(b) For schools having a recognised staff of one teacher the Board of Management shall, subject to 3(d), comprise the following:

- (i) One direct nominee of the Patron.
- (ii) One parent elected from parents of children who are enrolled and have commenced attendance at the school (elected by the general body of parents of children who are enrolled and have commenced attendance at the school).
- (iii) The Principal of the school.
- (v) One extra member proposed by those nominees, described at (i) to (iii) above, acting in accordance with the process set out in **Appendix C**.

(c) Pilot Shared Governance Arrangements:

It has been agreed to allow schools to operate the following arrangement (referred to as a “shared governance arrangement” in this manual) on a voluntary and pilot basis during the 4 year term up to 30 November 2019.

The pilot allows two schools which are under the same patronage to operate a shared governance arrangement subject to the agreement of the Patron and the requirements set out in this manual.

While there will be a separate twelve member Board for each school, there will be just one election/nomination process across both schools and the twelve persons who are elected/nominated will be elected/nominated to serve on the Boards of both schools.

Under the pilot shared governance arrangement the same group of twelve people are members of the Board of each of the two schools i.e. each person is a member of the Board of school "A" and also a member of the Board of school "B". While each Board operates as a separate legal entity the benefit of a shared governance arrangement is that the same group of people are managing issues that arise in a consistent manner in each of the two schools.

The composition of the twelve member Board for each school shall, subject to 3(d), be as follows:

- (i) Three direct nominees of the Patron,
- (ii) Three parents of children enrolled and in attendance in either of the two schools (at least one being a mother and at least one being a father and subject to each school having at least one parent of a child enrolled and attending its school on the Board) elected by the general body of parents of children who are enrolled and have commenced attendance at either of the two schools,
- (iii) The Principal teachers of the two schools,
- (iv) One other serving teacher on the staff of one of the two schools, elected by vote of the joint teaching staff,
- (v) Three extra members from the community proposed by those nominees described at (i) – (iv) above, acting in accordance with the process set out in **Appendix C**.

The quorum of the Board shall be seven members. The term of office, the filling of vacancies, resignation of Board members, eligibility and cessation of Board membership will be in accordance with the criteria set out in the *Governance Manual for Primary Schools 2015 - 2019*.

The decision to operate a shared governance arrangement is a decision for the Patron to be made following consultation with the two schools as follows:

- Where a Patron is of the opinion that the establishment of a shared governance arrangement would be in the best interests of two schools, the first step is for the Patron to consult with each existing Board of Management in relation to same. As part of this process, each Board must consult with its school community and take account of any feedback before giving its views to the Patron.
- Existing Boards of Management may also request the Patron to consider the establishment of a shared governance arrangement and where the Patron is agreeable in principle, each Board must then consult with its school community, seek to achieve consensus in relation to the proposed shared governance arrangement and provide feedback to the Patron in relation to same.
- The final decision on whether or not to proceed with a shared governance arrangement is then a matter for the Patron. In making such a decision the Patron shall give due consideration to the wishes, needs and interests of both schools. It is important that before deciding to proceed with a shared

governance arrangement the Patron is satisfied that there is consensus across both school communities in relation to same.

- If the decision is to proceed with a shared governance arrangement then the next step is for the Patron to request a representative to arrange for the elections and nominations in accordance with the relevant provisions of Section 4 and Appendices **A, B and C** of this manual. It is open to the Patron to select the person of his or her choice for this purpose.

Important points for the two schools to note in relation to the pilot shared governance arrangement

Each Board is a separate legal entity and must manage its own school in accordance with the duties and functions of a Board of Management as set out in the Education Act, 1998 and in accordance with the provisions of this manual.

While each Board must hold its own separate Board meetings, meetings may be scheduled so that they are conducted consecutively (with one school's Board meeting immediately following the other). To ensure that the distinction between two different Boards is maintained, there should be clear and consistent administration of meetings so that the business relating to each separate Board is clear. This will also involve separate minute keeping, filing and book keeping.

Each school must keep separate bank accounts for the purpose of state funding. All expenditure by or on behalf of the Board of Management of each school must be approved by the Board. The keeping of accounts and records must be in accordance with Section 18 of the Education Act, 1998. A total account of each Board's income and expenditure for each school shall be prepared at the end of each school year and shall be properly audited or certified in accordance with best accounting practice.

Specific training will be available to Boards that have been appointed under a shared governance arrangement in accordance with this section of the manual.

Note: The Department will notify Boards appointed under a shared governance arrangement of any further guidance on the operation of the shared governance arrangement.

- (d) To ensure the widest possible representation on a Board, where practicable:
- board members should bear no direct relationship to each other or to any staff member,
 - parents of children who are enrolled and have commenced attendance at the school should not be nominated or elected to the Board other than in accordance with Sections 3(a)(ii), 3(b)(ii) or 3(c)(ii), and
 - the members from the community selected in accordance with **Appendix C** should be independent of the other categories of persons set out at (i) to (iv) of Section 3(a), 3(b) or 3(c) as applicable.

It is also a requirement that a person, other than the Principal teacher or, where it arises, the elected teacher nominee, who is employed for the purposes of the school shall not be appointed to nor be a member of the Board of Management.

(e) Parent nominees to Boards in Hospital Schools and High Support Unit Schools:

It is recognised that there may be practical difficulties in electing and retaining parent nominees to the Board of a school in a hospital or high support unit. Where it is not practicable in such schools to appoint a parent nominee in accordance with the relevant provisions of [Appendix B](#), the Patron may, as an alternative, appoint persons who are not parents of children attending the school to act in the role of parent nominees in accordance with the following:

It is strongly recommended that, where practicable, the Patron appoints parent nominees from the following categories of persons:

- (i) parents of a past pupil of the school, or
- (ii) parents who live in the local community and have been nominated by the other members of the Board.

However, where the Patron determines it is not practicable to appoint parent nominees from categories under (i) or (ii) above, the Patron may, as an alternative, appoint a person who is a parent and is involved in a role that includes working with or advocacy in respect of the pupils in the school. **Note:** In accordance with Section 6(a) of this manual a person (other than the Principal or elected teacher nominee) who is employed by the Board of Management and/or for the purposes of the school may not be appointed to nor be a member of the Board of Management.

The Patron, in appointing a person as a parent nominee shall give due consideration to the possibility of any conflict of interest or perceived conflict of interest in holding the position and shall have regard to the individual's capacity to undertake the duties of the role.

(f) Schools which change status:

In the case of a school which changes status from being a school with a recognised staff of more than one teacher to a school with a recognised staff of one teacher, or vice versa, the term of office of the Board shall cease to exist on the day prior to the first day on which the school is open to receive pupils in the school year in which the school changes status. A new Board shall then be appointed by the Patron in accordance with the relevant provision of Section 4 - *Procedure for the election and nomination of members of Boards of Management*. In the period pending the establishment of the new Board, the Patron shall manage the school or appoint a manager to discharge the functions of a Board in accordance with Section 14 of the Education Act, 1998.

The term of office of the new Board so appointed shall not extend beyond 30 November 2019.

4. Procedure for the election and nomination of members of Boards of Management

- (a)** In accordance with Sections 8 and 14 of the Education Act, 1998 the Patron is responsible for initiating the steps necessary for the establishment of a Board of Management in a primary school. To this end the Patron requests a representative

to arrange for the elections and nominations as set out in **Appendices A, B and C**. It is open to the Patron to select the person of his or her choice for this purpose.

- (b) Except in special circumstances with the approval in writing of the Minister, or in the case of teacher members of the Board so far as their remuneration as teachers is concerned, no member of the Board shall take or hold any beneficial interest in any property held or used for the purposes of the school or receive any remuneration for his or her services as a member of the Board. However, a Principal teacher in receipt of an allowance for carrying out duties as Secretary to the Board of Management shall be deemed as an exception in this instance due to his or her receipt of remuneration for the carrying out of these duties.
- (c) The Patron's representative will arrange for a meeting of those elected/nominated as per the procedures in **Appendices A and B**. The purpose of this meeting will be to agree the nomination of extra member(s), as set out in **Appendix C**.
- (d) The Patron's representative shall communicate to the Patron the names of the persons duly elected/nominated in accordance with **Appendices A, B and C**.
- (e) The Patron shall then formally appoint the Board of Management.
- (f) The Patron shall appoint one of the members so appointed as Chairperson of the Board of Management.
- (g) In all cases, the Patron shall submit to the Department the fully completed declaration at **Appendix F** in relation to the appointment of the Board. Where Boards have been appointed under a shared governance arrangement in accordance with Section 3(c), the declaration at **Appendix F** must be submitted for each of the schools. Where there is a change in Chairperson during the term of office of a Board, the Patron should notify the Department accordingly using the declaration attached at **Appendix F**.
- (h) Except where the Minister communicates to the contrary, within 10 days of receipt of the information at (g), the Board will be deemed to be recognised by the Minister.
- (i) The first meeting of the Board must be held within one calendar month of the date of recognition of the Board by the Minister. Every member of the Board shall, at or before his or her first attendance at a meeting of the said Board, sign the declaration (set out at [Appendix G](#)) of his or her acceptance of membership of the Board and his or her undertaking that he or she will adhere to the rules pertaining to his or her duties as per the 'Governance Manual for Primary Schools 2015 - 2019' and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Board. Until the declaration at [Appendix G](#) is signed by a Board member, he or she shall not be entitled to act as a member of the Board.
- (j) The Patron's representative dealing with a vacancy arising during the term of office of the Board need not necessarily be the same person who acted as Patron's representative for the initial Board appointments.

5. Position in the event of failure to nominate the extra members from the community in accordance with Appendix C

If there is a failure to appoint the extra members as provided under the process at **Appendix C**, the management of the school, under normal funding arrangements, shall revert to the Patron who shall manage the school or nominate a manager/managers in accordance with Section 14 of the Education Act, 1998.

6. Non eligibility

- (a) A person, other than the Principal teacher or, where it arises, the elected teacher nominee, who is employed by the Board of Management and/or for the purposes of the school may not be appointed to nor be a member of the Board of Management.
- (b) A person shall not be eligible to be a member of a Board if that person:
- within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction, or
 - has been placed on the Sex Offenders Register by order of a court, or
 - is disqualified or restricted from being a director of any company within the meaning of the Companies Acts.
- (c) A person shall not be eligible to be Treasurer of a Board if that person:
- (i) is an undischarged bankrupt, or
 - (ii) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors.

7. Term of office, dissolution of Board/removal of members, cessation of membership

- (a) Term of office, dissolution of Board/removal of members:
- (i) The term of office of the Board shall, subject to the provisions of this manual and the Education Act, 1998, be for a period not longer than 4 years up to and including 30 November 2019.
 - (ii) A member, including the Chairperson, shall hold office for a period not longer than the term of office of the Board but may be eligible for re-appointment.
 - (iii) In accordance with Section 16 of the Education Act, 1998 the Patron may with the consent of the Minister remove a member of the Board or dissolve the Board of Management.
 - (iv) Before deciding to remove a member of the Board or to dissolve the Board, the Patron shall inform that member or Board of the intention to so remove or dissolve and the reasons therefor, and shall afford such member or Board a period of one month to make representations to the Patron on the matter.

- (v) Whenever the Patron dissolves a Board, the Patron may, subject to the approval of the Minister, appoint any person or body of persons as the Patron thinks fit to perform the functions of the Board, for a period not normally exceeding six months.
- (vi) Where the Patron removes a member of a Board the resulting vacancy shall be filled in accordance with the provisions of section 7(d).
- (vii) In accordance with Section 17 of the Education Act, 1998 the Minister may require the Patron to dissolve a Board of Management having informed the Board and the Patron of his or her intention to do so and having considered any representations by the Board or the Patron.

(b) Cessation of membership

- (i) Where a member:
 - is sentenced to a term of imprisonment, or placed on the Sex Offenders Register by a court of competent jurisdiction, or
 - ceases to be a member of the category of person provided for in section 3, to which he or she belonged at the time of his or her becoming a member of the Board (see **Note** below), or
 - is disqualified or restricted from being a director of any company within the meaning of the Companies Acts.

that member shall thereupon cease to be a member of the Board.

- (ii) Where the teacher nominee takes a leave of absence (statutory or non-statutory) which is approved for a period of 24 weeks or more that teacher nominee shall cease to be a member of the Board as and from the date of the commencement of such leave. The replacement teacher nominee shall, subject to the relevant provisions of section 7, be entitled to remain on the Board for the period up to and including 30 November 2019.
- (iii) In any case where a period of statutory or non-statutory leave of absence (e.g. sick leave) of the teacher nominee to the Board extends beyond a continuous period of 24 weeks, such teacher nominee shall cease to be a member of the Board at the end of the 24 week period. The replacement teacher nominee shall, subject to the relevant provisions of section 7, be entitled to remain on the Board for the period up to and including 30 November 2019.
- (iv) Where, during the term of office of the Board, a teacher nominee takes up the role of Acting Principal, the replacement teacher nominee shall cease to be a member of the Board when the original teacher nominee ceases his or her Acting Principal role and reverts to his or her teaching (or Administrative Deputy Principal) position in the school. In such circumstances, the original teacher nominee returns to the teacher nominee position on the Board.
- (v) Where a Board member (or his or her business or company) enters into a

commercial agreement/business contract with the school that member shall thereupon cease to be a member of the Board.

Note:

- Any parent who ceases to have a child enrolled in the school shall cease to be a member of the Board except in the case of a parent of a child who completes primary education at the end of the school year which precedes the end of that Board's term of office. Such a parent may remain on the Board until the end of that Board's term of office provided the period does not exceed five months in total. In the case of a shared governance arrangement membership of the Board does not, however, cease where the parent has a child enrolled and in attendance in the other school involved in the shared governance arrangement.
- Any teacher who ceases to be a serving teacher shall thereupon cease to be a member of the Board.
- Where a member of a Board ceases to be a member of that Board by virtue of section 7(b)(i), (ii), (iii) or (v), that member's office shall become vacant and shall be filled, as soon as may be after the vacancy occurring, by a new member appointed in the same manner as that in which the vacating member was appointed (see section 7(d)).

(c) Resignation of Board Members.

If a member of a Board wishes to resign from his or her position as a Board member, he or she shall give written notice to the Chairperson of this intention and that member shall, unless otherwise agreed by the Board, thereupon cease to be a member of the Board. A Chairperson who wishes to resign from the Board shall give written notice of this intention to the Patron and shall, unless otherwise agreed by the Patron, thereupon cease to be a member of the Board.

(d) Vacancies

(i) Where a member of a Board:

- dies, or
- resigns as per section 7(c), or
- is absent from three consecutive ordinary meetings of that Board unless such absence was approved by that Board, or
- ceases to be a member of that Board by virtue of sections 7(b)(i), (ii), (iii) or (v), or
- is removed by the Patron,

that member's office shall become vacant and shall be filled, as soon as may be after the vacancy occurring, by a new member appointed in the same manner as that in which the vacating member was appointed.

- (ii)** The new member so appointed shall, subject to the provisions of this manual and the Education Act, 1998, hold office for the remainder of the Board's term of office. The new member of the Board shall sign the declaration at

[Appendix G](#), at or before his or her first attendance at a meeting of the said Board. Until such declaration is signed by the new member, he or she shall not be entitled to act as a member of the Board.

- (iii) Any change in the membership of the Board shall be recorded in the minutes of the next meeting of the Board.
- (iv) A replacement teacher nominee may be appointed, in accordance with [Appendix A](#), where the original teacher nominee takes up the role of Acting Principal. However, that replacement teacher nominee shall cease to be a member of the Board when the original teacher nominee, on the cessation of his or her Acting Principal role, reverts to his or her teaching (or Administrative Deputy Principal) position in the school. In such circumstances, the original teacher nominee returns to the teacher nominee position on the Board.

Note: In any case where vacancies on the Board result in the membership falling below the number required for a quorum, the Board shall cease to exist and the exercise of the functions of the Board shall revert to the Patron who shall manage the school or appoint a manager/managers in accordance with Section 14 of the Education Act, 1998. In such cases, the Patron shall, as soon as it is practicable to do so, appoint a new Board of Management in accordance with the relevant provisions of this manual.

8. Confidentiality

- (a) Individual members of the Board are required to keep confidential the matters discussed at meetings including all documents drafted and disseminated to Board members unless otherwise agreed by the Board.
- (b) Where allegations of a breach of confidentiality by any Board member arise, the matter should be brought to the attention of the Chairperson who shall bring it to the attention of the Patron at the earliest opportunity. If the Chairperson is the person who is allegedly responsible for the breach then any Board member may bring the matter directly to the attention of the Patron at the earliest opportunity. The Patron shall arrange for an investigation into the matter and shall reach a conclusion on the matter.
- (c) Where the Patron is satisfied, after due investigation, that any member of the Board infringed this injunction of confidentiality, he or she may, subject to the consent of the Minister remove that person from membership in accordance with Section 16 of the Education Act, 1998 and shall not subsequently nominate that person as a member of any Board of Management.

Important Note:

Board members are not delegates of their electorates. They have no obligation to either report back to their electors or to take instruction from them on how to vote at Board meetings. Such reporting may be a breach of confidentiality requirements. It is a matter for each Board to decide what may be reported and by whom and, in this respect, it is essential that personnel, financial and personal matters are dealt with in line with relevant confidentiality requirements.

Decisions arrived at by consensus or by vote are decisions of the Board. Individual members of the Board are obliged to keep confidential the matters discussed at meetings unless otherwise agreed by the Board and where so agreed, members of the Board must not publicly criticise or make any negative public comment about Board decisions, irrespective of their own personal views on the matter.

9. Board communications/transparency

- (a) Good management practice will require frequent communications to parents, staff and the school community.
- (b) The Board shall put in place procedures to support good communication within the school community. Section 26(3) of the Education Act, 1998 states that the Board “shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a Parents’ Association and to a Parents’ Association when it is established”.
- (c) The Board, at the closure of each Board meeting shall determine the information to be conveyed to parents, school staff and the school community, and the manner and terms in which it should be conveyed and by whom. An agreed report should be drawn up for this purpose. The agreed report shall not include details of any issues which must remain confidential to Board members. Such issues should be clearly identified and members must be notified of their obligations in respect of the confidentiality requirements under section 8.

Note: In authorising the dissemination of information under section 8(c), the Board shall pursue a policy of openness and have a positive approach to sharing information with the school community. The provisions of section 8(a) regarding confidentiality need not necessarily conflict with the operation of such a policy; the provisions of section 8 are intended to protect against inappropriate disclosure rather than to obstruct good communications and transparency.

10. The Chairperson

- (a) Each Board of Management shall have a Chairperson, who shall be entitled to vote and who in the event of a tied vote shall also have a second and casting vote.
- (b) The Chairperson shall be appointed by the Patron and his or her authority shall derive from such appointment. In exercising this function the Patron may give due consideration to the opportunity to engage in a consultative process within the school community and/or with members of the Board. The Patron, in appointing an individual as Chairperson shall also give due consideration to the possibility of perceived conflicts of interest in holding the position of Chairperson and shall have regard to the individual’s capacity to undertake the duties of the role.
- (c) The Principal or elected teacher nominee shall not be eligible for appointment as Chairperson/Acting Chairperson. In addition, the Chairperson/Acting Chairperson should, where practicable, bear no direct relationship to any serving staff member or Board member.
- (d) In the absence of a Chairperson from a particular meeting or where the Chairperson, on account of a conflict of interest, withdraws from a meeting or part thereof, the Board shall elect an Acting Chairperson to preside at that meeting only or part thereof only, as appropriate. Otherwise, the Patron shall appoint a new or Acting Chairperson where the circumstances require it (e.g. due to the long-term absence of the Chairperson).

- (e) The Board may authorise the Chairperson, and/or another member, in respect of a particular function or functions, to act on its behalf for a specified period of time.
- (f) The Board shall authorise the Chairperson to act on behalf of the Board in entering into an agreement with each new staff member appointed to the staff of the school.
- (g) The Chairperson or where applicable, the Principal teacher (with the permission of the Chairperson) shall act on behalf of the Board in certifying the school returns and other official forms as required.
- (h) The Rules for National Schools state that Managers should visit their schools and satisfy themselves that the Rules are being complied with; this requirement shall be fulfilled by the Chairperson of the Board of Management. Board members may also visit their schools; however such visits must only be undertaken where official Board business is being conducted and as authorised by the Chairperson of the Board.

11. The Secretary

An allowance may be payable to Principal teachers who act as Secretaries to Boards of Management. A broad outline of the duties of the Principal teacher acting as Secretary to a Board of Management is set out in [Circular 0079/2007](#). However, the list of duties outlined in the circular is not exhaustive and the Board of Management may include other duties as decided by the Board from time to time.

Notwithstanding the provisions of the circular, the Chairperson shall act as correspondent for the Board in accordance with section 16(a).

In circumstances where the Principal teacher of a school does not act as Secretary to a Board-

- (a) The Board shall elect a Recording Secretary from amongst its members.
- (b) The duties of the Recording Secretary are confined to:
 - (i) Keeping minutes of each meeting in an appropriate form to be retained in a safe place and to be available on request to representatives of the Patron, the Trustees (in schools where there are Trustees) and the Department.
 - (ii) Setting the agenda for meetings in consultation with the Chairperson of the Board and the Principal.
 - (iii) Recording in the minutes decisions reached at meetings including the numbers of those voting for or against a motion.

12. The Treasurer

- (a) The Board shall, subject to section 6(c), elect a Treasurer from amongst its members. The Chairperson, Principal or the teacher nominee to the Board shall not be the Treasurer. The Treasurer shall be fully familiar with the requirements of Section 18 of the Education Act, 1998 and also with the requirements of this section and with section 21 of this manual.

- (b) The Treasurer shall keep the school account(s). What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, an Excel-based accounting package for primary schools is available on the Department's website. Boards of Management are asked to consider utilising this accounting package.
- (c) All monies received by the school shall be lodged in the school bank account(s) which shall be held by the school and registered in the name of the school. The school bank account(s) shall be used solely for the purposes of the school's banking requirements. There are a range of payment methods available to Boards including cheque, direct debit, credit card, credit transfer etc. Boards should discuss the most cost effective payment methods with their bankers.

The Board must satisfy itself that proper internal controls are in place for all financial transactions.

Cheque payments must be authorised by two of three nominated signatories of the Board, one being the Chairperson and the other the Treasurer in the first instance. However, the Chairperson may nominate a Board member to act as signatory in his or her absence. Where possible, two signatories should be from different categories of Board members.

The Board shall ensure that appropriate controls are in place in relation to the use of any school credit/debit card, online banking etc. These shall include appropriate protocols and procedures for the approval of user(s), custody of the card concerned, authorisation of payments, agreed payment limits and the supply of supporting documentation and records.

A petty cash account may be operated. The Board shall make petty cash disbursements to its members in respect of costs incurred on Board business, e.g. postage, telephone charges and other minor items. It may impose such conditions as it thinks fit in the disbursement of this petty cash. All proper and usual accounts and records should be kept in accordance with best accounting practice, including requirements to vouch expenses with receipts, where appropriate.

All proper and usual records must be kept in respect of all financial transactions.

- (d) The Treasurer shall present at each meeting an up-to-date statement of the school accounts giving details of income and expenditure since the previous meeting.
- (e) The Treasurer shall retain vouchers of expenditure for inspection and audit by the school's accountant and by officials of the Department. All financial documents shall be submitted to the Board of Management, and on request to the Patron, the Trustees (in schools where there are Trustees), and to the Department at the end of each financial year.

13. Procedure for Board meetings

(a) Frequency of meetings

A Board shall hold such and so many meetings at such times as the Chairperson

deems necessary but shall hold a minimum of one meeting per school term and shall hold not less than five meetings in any school year.

(b) First meeting

- (i) Every member of the Board shall sign the declaration at **Appendix G** at or before his or her first attendance at a meeting of the said Board. This is a declaration of acceptance of membership of the Board and an undertaking that he or she will adhere to the rules pertaining to his or her duties as per the *'Governance Manual for Primary Schools 2015 - 2019'* and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Boards. Until such declaration is signed by the member, he or she shall not be entitled to act as a member of the Board.
- (ii) In circumstances where the Principal teacher is not in receipt of an allowance payable for acting as Secretary to a Board of Management, the Board shall elect a Recording Secretary from amongst its members in accordance with section 11. The Board shall also elect a Treasurer from amongst its members in accordance with section 12.
- (iii) Training, which is particularly important for new Board members, should be discussed at the first meeting of the Board with a view to putting in place a plan to identify and meet the training needs of Board members. The training plan for Board members should be regularly reviewed and updated by the Board.

(c) Ordinary meetings

- (i) The Chairperson may at any time call a meeting of the Board.
- (ii) At least seven clear days before each ordinary meeting, a notice of the time and place of the intended meeting, together with an agenda for the meeting, shall be sent to every member of the Board. It should be clear that all members of the Board are entitled to be notified of all meetings – including meetings where issues may concern an individual member directly and he or she may be required to subsequently withdraw or not to attend if the meeting is solely for that purpose. Where exceptional circumstances warrant it, a meeting of the Board may be convened at less than seven days' notice and in such cases this fact should be recorded in the minutes.
- (iii) The quorum of the Board shall be:
 - three members in the case of schools having a recognised staff of one teacher (4 member Board),
 - five members in the case of schools having a recognised staff of more than one teacher (8 member Board), and
 - seven members in the case of schools operating a shared governance arrangement in accordance with section 3(c) (12 member Board).

- (iv) The meeting shall be quorate throughout the entire course of the meeting.
- (v) Subject to section 13(c)(iii), a Board may act notwithstanding one or more than one vacancy among its members.
- (vi) The proceedings of the Board shall not be invalidated by reason of any defect in the appointment or qualifications of any member thereof.
- (vii) All decisions of the Board shall be taken at a properly convened meeting. It is recognised that, in some limited circumstances, the use of a conference call may be required to facilitate a Board meeting. In such circumstances, this fact must be recorded in the minutes and the Board must be fully satisfied that the confidentiality of the meeting's proceedings will be maintained at all times. In accordance with (iv) above, the meeting shall remain quorate throughout the entire course of the meeting.
- (viii) Where a matter is put to a vote, it shall be determined by a majority of votes of the members present and voting therein and, where there is an equal division of votes, the Chairperson of the meeting may exercise a second and casting vote. The numbers of those voting for and against a motion shall be recorded.
- (ix) Minutes of the proceedings of the Board shall be recorded in an appropriate form and shall be signed by the Chairperson of the meeting of which they are a record, or by the Chairperson of the next meeting. Minutes are the property of the Board and shall be available on request to the Patron, the Trustees (in schools where there are Trustees) and the Department.
- (x) The provisions of (iii) to (ix) of section 13(c) inclusive apply to all Board meetings.

(d) Requested meetings

- (i) On receipt of a requisition signed by not less than one quarter of the members of the Board plus one, or on the requisition of the Patron, such requisition stating the business to be transacted, the Chairperson shall convene a special meeting of the Board within seven days and no business other than that specified in the notice shall be dealt with at such a special meeting.
- (ii) In the event that a Chairperson fails to convene a meeting within seven days, either the Patron or one of the members requesting the meeting shall call such a meeting.

(e) Emergency meetings

- (i) The Principal with the approval of the Chairperson shall have power to convene an emergency special meeting of the Board of Management should the need arise.
- (ii) This meeting shall be held as soon as possible after notification of such meeting has been conveyed to all available members.
- (iii) The usual quorum shall be required.

14. Responsibilities of the Board to the Patron, the Trustees and the Department

The Board shall make available to the Patron, the Trustees (in schools where there are Trustees) and, when requested, the Department such reports and returns and give to them such information as they may require for the exercise of their respective functions in relation to the school.

15. Disclosure of interest/integrity of Board proceedings

- (a) A member of the Board who stands in a relationship to a person who is a candidate for appointment by the Board as teacher or other member of staff of the school, including the Principal, shall immediately disclose to the Board the fact of the relationship and the nature thereof and shall take no part in any deliberation or decision of the Board concerning the appointment. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process. The disclosure and the absenting of the Board member from the deliberation and appointment process shall be recorded in the minutes of the Board.

Separately to the above, where such a relationship arises in the case of any member of a Selection Board for a Principal, Teacher or SNA appointment, this shall be dealt with in accordance with the relevant provisions of **Appendices D, E and H** as applicable.

A professional relationship in itself does not necessarily mean there is a conflict of interest.

- (b) Where any member of the Board is related to any person or is connected to any company/business that may be the subject of or have a direct involvement in a matter which is before the Board for consideration (including matters relating to procurement of goods or services), that Board member shall immediately disclose to the Board the fact of that relationship and the nature thereof. Unless the Board is fully satisfied that the relationship concerned is not prejudicial to the preservation of the principles of natural justice and/or public procurement requirements and specifically the legal requirement that Board proceedings should not be open to the charge of bias, then that member shall take no part in the Board's deliberations on the matter. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the deliberations of the Board. The disclosure and absence of the member from the deliberation and decision making process shall be recorded in the minutes.
- (c) Where any member of the Board is personally the subject of a matter or who stands in a relationship to a person who is the subject of or has a direct involvement in a matter (including a complaint by a parent), which is before the Board for consideration, that Board member shall withdraw from the Board's deliberations on the matter unless the Board is fully satisfied that the presence of the member during any such deliberations is not prejudicial to the preservation of the principles of natural justice and specifically the legal requirement that Board proceedings should not be open to the charge of bias. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to

ensuring absolute impartiality in the deliberations of the Board. A professional relationship in itself does not necessarily mean there is a conflict of interest. The disclosure and absence of the member from the deliberations shall be recorded in the minutes.

- (d) Where the Patron is satisfied, after due investigation and following receipt of a recommendation from the Board, that any member of the Board failed, at a material time, to disclose a relationship, he or she shall remove that person from membership of the Board in accordance with Section 16 of the Education Act, 1998 and shall not subsequently appoint that person as a member of any Board of Management.
- (e) In the event of a member of the Board refusing to withdraw from a meeting, as provided for in this section, the meeting shall be adjourned and, in the event of such member again refusing to withdraw at the re-convened meeting, the Chairperson or the Secretary shall report the matter in writing to the Patron, who shall remove that person from membership of the Board in accordance with Section 16 of the Education Act, 1998 and shall not subsequently appoint that person as a member of any Board of Management.
- (f) If a serving Board member (or his /her business or company) wishes to engage in a commercial agreement/business contract with the school the Board member concerned must:
 - (i) immediately declare that interest/intention to the Board and,
 - (ii) preclude him or herself from any involvement whatsoever in any discussion, deliberation or decision in the matter and,
 - (iii) cease to be a member of the Board where that member enters into a commercial agreement/business contract with the school.

16. Correspondence

- (a) The Chairperson shall act as correspondent for the Board with the Department and all others. The Chairperson may, however, nominate the Principal teacher to act as correspondent in his or her absence, where necessary. However, any correspondence indicating that it is being sent to the Chairperson in a **private and confidential** manner should not be opened by any person other than the Chairperson.
- (b) No member of the Board shall make or cause to be made representations to the Minister, the Department or any other party in regard to the business of the Board without having discussed the matter at a meeting of the Board and having been authorised by the Board to make representations on its behalf. However, the sourcing of general information is not a breach of this section, provided the information sought is of a general nature and there is no discussion or disclosure of any matters that are the confidential business of the Board.
- (c) The Chairperson (or the Principal when nominated in the Chairperson's absence) shall ensure that any written correspondence or written statements on behalf of the Board is on the school's official headed paper or where appropriate authenticated by the use of an official school stamp. (Nothing in this section shall prohibit the school from corresponding by email where appropriate)

17. The Data Protection Acts, 1988 and 2003

The [Data Protection Acts](#) are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller”. The Data Protection Amendment Act 2003 brought manual records into the scope of the legislation whereas the 1988 Act referred only to computer files.

The Acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

All Board minutes and other school records and data must be maintained in compliance with the Data Protection Acts. The responsibility for compliance with the Acts rests with each school. The Board must therefore be cognisant of its obligations in relation to the confidentiality, accuracy and security of all records and data held by the school. This includes records/data relating to staff and pupils and records/data relating to the business of the Board.

A “Data Protection in Schools” website www.dataprotectionschools.ie was launched by the primary and post-primary Management Bodies in September 2014. The aim of this website is to provide an overview of data protection legislation and how it applies to schools.

18. Freedom of Information Acts

A Board of Management established under Section 14 of the Education Act, 1998 other than a Board of Management of a school established or maintained by an Education and Training Board is currently exempt under the Freedom of Information Acts.

However, Boards of Management should note that records forwarded to a public body by a school and held by that body may be subject to the provisions of the Freedom of Information Acts.

19. Access to the school

Sections 13 and 18 of the Education Act, 1998 provides that full access to schools should be afforded to members of the Department’s Inspectorate and other Department officials involved in the inspection of schools. In addition Rule 11 of the Rules for National Schools provides that “the Minister and persons authorised by him/her may visit and examine the schools whenever they think fit”. The Patron and its delegates shall have the same right of access. Trustees (in schools where there are Trustees) and their delegates may also visit and examine the school site and buildings when appropriate.

20. Use of the school premises

In 2005, the Department issued [Circular Letter Prim 16/05](#) to all Boards of Management in respect of the sharing of school facilities with the community. The circular is available on the Department's website at www.education.ie

The purpose of this circular is to urge Trustees and Boards of Management to give serious consideration to such requests where possible. In urging and encouraging the Trustees and Boards to respond sensitively to this need, the Department fully appreciates that the decision ultimately lies with the relevant Board or Trustees and that the first priority at all times should be the interest of the school, its teachers and pupils.

It should be noted that the use of school premises during the school day, for purposes other than regular school business must also have the prior approval of the Minister.

21. Finance

(a) Capital expenditure and works

- (i) No alteration, extension or replacement of the school building and/or grounds shall be undertaken by the Board unless and until such have been approved in writing by the Patron and Trustees (in schools where there are Trustees).
- (ii) In addition to the approval required under (i) above, capital expenditure for which grant aid is to be sought must not be entered into until prior written sanction to do so has been received from the Department.
- (iii) Boards must comply with current building and planning regulations and current public procurement requirements.
- (iv) Nothing in this section shall prevent the Board from carrying out minor works in accordance with relevant Department circulars. The current circular is [Circular 0062/2013](#) Grant Scheme for Minor Works to National School Properties. Queries in relation to this circular, should be addressed to the Building Unit of the Department.
- (v) The Patron may designate the Chairperson or a member of the Board to act on behalf of the school authority in dealing with the Department in regard to capital expenses. Such designation must be made in writing.

(b) Grant Payments

Details of funding to be issued to schools, incorporating any budgetary changes, are placed on the Department's website every year.

Funding provided for specific purposes, such as for the purchase of ICT equipment or to assist parents with the cost of books, must be used only for the purpose for which it is granted.

Per capita grants are provided to cover general running costs, as well as caretaking and secretarial services. As per [Circular 0040/2009](#), these grants may be regarded

as a common grant which the Board of Management may allocate according to its own priorities.

(c) Insurance

- (i) In general, it is the duty of the Board of Management (delegated by the Trustees in schools where there are Trustees) to put in place comprehensive insurance cover for the school. In the case of Catholic schools it is the duty of the Trustees in consultation with the Board of Management to insure school property.
- (ii) The Board shall ensure that all such insurances are effected and maintained as are necessary to safeguard the school, the Board and the Trustees (in schools where there are Trustees) against all public liability and against the consequences of negligence on the part of any person employed by the Board or any servant or agent of 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) The following is the position for schools operating from premises owned by the Minister:

A Lease, to be executed between the Minister and the relevant school Patron, is being introduced for schools operating in premises owned by the Minister. Under the terms of that Lease, schools are obliged to take out Public Liability, Employer's Liability and content insurances but are not required to take out buildings cover. Buildings, other than contents and those areas specifically identified in the Lease, will be covered by State indemnity.

The Lease will be put into place on a phased basis, starting with schools that have recently commenced operation in a premises owned by the Minister. Thereafter, Leases will be put in place for schools already operating in Minister owned premises. It is intended to have Leases put in place for all such schools as soon as practicable.

Boards must adhere to all terms and conditions detailed in the Lease agreed between the School Patron and the Minister for the use of the building and in the event of any claims arising from a Board's non-performance of such terms and conditions, the Board must indemnify the School Patron from any resulting loss and must maintain an insurance policy to enable it to do so.

- (iv) The relevant insurance policies shall be available for inspection by interested parties.

(d) Accounting practice

What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, an [Excel-based accounting package](#) for primary schools is available on the Department's website. Boards of Management are asked to consider utilising this accounting package.

Boards may also avail of on-line banking systems. However, the Board must satisfy itself that proper internal controls are in place for the use of on-line banking services

and that all proper and usual accounts are kept in respect of each transaction (See also Section 12 of this manual).

- (i) All expenditure by or on behalf of the Board of Management must be approved by the Board. The keeping of accounts and records must be in accordance with Section 18 of the Education Act, 1998 which states that:

“(1) Except in the case of a school established or maintained by a vocational education committee, a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

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

- (ii) A total account of the Board's income and expenditure shall be prepared at the end of each school year and shall be properly audited or certified in accordance with best accounting practice. This account should be made available for inspection to the school community including parents, the Patron, Trustees (in schools where there are Trustees) and the Minister. This account should incorporate details of all accounts which may be maintained separately by the Board in compliance with the terms of particular grant schemes.
- (iii) Copies of this account, referred to at (ii) above, shall be presented to members of the Board and a copy of this account retained as part of the minutes of the Board of Management.
- (iv) The school accounts shall also be available for audit by officers of the Department and officials of the Comptroller and Auditor General's Office if requested.
- (v) All transactions from the school accounts must be signed by the Chairperson and the Treasurer. However, the Chairperson may nominate a Board member to act as signatory in his or her absence as outlined at section 12(c).

(e) Budgeting

- (i) Boards of Management should budget in such a way as to enable them to meet commitments which may be substantial but which arise only periodically.
- (ii) Boards' expenditure should not exceed their annual income.
- (iii) Overdrafts or other forms of debts or excesses of expenditure over income must be approved by the Patron, in conjunction with Trustees (in schools where there are Trustees) where required, and should be avoided except for limited periods, and where the Board is satisfied that the overdraft or debt can be cleared by the Board.

- (iv) At the commencement of its financial year the Board shall frame and adopt a budget for the year.
- (v) This budget should include provision for all relevant items of expenditure such as insurance, purchase of classroom requisites, maintenance costs etc.
- (vi) The Board of Management may form a finance sub-committee to operate under the authority of the Board.
- (vii) A Parents' Association is entitled to raise funds for the administration and activities of the association and to hold a bank account in the name of the Parents' Association. The Parents' Association shall consult with the Board about any fund-raising for the school or school projects. The approval of the Board is needed prior to these funds being raised. It is good practice to record the agreement reached between the Board and the Parents' Association in relation to such fundraising, including the purpose for which the funds are being raised, the manner by which the funds are to be raised, the timeline for the transfer from the Parents' Association bank account to the Board of any funds raised and the estimated timeframe for the agreed project. The agreement should be recorded in the minutes of the Board of Management and the Parents' Association meetings respectively. The Board of Management should thereafter seek regular updates from the Parents' Association in relation to the fundraising and record those updates in the minutes of the Board meetings.

The expenditure of these funds is by the Board of Management in consultation with the Parents' Association. All monies raised or generated for an agreed project for the school should be transferred to the Board as soon as is practicable and in accordance with the agreed timeline for the transfer of funds as set out in the agreement between the Board of Management and the Parents' Association. Any funds raised must be used for the purpose(s) for which the money was collected. If in exceptional circumstances, it becomes unnecessary for the Board to use all of the funds collected for the purpose specified, the Board will communicate this to the Parents' Association and where appropriate, the local community. In any event the funds must be used for the school. The Board in consultation with the Parents' Association committee will decide the change of purpose for which the funds are used.

(f) Employment of a person in a private capacity

Staffing allocations for teachers and SNAs are determined centrally by the Department and the [National Council for Special Education](#) (NCSE).

Funding in respect of secretarial and caretaker services is provided via an annual grant to schools.

Schools are reminded that state funding/grants must be used for the purpose for which they are allocated and must not be used to maintain any private employment arrangement which has been separately entered into by the school. Many Management Bodies and Patrons do not allow their schools hire such teachers on a privately funded basis. In that regard, before a Board considers such an arrangement,

the Board must seek the approval of the Patron. Where a Board enters into such a private employment arrangement with a person it must be cognisant of the potential exposure to ongoing employment costs, including those arising from any Contract of Indefinite Duration (CID) which may arise. The Board must therefore give due regard to the capacity of the school to sustain such employment from funding from non-exchequer sources (which may be of a once-off nature) including any ongoing costs arising from CIDs.

(g) Supporting Financial Governance in Primary Schools

The Department is currently planning to put in place arrangements to strengthen and support the existing financial governance arrangements at primary level. In that regard, the Department considers that the type of service currently provided by the Financial Services Support Unit (FSSU)* to voluntary secondary schools is a good exemplar of the type of service that it would be desirable to have available to primary schools, adjusted as appropriate to reflect the needs of the primary sector.

The Department has had some discussions with the relevant stakeholders in relation to this matter and further discussions will be held before any arrangements are finalised. The availability of funding will be a key factor in determining the timeline for the commencement of such a service at primary level.

Any further notifications to primary schools in relation to this matter will be done by way of a Department circular.

*The FSSU was set up in 2006 to provide a support mechanism for all voluntary secondary schools to enable them comply with the provisions of the Education Act, 1998 in terms of accountability, transparency and financial responsibility for State funds. Its role and objectives are set out in Department [Circular M36/05](#) and include:

- Providing an advice and support service for voluntary secondary schools on all aspects of financial management and control. As part of this process standardised procedures and accounting formats have been developed.
- Receiving annual accounts from schools.
- Carrying out such audits as may be required.

22. [Appointment procedures for Teachers/Principals/Special Needs Assistants \(SNAs\)](#)

Procedures for the appointment of Teachers are set out at [Appendix D](#).

Procedures for the appointment of Principals are set out at [Appendix E](#).

Procedures for the appointment of SNAs are set out at [Appendix H](#).

23. [Appointment of all employees of the Board of Management](#)

The Board is reminded of its duty to comply with current legislation and all Department circulars which currently apply in relation to appointments and to obtain the prior approval of the Patron

for all appointments of teachers (including Principals) and SNA staff.

Thorough recruitment procedures are also an essential element of child protection practice. The Board must ensure compliance with the Department's requirements (currently outlined in [Circular 0063/2010](#)) in relation to Garda Vetting and in relation to the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to teaching and non-teaching positions. Schools will be advised by way of circular letter of any future changes to these requirements. In this regard, please see the following **Important Note**.

Important Note: The [National Vetting Bureau Act 2012](#) (the Vetting Act) was enacted in 2012. It is expected that, following some amendments which will be made to it and that, at the time of going to print, are being progressed by the Minister for Justice and Equality, the Act will become operational in 2015. When it comes into effect, the Act will put in place certain statutory requirements for the garda vetting of persons involved in working with children and vulnerable adults, including those working in schools.

It should be noted that the existing non-statutory garda vetting arrangements under Departmental Circular 0063/2010 will continue to apply until the Vetting Act is commenced. Circular 0063/2010 will be replaced by a new circular when the Vetting Act is commenced. It is therefore important to check the [Department's website](#) for the up to date position regarding same.

24. **Change of staff form**

A change of staff form issues annually to all schools in respect of permanent and temporary teachers paid through the Department's payroll.

A separate change of staff form is also issued in respect of non-teaching staff who are paid through the Department's payroll.

Any changes in the employee's status in the school shall be recorded on the relevant form and returned within the time frame set down by the Department.

It is imperative that the forms are completed in full, examined and checked by the Chairperson, signed by the Principal/Chairperson and returned within the specified time frame to ensure that school employees are paid correctly.

25. **On-Line Claim System (OLCS)**

The OLCS was introduced to enable schools to submit leave details for all teachers and special needs assistants and to make claims for the relevant substitute. The data entered by the schools, once validated, updates the Department's payroll and personnel systems and issues payment directly to the teacher/SNA.

Boards of Management are responsible for the recording of absences of teachers and SNAs on the system. The Board should ensure that all absences, both substitutable and non-substitutable, are recorded on the OLCS. The Department requires that leave absences are recorded to ensure that all staff members are paid correctly and the service history of a person is correct. Leave records should be recorded by the schools as they occur and must be

entered in date order.

Boards should ensure that supporting documentation in relation to the completion of OLCS details is retained securely i.e. medical certs, attendance at in-service/in-career, parental leave and carer's leave.

Boards of Management have a responsibility to ensure that at school level the integrity and security of the OLCS system is maintained at all times as the Department is obliged to refer any falsified records to An Garda Síochána.

To maintain the integrity of the system it is important that Boards of Management ensure that the necessary control and security measures are implemented. Boards of Management are advised that under no circumstances should the same person in a school undertake the roles of entering data and approving this data. The person responsible for data entry and the approver should ensure that details of staff members are input correctly on the system. The designated Data Entry person and Data Approver(s) of the system must keep their passwords and other information secure at all times and must not pass them to other members of staff.

Boards of Management should also be aware that a facility exists on the OLCS to produce reports of all absences taken by teachers and SNAs in a defined period.

These reports can be produced at school level and should, having due regard to the confidentiality of any personal information of staff, be provided to the Board on a regular basis, or where requested by the Board. Copies should also be forwarded to the staff members concerned.

Please refer to [Circular 0024/2013](#) - Operational Guidelines for Boards of Management and Staff Designated to Operate the On Line Claims System in Recognised Primary and Post Primary Schools for further details. This circular is available on the Department's website.

26. Guidelines on Health and Safety

In accordance with the [Safety, Health and Welfare at Work Act 2005](#), it is the responsibility of the Board of Management of a primary school to have a safety statement in place in its school and to ensure as far as is reasonably practicable, the safety, health and welfare at work of its employees and those who are in anyway affected by the work activities of the school. The safety statement should identify potential hazards, assess the risks to health and safety and put appropriate provision in place to safeguard the safety and health of employees and pupils.

The body which has statutory responsibility for ensuring that health and safety requirements are met by all employers, including schools, is the [Health and Safety Authority](#) (HSA). The HSA in conjunction with the Kilkenny Education Centre has issued guidelines to all primary schools in relation to managing safety, health and welfare. These guidelines were developed following consultation with relevant stakeholders and are published on the website of the Health and Safety Authority www.hsa.ie

27. Procurement of Goods and Services

The [Office of Government Procurement \(OGP\)](#) is an office within the Department of Public Expenditure & Reform. It has been tasked with centralising public sector procurement arrangements for common goods and services. The Department of Public Expenditure and

Reform issued Circular 16/13 which sets out the position with regard to the use of central frameworks and contracts by public bodies. All bodies, including schools, that receive more than 50% of their income from public funding come under the remit of this circular.

Schools Procurement Unit (SPU)

The Schools Procurement Unit (SPU) is the central support resource for providing guidance to all primary and post-primary schools (excluding ETB schools) on any procurement related issue.

It provides practical advice and help to schools on how to improve their procurement processes and practices on an ongoing basis.

The SPU is available as a school's first point of reference with regard to any procurement related issue it encounters. The SPU will provide advice and guidance to help ensure schools are fully compliant in meeting their obligations. Further information is available at - www.jmb.ie/school-procurement

28. The Protected Disclosures Act 2014

The [Protected Disclosures Act 2014](#) became law on 15 July 2014 and places a requirement on every public body (which includes schools) to establish and maintain procedures for the making of protected disclosures by workers who are, or were employed, by the public body and for dealing with such disclosures.

The purpose of this Act is to protect workers from being penalised for whistleblowing about wrongdoing or potential wrongdoing that has come to their attention in the workplace.

Key provisions in the Protected Disclosures Act 2014 include:

- A prohibition on penalising workers who make protected disclosures with a wide definition of 'worker'.
- A broad range of 'relevant wrongdoings' which can be reported including criminal offences, breaches of legal obligations, where the health and safety of any individual has been or is likely to be endangered, miscarriage of justice, unlawful or improper use of public funds or any attempt to conceal information in relation to such wrongdoings.
- A 'stepped disclosure system' which encourages workers to report to employers in the first instance.

Each school is required to have appropriate arrangements in place to receive such disclosures from its workers. It is recommended that all employers i.e. Boards of Management put a Protected Disclosure Policy in place in addition to establishing the required procedures.

29. Registration of each school with the Charities Regulatory Authority (CRA)

Under the Charities Act 2009 there is a requirement for each Board to have its school registered with the [Charities Regulatory Authority \(CRA\)](#) and to verify this information once a

year. The Department and the CRA work closely to make the registration process as simple and straightforward as possible. A list of Board members (as per [Appendix G](#) of this governance manual) must be provided to the CRA for publication on its register. In that regard it will be a requirement to forward a copy of [Appendix G](#) to the CRA. Prior to this each school will be contacted individually by the CRA to explain the finalised registration arrangements. The CRA can be contacted with queries by email: info@charitiesregulatoryauthority.ie

30. Energy Management in Schools

By managing energy use effectively schools can benefit from increased comfort levels, reduced costs and better environmental performance.

It has been shown that just by behavioural changes schools can easily save up to 10% of their energy costs per annum. The Energy in Education programme offers a range of supports developed by the [Sustainable Energy Authority of Ireland \(SEAI\)](#) in partnership with the Department of Education and Skills designed to help schools to improve energy management practices and save money. The website features short videos, fact sheets and case studies on specific areas that can be targeted along with a step by step approach on how to get started. Guidance on energy management and details of the range of supports is available at www.energyineducation.ie

Statutory Obligation to Monitor and Report Energy Use Annually

All public sector bodies, including schools, have a statutory obligation to report annually on their energy usage directly to the Sustainable Energy Authority of Ireland (SEAI). All schools were notified of this requirement in writing in December 2014 by the Department of Communications Energy & Natural Resources (DCENR).

SEAI and DCENR have developed an on-line energy Monitoring and Reporting (M&R) system to facilitate schools to report their energy use. As well as enabling schools to report and track energy data annually, the online system provides:

- A scorecard that presents a powerful snapshot of the school's progress to date.
- Online access to annual electricity and natural gas consumption data.
- Option to share relevant data with the Office of Government Procurement's energy procurement framework.

There is additional information on the reporting process available at www.seai.ie/your_business/public_sector/reporting

Appendix A - Procedure for the nomination/election of a person who will be nominated to the Patron for appointment as a teacher nominee

1. A staff meeting should be held for the purpose of selecting the teacher who will be nominated to the Patron for appointment as teacher nominee on the Board of Management. In schools where a shared governance arrangement in accordance with section 3(c) of this manual is being put in place, a joint meeting of the staff from both schools involved will be called by the Patron's representative for this purpose. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting.
2. At the meeting, nominations shall be invited from among the serving teachers, including the Principal teacher who also has a vote. For this purpose, serving teachers shall be taken to mean teachers serving in the school in a permanent capacity or in a fixed-term capacity where the term of appointment is six months or greater.
3. The following teachers are not eligible to nominate, vote and or be nominated:
 - (i) teachers (including substitutes) whose term of appointment is less than six months*;
 - (ii) teachers on career break;
 - (iii) teachers on secondment;
 - (iv) teachers on service overseas.

*Such a teacher may, however, be regarded as a serving teacher in circumstances where otherwise it is not possible to nominate/elect a serving teacher (other than the Principal/Acting Principal) to the Board.

4. Each nomination must be seconded.
5. If there is only one nomination, the person nominated shall be deemed to be elected.
6. If there is more than one nomination, a secret ballot shall be held at the meeting, in which case two tellers shall be appointed.
7. The vote shall be counted in public at the meeting and the result of the ballot shall be notified to the staff and to the Patron's representative.
8. In the event of a tied vote between nominees, the election of the teacher nominee shall be determined by the drawing of lots.
9. In the case of a two teacher school, the Classroom Teacher automatically becomes the nominee to the Patron for appointment as teacher nominee, unless the school is a base school for a resource or learning support teacher in which case the procedure set out at 1 – 8 of this appendix applies. This provision of appendix A does not apply where a shared governance arrangement in accordance with section 3(c) of this manual is being put in place.
10. In relation to the two teacher members on Boards of Management for Convent and Monastery Schools the position shall be that if the Principal teacher be a Religious, the elected teacher member shall be a lay person and, if the Principal teacher be a lay person, it is recommended that the elected teacher member shall be a Religious.
11. The procedure set out at 1 - 9 of this appendix shall be used to fill any teacher nominee vacancy including a replacement teacher nominee to fill the vacancy created by the first teacher nominee taking up the position of Acting Principal.

Appendix B - Procedures for the nomination/election of a parent(s) for appointment by the Patron as a parent nominee(s) to the Board.

This procedure should be used for the initial selection of a parent nominee(s) and in the case of any by-election held following consultation with the Parents' Association.

The method of election of parent nominees shall be determined in consultation with the parent nominees on the outgoing Board and any Parents' Association in the school.

There is a choice of two procedures which apply*. These are set out at options 1 and 2 of this appendix. Only one of the options can be applied. The chosen option must be followed in its entirety. At the conclusion of the process the Patron's representative shall inform the Patron which option has been used and shall confirm that the procedures under the chosen option have been adhered to in full.

*Where a shared governance arrangement in accordance with section 3(c) of this manual is being put in place, only option 1 may be applied.

To ensure the widest possible representation, where practicable;

- both parents should be from separate families and bear no relationship to any other member of the Board or staff member and be elected by the general body of parents of children who are enrolled and have commenced attendance at the school
- parents who have children enrolled and have commenced attendance at the school should not be nominated or elected to the Board other than in accordance with section 3(a)(ii) or 3(b)(ii) or 3(c)(ii) of this manual.

Vacancies among parent nominees

When a vacancy occurs among parent nominees, the Board of Management having consulted with the Parents' Association may recommend to the Patron either;

- (a) the co-option as a replacement of the person with the next highest number of votes from among those not elected to the Board initially, or
- (b) a by-election to replace the parent nominee. It is recommended that any by-election for a parent nominee should not take place during the summer break and in any event may involve only those parents of children who are enrolled and have commenced attendance at the school at the time of such by-election.

Data Protection Acts

When circulating details of nominees put forward for appointment of parent nominees on a Board, the Patron's representative and Parents' Association should exercise vigilance and be aware of their obligations arising from the Data Protection Acts of 1988 and 2003 and the need to ensure full compliance with the Acts in relation to the collection, use, retention and disclosure of any processed personal data. As the responsibility for interpreting and observing the Acts rest with each individual school, institution or education body, these bodies should familiarise themselves fully with the provisions of the Acts. It should be noted that parents' names must not be circulated without prior consent – See Option 2 (1) of this appendix.

The Acts are designed to protect the privacy of individuals with regard to personal data and to give effect in this country to the Council of Europe Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data (1981).

Appendix B (contd.)

Option 1

1. The Patron's representative shall arrange for a meeting of parents of children who are enrolled and have commenced attendance at the school. Where a shared governance arrangement in accordance with section 3(c) of this manual is being put in place, the meeting shall be a joint meeting of parents of children who are enrolled and have commenced attendance in any of the two schools. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting. This notification shall:
 - (a) indicate that at the meeting nominations will be sought from parents for persons to stand for election as parent nominees on the Board,
 - (b) clarify whether there will be a ballot at the meeting to elect the nominees or whether the ballot will be conducted subsequently as a postal ballot,
 - (c) where it is intended to have a postal ballot, indicate the latest date for return of ballot papers and the date, time and place of the public counting of votes.
2. At the meeting nominations should be invited for both a mothers' panel and a fathers' panel. Each nominee must be seconded by a person in attendance at the meeting.
3. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected. Where there are only three nominees in the case of a shared governance arrangement, the three nominees shall be deemed elected.
4. If more than one nomination is received for either of the panels, a secret ballot shall be held at the meeting or subsequently. Two tellers shall be appointed, one of whom may act as Returning Officer in the case of a postal ballot.
5. In the event of a postal ballot, the poll must close and the casting of votes takes place within ten days of the meeting.
6. Each person voting shall have one, non-transferable vote for each panel.
7. The votes shall be counted in public.
8. The election shall be determined on a plurality of votes (i.e. the first past the post system). In the case of a shared governance arrangement –
 - the nominees with the highest number of votes from each panel (mothers' and fathers' panel respectively) shall be elected first, and
 - the nominee who otherwise received the highest number of votes shall be deemed elected as the third nominee, except where this would mean that in the case of one of the two schools, no parent of a child enrolled and attending that school would be a member of the Board. In such circumstances, the nominee with the next highest number of votes who has a child who is enrolled and has commenced attendance in that school shall be deemed elected.
9. In the event of a tied vote between nominees the election of the nominee(s) shall be determined by the drawing of lots. However, where the ballot has been conducted at a meeting and where agreed by the majority of voters present and voting therein, the election of the nominee(s) shall be determined by a further vote at that meeting. Such a vote shall be confined to the tied nominees.

10. The result of the ballot shall be notified to the parents and to the Patron's representative.
11. The voting returns from the ballot may be retained for the purposes of co-option in order to fill vacancies occurring during the life of the Board where it is decided, having consulted the Parents' Association, not to have a by-election, or further by-election, as appropriate.
12. Following the conclusion of the above process, the Patron's representative shall inform the Patron that the parents' nominees have been selected in accordance with Option 1 and shall confirm that the procedures under Option 1 have been adhered to in full.

Appendix B (contd.)

Option 2

1. The Patron's representative shall arrange to have a list of the names of all the parents of children who are enrolled and have commenced attendance at the school circulated to each household, inviting those parents to nominate candidates for election to the Board of Management. This list should associate parent names with the classes attended by their children. However, the requirements of the Data Protection Act, 1988 require that the Patron's representative must receive permission for the circulation of such personal information.
2. The invitation to parents to submit nominations shall request parents to establish that the person(s) nominated are willing to stand for election.
3. Each parent may make one nomination for the fathers' panel and one for the mothers' panel, which shall be forwarded to the Patron's representative in order that a list may be drawn up of the ten persons in receipt of the highest number of nominations for each panel. In the event of a tie for the tenth position, this number may be increased by the appropriate amount to accommodate those tied at the tenth position.
4. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected.
5. If more than one nomination is received for either of the panels, a secret ballot shall be held and parents of children who are enrolled and have commenced attendance at the school may vote for those nominees who have confirmed their willingness (verified by the Patron's representative) to become members of the Board.
6. Those accepting nomination should be encouraged to furnish a short personal profile for inclusion on the ballot paper which may include an address and telephone number. The requirements of the Data Protection Act, 1988 require that the Patron's representative must seek permission for the circulation of such personal information from those accepting nomination.
7. Separate ballot papers should be used for the election of one mother and one father. Each person voting shall have one, non-transferable vote for each panel. Arrangements should be made to distribute and collect the ballot papers from those eligible to vote and to nominate a person of standing as Returning Officer. The notification of the ballot should also indicate the date, time and place for the counting of the ballot.
8. The votes shall be counted in public.
 - (a) The election shall be determined on a plurality of votes (i.e. the first past the post system) and the result of the ballot shall be notified to the parents and to the Patron's representative. In the event of a tied vote between nominees, the election of the nominee(s) shall be determined by the drawing of lots.
 - (b) The voting returns from the ballot may be retained for the purposes of co-option in order to fill vacancies occurring during the life of the Board where it is decided, having consulted the Parents' Association, not to have a by-election or further by-election as appropriate.
9. Following the conclusion of the above process, the Patron's representative shall inform the Patron that the parent nominees have been selected in accordance with Option 2 and shall confirm that the procedures under Option 2 have been adhered to in full.

Appendix C - Procedure for the selection of two members from the community for appointment to the Board.

(This process shall also apply, mutatis mutandis, for the selection of one extra member in the case of Boards of schools with only one teacher or for the selection of three extra members where a shared governance arrangement in accordance with section 3(c) of this manual is being put in place.)

1. The Patron's representative shall convene a meeting of the two nominees of the Patron, the two elected parent nominees, the elected teacher nominee and the Principal.
2. This meeting of the 6 nominees to the Board shall be convened within seven days of the completion of the election processes set out in **Appendices A and B**.
3. At this meeting, having discussed the skill needs of the Board, in line with the criteria set out at 4 below, for the effective management of the school, the 6 nominees/members shall propose two extra members from the wider community, agreed unanimously amongst them, to the Patron for appointment. To ensure the widest possible representation, where practicable, the two selected members from the community should be independent of the other categories of persons on the Board [See section 3(a) or 3(b) or 3(c) of this manual].

Every effort shall be made to reach unanimous agreement. However, if the members are experiencing difficulty in this regard they may hold further meetings in order to facilitate the process. A maximum of three such meetings is recommended.

In the event that it is not possible to get unanimous agreement by the third meeting, a majority of 5 to 1 (8 to 1 in the case of a shared governance arrangement) of the members shall propose two extra members from the wider community to the Patron for appointment. These discussions, including the three recommended meetings, shall conclude within ten days. It would be expedient for the members to identify those other persons who might be approached in the event that those initially selected decline the invitation. The members should determine the order in which the persons selected will be approached.

The period for agreement on the selection of the two extra members may be extended from ten days to an absolute maximum of seventeen days but only where the two persons initially selected decline.

If there is failure by the majority of the members to nominate the two extra members as set out above, the Patron shall appoint two members from the persons originally considered by the Board for nomination.

4. The criteria to be applied in selecting persons to act as Board members from the community shall be:
 - (a) Persons nominated shall possess skills complementary to the Board's skill requirements.
 - (b) Persons shall be nominated with a consciousness of having a gender balance on the Board.
 - (c) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

- (d) In addition to (a), (b) and (c), the following criteria shall be applied as appropriate:

In the case of Roman Catholic primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall have an understanding of and commitment to Catholic education as outlined in the Deed of Trust for Catholic Schools.
- (ii) In the case of Roman Catholic Gaelscoileanna/Gaeltacht schools, people nominated shall also have an understanding of and commitment to the ethos of the school. It is also expected that those nominated shall have a good knowledge of the Irish language.

In the case of Church of Ireland primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Church of Ireland, as determined by the Church of Ireland, although it is at the discretion of the Patron to decide otherwise.

In the case of Presbyterian primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Presbyterian Church in Ireland, although it is at the discretion of the Patron to decide otherwise.

In the case of Methodist primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Methodist Church in Ireland, although it is at the discretion of the Patron to decide otherwise.

In the case of Educate Together schools

- (i) Persons nominated from the community served by the school shall have a commitment to the ethos of the school.

In the case of Gaelscoileanna under the patronage of Foras Pátrúnachta na Scoileanna Lán Ghaeilge

- (i) Persons nominated from the community served by the school shall have an understanding of and a commitment to the ethos of the school. It is expected also that those nominated shall have a good knowledge of the Irish language.

In the case of Muslim primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and

the community served by the school and shall have an understanding of, and commitment to Islamic education as outlined in the Deed of Trust for Muslim Schools. They shall be members of the Muslim community in Ireland as determined by the Islamic Foundation of Ireland which is the official democratically elected representative body of, and for Muslims in Ireland, although it is at the discretion of the Patron to decide otherwise.

In the case of all other schools

- (i) Persons nominated from the community served by the school shall have a commitment to the ethos of the school.
5. The Patron's representative shall immediately establish the willingness of the nominees to act.
 6. When the nominees have been chosen and it has been confirmed that they have agreed to act as members, the Patron's representative shall forward the names of the agreed nominees to the Patron for appointment together with the names of the other persons nominated to serve on the Board. It should be noted that the total period provided for notification of the composition of the Board to the Patron, acceptance by the Patron and notification to the Minister shall not exceed ten days.
 7. In the event of a vacancy the remaining members of the Board should propose a name to the Patron for appointment using the criteria at section 4 of **Appendix C** within one month of the vacancy occurring.

Appendix D - Recruitment and Appointment Procedures for Teachers in Recognised Primary Schools

The procedures set out in this appendix are designed to provide fair and impartial procedures for the appointment of teachers to Oireachtas funded teaching posts in recognised schools. A Board of Management is bound to apply these procedures.

Boards of Management are advised to consult the Department of Education and Skills website for the most up to date information and regulations.

DEFINITIONS

For the purposes of this appendix the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

Act - means the Protection of Employees (Fixed Term Work) Act 2003;

Appropriately Qualified – means the teacher has qualifications suitable to the post and is registered with the Teaching Council for the sector for which s/he is to be employed;

Board - means a Board of Management established under section 14 of the Education Act, 1998;

CID - means a contract of indefinite duration;

Days – mean calendar days;

Department – means the Department of Education and Skills;

Employer – means a Board of Management/Manager;

Fixed-Term Contract – means an Oireachtas funded contract of employment, whether full-time or part-time where the end of the contract of employment concerned is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event. In this Circular, the phrase ‘fixed-term contract’ is taken to also include fixed-purpose and/or specific purpose contracts;

Fixed Term Teacher – means a teacher employed on a fixed term contract;

Internal Panel – means a list created by a Selection Board of applicants it deems suitable for appointment, ranked in order of merit following a recruitment campaign which may be used to fill future vacancies, if specified in the job advertisement;

Minister - means the Minister for Education and Skills;

Paymaster - means the person/organisation in charge of paying salaries which is the Department of Education and Skills in the case of primary teachers;

Post - refers to a teaching post, whether full-time or part-time, which is funded out of monies provided by the Oireachtas;

Registered Teacher - means a teacher whose name is entered on the Teaching Council’s register;

Retired Teacher – means a registered teacher who is in receipt of a pension in respect of service given by him or her as a teacher under a public service pension scheme;

Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998;

1. ROLE OF THE BOARD OF MANAGEMENT/MANAGER/EMPLOYER

- 1.1. It is the responsibility of each employer to maintain effective procedures to ensure
- a) Openness and transparency in the process of appointment to publicly funded posts,
 - b) Compliance with:
 - i. Relevant legislation in force at the time of making the appointment, and
 - ii. The relevant Department rules and circulars as issued by the Department from time to time.
- 1.2. In accordance with Section 15 of the Education Act, 1998 the Board of Management manages the school on behalf of the Patron. All appointments of teachers in the school shall be made by the Board of Management in accordance with relevant legislation, the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron.

2. MINIMUM REQUIREMENTS FOR EMPLOYMENT AS A TEACHER

- 2.1. Each employer shall ensure that each person proposed for appointment to a teaching post which is paid out of Oireachtas funds is:-
- a) Registered with the Teaching Council for the sector (see paragraph 2.2)
and
 - b) appropriately qualified
and
 - c) in compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced.

2.2. REGISTRATION REQUIREMENTS FOR PRIMARY SCHOOL SETTINGS:-

| Primary School Settings | Teaching Council (Registration) Regulations 2009 |
|--|---|
| Mainstream Primary Schools | Regulation 2 (Primary) |
| Special Classes in mainstream Primary Schools | Regulation 2 (Primary)/ Regulation 3 (Montessori & Other Categories) <i>Excluding Regulation 3 (4) Post Primary</i> |
| Special Schools | Regulation 2 (Primary)/ Regulation 3 (Montessori & Other Categories) <i>Excluding Regulation 3 (4) Post Primary</i> |
| Special Schools where a proportion of the pupils attending are of post-primary age and where second level programmes are being provided e.g. Junior Certificate School Programme (JCSP), Junior Cycle Level 2 Learning Programmes (L2LPs). | Regulation 2 (Primary)/ Regulation 3 (Montessori & Other Categories) Regulation 4 (Post-Primary) |

2.3. Irish language requirement :

- a) Teachers in primary schools must be qualified to teach the range of primary school subjects to children aged 4 to 12 years. Accordingly, applicants must demonstrate to the Teaching Council's satisfaction that they are competent to teach the Irish language and to

teach the range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in national schools.

- b) Where an applicant has completed a programme of teacher education outside Ireland, an Irish Language Requirement (ILR) condition normally applies to his/her registration. The applicant can either complete an Aptitude Test (SCG – An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge) or an Adaptation Period (OCG – Oiriúnú le hAghaidh Cáilíochta sa Ghaeilge), which confirms the applicant's competence to teach the Irish language as well as a range of primary school curricular subjects through the medium of Irish. Conditional registration may be granted to those in the process of completing this requirement.
 - c) Where an employer employs a teacher with an Irish Language shortfall they have a responsibility to ensure that appropriate arrangements are made for the teaching of the Irish curriculum to the class to which this teacher is allocated. Under no circumstances should such a class be deprived of competent Irish language tuition. A Board of Management will be required to show what arrangements are in place to the Department's Inspectors when they visit the schools.
- 2.4. In the case of General Allocation Model and Language Support (GAM/EAL) posts in Primary Schools, Boards of Management are obliged to recruit and employ, appropriately qualified and probated primary teachers.
- 2.5. Employers must ensure that all persons proposed for employment provide evidence of current registration with the Teaching Council prior to the commencement of her employment. Employers may view a teacher's Teaching Council registration renewal receipt of payment or confirm the teacher's registration status online through the *Search the Register* function available on the Teaching Council website at www.teachingcouncil.ie.
- 2.6. An appropriately qualified teacher conditionally registered with the Teaching Council will be remunerated on the teachers' incremental salary scale. This is based on continued compliance with the terms of registration within the period prescribed by the Teaching Council and this should be inserted in the employment contract.
- 2.7. There is a continuing obligation on employers to employ appropriately qualified teachers. Where an employer employs a teacher who is not registered for the sector they must continue to make all reasonable efforts to employ an appropriately qualified teacher.

3. SHORT TERM EMPLOYMENT (LESS THAN 24 CALENDAR WEEKS)

3.1. SEQUENCE OF RECRUITMENT

- a) Where a vacancy arises the employer must first seek to employ an appropriately qualified teacher who is not retired.
- b) Where all efforts to secure an appropriately qualified teacher who is not retired fail, the employer may employ a retired appropriately qualified teacher.
- c) If it is not possible to recruit a teacher under (a) or (b) above, the employer may employ a registered teacher who is not appropriately qualified on a short term basis, giving preference wherever possible to one who is not retired. The contract of employment should include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first. In such cases the school must confirm to the Paymaster that they carried out all reasonable efforts to recruit an appropriately qualified teacher and no appropriately qualified teacher was available. This declaration must be made to the Paymaster through the On-Line-Claims System (OLCS) before a person who is not appropriately qualified may be paid out of Oireachtas funds via OLCS. Remuneration will be at the unqualified rate of pay.

Finally, if no registered teacher can be found, the employer may employ an unregistered person, in a short term capacity, in accordance with the limited exceptions provided for under the Education Act, 1998 (Unregistered Persons) Regulations 2014. An unregistered person may not be paid in respect of more than five consecutive school days employment at any one time and should have included in his or her contract of employment a condition that the contract will terminate:

- immediately, if the relevant employer can employ a registered teacher in a position in which the person is being employed, or
- at the expiry of the relevant time-period under Regulation 7, Education Act, 1998 (Unregistered Persons) Regulations 2014

Where an unregistered person is employed, the Principal shall record in writing that -

- i. s/he has taken all reasonable efforts, as the employer, to appoint a registered teacher, a registered teacher is not available to be employed in the position in which the person is being employed and the reasons for this, and
- ii. the person proposed for appointment is competent and capable of acting in a teaching capacity in the school.

The employer shall continue to make all reasonable efforts to employ a registered teacher in the position.

3.2. SUBSTITUTE APPOINTMENT (SHORT TERM EMPLOYMENT)

a) Where a substitute is required the employer must first seek to employ an appropriately qualified teacher who is not retired. This may be done by:

- i. contacting a person on the substitute list established by the employer, or
- ii. by using a national substitute service, or
- iii. advertising, see paragraph 5.5.

3.3. A substitute list shall be maintained by each employer of appropriately qualified teachers who have notified the employer that they are available for substitute teaching work. A separate substitute list of registered retired teachers should be maintained to cover instances where appropriately qualified non retired teacher are not available for substitute work.

Two or more schools may establish and maintain a common substitute list, a copy of which should be kept in each school.

Where a school receives notification from an appropriately qualified teacher who is, or will within one month of notification become available for substitution work, the school must, within 7 school days, update the list and issue an acknowledgement to the teacher concerned.

3.4. Employers may also use these procedures to fill a vacancy on a temporary basis pending the completion of a recruitment process to fill a long term employment vacancy i.e. a vacancy of 24 calendar weeks or more.

4. REPORTING AND VERIFICATION

4.1. Each Principal shall report at each Board of Management meeting that:

- a) a list of appropriately qualified teachers is being maintained,
- b) the circumstances in which s/he had to engage a retired teacher (if applicable) and
- c) the circumstances in which s/he had to engage an unregistered person (if applicable).

5. LONG TERM EMPLOYMENT (24 CALENDAR WEEKS OR MORE)

5.1. Employers should not fill a teaching post without first ensuring that:

- a) they comply with the Department's rules in regard to staffing allocation and redeployment arrangements,
- b) the post is not required to meet obligations to existing teachers in respect of eligibility for a CID,
- c) any panel established by the employer following interviews for a post ("internal panel") has expired/is exhausted.

5.2. All vacancies anticipated to be of a duration of 24 calendar weeks or more shall be advertised on at least one of the websites approved by the Management Bodies and shall be notified to all fixed-term teaching staff in the school including those on leave of absence. There shall be no unreasonable delay between the notification of the vacancy, insertion of the advertisement and the filling of the post

5.3. Confidentiality must be maintained throughout the process.

5.4. TERMINATION OF FIRST FIXED-TERM CONTRACTS

All first fixed-term contracts must be terminated at the end of the school year and if the employment is continuing for the following year, it must be automatically re-advertised by the employer and a new recruitment process undertaken for the filling of the post for the second year. Therefore, the employer must terminate the contract and cannot provide a new fixed term contract to any teacher unless it advertises and interviews first.

5.5. ADVERTISING RULES

- a) The advertisement shall invite applications from eligible teachers to be submitted to the Chairperson of the Board of Management by a specified date and to a specified address.
- b) The advertisement shall state:

| | | |
|----|---|--|
| 1 | The name, address roll number and patronage of the school. | |
| 2 | The number of teaching posts (including Principal Teacher) | |
| 3 | The nature of the vacancy (i.e. a teaching post). | |
| 4 | The status of the vacancy (i.e. whether permanent or fixed term contract hours, wholtime or part-time). | |
| 5 | The expected commencement date of the post. | |
| 6 | The address to which applications should be sent. This may be a postal or e-mail address. Refer to paragraph 5.6 for electronic applications. | |
| 7 | The latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement. | |
| 8 | Whether a curriculum vitae or standard application form is required. (Applicants should not be required to submit both a curriculum vitae and an application form.) | |
| 9 | The nature of the duties which may initially be allocated to the post (e.g. GAM/EAL, resource teacher, etc.). It should be stated that duties included in the advertisement may be subject to change. | |
| 10 | A list of documentary information required to support the application (e.g. Evidence of qualifications; Teaching Council confirmation of registration). | |

| | | |
|----|---|--|
| 11 | Any other relevant documentation (e.g. certificate to teach Catholic religious education for schools under Catholic Patronage). | |
|----|---|--|

c) The advertisement may also state:

| | | |
|---|--|--|
| 1 | <p>Whether or not a panel of suitable applicants may be set up from which future vacancies, may be filled. If such an internal panel is being created this needs to be noted in the advertisement.</p> <ul style="list-style-type: none"> • Permanent vacancies may not be filled from a panel established following interviews for a fixed term post. • Where interviews for a permanent or fixed-term post have taken place then such an internal panel may be used to fill fixed-term and substitute vacancies equal to or of shorter duration than that interviewed for. • Where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Board approves the successful applicant and the order of merit of the qualifying applicants, subject to suitable references and the prior approval of the Patron. • Posts should be offered to qualifying applicants in order of merit as determined under 6.3 (d) and (e). | |
| 2 | Whether a minimum number of applications are required for the competition to proceed. | |
| 3 | Whether a stamped addressed envelope is required for the return of documentation. | |
| 4 | That the applicant should mark the envelope "Application". | |

d) Advertisements should not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race or a member of the Travelling Community. Special care should be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.

e) Posts that are sanctioned on a permanent basis should be filled by a permanent appointment unless special circumstances apply.

5.6. ELECTRONIC APPLICATIONS

Where the employer chooses to accept electronic (e-mail) applications then the following procedures should be followed:

- a) A separate e-mail account shall be set up for the application process. Where the employer does not have access to a distinct e-mail address then a service such as g-mail may be used e.g. Schoolnameapplications@gmail.com. Only one email address shall appear on the advertisement.
- b) Access to this account shall be restricted to members of the Selection Board only.
- c) The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail.
- d) Applications shall be opened and downloaded by the Selection Board at its short-listing meeting.

- e) The applications will be assessed in accordance with procedures as set out in this appendix.
- f) Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.
- g) Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the :bcc option or e-mail applicants on an individual basis.
- h) Employers may decide to reply in writing (including via e-mail) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail is used employers should save or print a copy of the letter to the successful applicant for school records.
- i) The email address may be required for a new recruitment campaign by a new Selection Board. Therefore, all electronic applications must be printed off, retained by the school and then deleted from the email system.
- j) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions, the passwords should be changed to ensure that only the new Selection Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Selection Board.

6. SELECTION PROCEDURES FOR VACANCIES OF 24 WEEKS OR MORE

6.1. COMPOSITION OF SELECTION BOARD-

| | |
|----------------|--|
| Primary | <ul style="list-style-type: none"> • Chairperson of the Board of Management <p>In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Selection Board.</p> <ul style="list-style-type: none"> • School Principal • Independent assessor, to be appointed by the Patron after consultation with the Chairperson of the Board of Management. <p>In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly- appointed Principal shall fill the position of Principal on the Selection Board</p> |
|----------------|--|

- a) At least one of the members of the Selection Board shall be a woman and at least one member be a man.

6.2. CRITERIA OF ASSESSMENT

- a) Prior to advertising a position the employer may set a minimum number of applications which must be received for the competition to proceed.
- b) Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.
- c) The Selection Board shall meet as soon as practical and shall establish agreed criteria for the assessment of the applications and for interview prior to opening of the applications received. In establishing the criteria, the following factors shall be taken into account, having regard to

the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-

- Professional Qualifications
- Registration with the Teaching Council
- Teaching experience
- Other relevant experience e.g. experience in Special Needs, multiclass teaching, etc.

Care must be taken to ensure that the criteria do not lead to discrimination on the grounds set out in Section 6(2) of the Employment Equality Acts, 1998-2008 i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.

- d) The criteria selected must reflect the needs of the school.
- e) The applications shall be opened only in the presence of the Selection Board.
- f) **Disclosure of interest/integrity of Selection Board proceedings:**
- i. The Board of Management shall inform the Chairperson of the Selection Board that it is the responsibility of the Selection Board to address disclosures of interest/integrity in accordance with the procedures set out in this appendix.
 - ii. A member of the Selection Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Selection Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Selection Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
 - iii. Following this disclosure, the Selection Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management level. Where the Selection Board finds that there is a concern regarding a Selection Board member, the Chairperson of the Selection Board shall inform the Chairperson of the Board of Management who in turn informs the Patron unless the Chairperson of the Selection Board is the Chairperson of the Board of Management in which case they should contact the Patron directly. The Patron shall nominate another member in his/her place following consultation with the Chairperson of Board of Management.
 - iv. Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Selection Board to the Board of Management on completion of the process.
 - v. Failure to disclose any relationship may invalidate the process.
- g) Selection of applicants for interview will be based on an initial assessment of applications against the established criteria.
- h) If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Selection Board or, where the minimum number of applications set by the employer under 6.2 (a) for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.
- i) If there are no eligible applicants the position will be re-advertised.

6.3. INTERVIEWS

- a) Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:
 - i. At least 7 days notice of a specific interview date, time (outside school hours) and the location of the interview venue.
 - ii. Details of the established criteria for the post.
 - iii. A request for the applicant to notify the Selection Board if s/he requires any additional assistance in relation to a special need.

b) The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation.

c) All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from an applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Selection Board has a preconceived view of the suitability of either a man or a woman for a particular post.

d) Each member of the Selection Board is required to complete his or her own individual marking sheet for each applicant and give it to the Chairperson of the Selection Board on completion of the interviews.

e) The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants who are deemed suitable for appointment.

f) Following completion of the interview process the Selection Board Chairperson shall, on behalf of the Board of Management, conduct reference checks of the highest ranked applicant. This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Selection Board at its sole discretion will determine the suitability of any reference. The Selection Board further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

g) An applicant's own marking sheets should be made available on request after the recruitment process is complete.

7. APPOINTMENT OF SUCCESSFUL APPLICANT

7.1 Following the completion of the interview process, the Selection Board Chairperson shall submit a written report to the Board of Management setting out:

- i. That the selection procedures have been complied with.
- ii. If there has been a disclosure of interest/integrity to the Selection Board and the outcome of such disclosure.

- iii. The name of highest ranked applicant whom it considers most suitable for appointment, and
 - iv. Confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment.
- 7.2** The Chairperson of the Selection Board will retain:
- i. A record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer.
 - ii. An order of merit which can be used if the highest ranked applicant nominated for appointment declines the position.
- 7.3** References of the successful applicants shall be checked prior to any offer of appointment being made.
- 7.4** Where specified in the advertisement that an internal panel may be created, the Chairperson of the Selection Board will retain an internal panel of applicants in order of merit deemed suitable for appointment to any future post arising in the school within four months of the date on which the Board approves appointment of the successful applicant subject to suitable reference(s) and prior approval of the Patron.
- 7.5** The Board of Management shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board of Management.
- 7.6** The offer of employment should not be made to the prospective employee until the prior approval of the Patron has been obtained by the Chairperson of the Board of Management.
- 7.7** Employers shall follow best practice in relation to the following.
- i. Verification of documentation: Teaching Council registration, qualifications.
 - ii. Medical fitness: The successful applicant being appointed shall be subject to a pre-employment medical screening by the Occupational Health Service (OHS). The fitness of the successful applicant must be confirmed before the employee takes up the teaching post.
- 7.8** All appointments are subject to compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced.
- 7.9** The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanction of the Minister, confirmation of qualifications, confirmation of registration with the Teaching Council, compliance with Garda vetting requirements (see 7.8 above) and pre-employment medical screening prior to commencement of the employment. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.
- 7.10** As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 7.11** A contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment.
- 7.12** Both the successful candidate and the employer should complete the Appointment /Re-appointment form(s) for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed teacher is set up on Payroll as soon as possible.

8. APPOINTMENT AS TEACHER IN CONVENT AND MONASTERY SCHOOLS

- 8.1.** If the authorities of the Religious Order concerned wish to appoint a member of the Order the Board of Management shall, subject to the prior approval of the Patron and of the Minister, appoint the person proposed by these authorities provided that the person is registered with the Teaching Council and qualified for the post in question, references have been received from the Principal or Chairperson of the Board of Management of the member's current or previous school and compliance with Garda vetting requirements.
- 8.2.** Where a Religious Order has been guaranteed a certain number of posts in a reorganised school which is not a convent or monastery school, the Board of Management shall, subject to the prior approval of the Minister, appoint to such posts members of the order nominated by the authorities of the Religious Order concerned provided that the persons nominated are registered with the Teaching Council and qualified for the post(s) in question, references have been received from the Principal or Chairperson of the Board of Management of the member's previous school and are in compliance with Garda vetting requirements.
- 8.3.** Where a teacher is appointed under (8.1) or (8.2) above, the Religious Order may, at its sole discretion, remove a member of the order from a position where such a member was appointed to the position in accordance with this provision. This should be included in the teacher's contract.
- 8.4.** If the authorities of the Religious Order consider that a lay person should be appointed to such posts, the procedures set out in this appendix shall be followed.

9. CONTRACTS – TERMS OF EMPLOYMENT

- a)** Under the Terms of Employment (Information) Act 1994, employers are required to provide a written statement of terms of employment to an employee, no later than two months after the commencement of the employment.
- b)** The contract should include the names of the employee and the employer. It should be signed and dated by both parties. It should also include a written statement of the particulars of the employee's terms of employment e.g., place and hours of work, duties/responsibilities, disciplinary/ grievance procedures, employer policies (e.g. health and safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 and 2001.
- c)** Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within all contracts.
- d)** The employer shall retain one of the completed signed duplicate contracts on the teacher's personnel file and furnish the other signed duplicate contract to the employee.
- e)** Employers should ensure compliance with all relevant employment legislation e.g. the Unfair Dismissals Acts, etc. when dealing with issues pertaining to appointments and contracts of employment.

9.1. FIXED TERM TEACHERS

- a) Employers are reminded that the provisions of the Protection of Employees (Fixed Term Work) Act 2003 apply to all fixed-term employment.
- b) All such teachers must be furnished with written fixed term contracts.
- c) In accordance with section 2 of the Protection of Employees (Fixed Term Work) Act 2003, a person who is on work placement as part of his/her vocational training is not an employee for the purposes of the Act.
- d) An employer shall not treat a fixed-term teacher in a less favourable manner than a comparable permanent teacher in respect of his/her terms of employment, unless objective grounds exist for doing so.

9.2. ADDITIONAL TERMS FOR FIXED TERM CONTRACTS

- a) In general the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.
- b) Under the Terms of the Protection of Workers (Fixed Term) Act, 2003 (Section 8) the terms and conditions for a fixed term employee shall contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event.
- c) If the teacher is not appropriately qualified the contract of employment must include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first.
- d) A fixed-term teacher shall have access to Continuing Professional Development (including in-service training) on the same basis as a comparable permanent teacher. Such access shall not be confined to the days on which the fixed-term teacher would ordinarily be employed.

9.3. RENEWAL OF FIXED TERM CONTRACTS

Where an employer proposes to renew a fixed-term contract, having gone through the above recruitment process, the fixed term employee should be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration before the date of renewal. Employers should refer to the “Implementation of the Recommendations of the Expert Group on Fixed-Term and Part-Time Employment in Primary and Second Level Education in Ireland” circular which is available on the Department’s website, www.education.ie.

10. ORDER OF SENIORITY

- 10.1. The employer shall establish the order of seniority based on the agreed terms outlined in the relevant circulars which are available on the Department’s website, www.education.ie.

11. COMPLIANCE

- a) All employers and teachers must adhere to the regulations and procedures set out in this appendix. The Department shall not be liable for any costs, obligations or funding of contracts, including CIDs, arising from failure to adhere to the terms of this appendix.

- b) Each employer will maintain effective procedures to ensure teacher appointments are made in accordance with the procedures outlined in this appendix and other relevant Department circulars.
- c) The Department may carry out examinations of teacher appointment records. All documentation relating to teacher appointments, listed in paragraph 11.1 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

11.1. RECORD OF DOCUMENTS TO BE RETAINED BY SCHOOL AUTHORITIES

- a) The following documents should be safely retained in the school:

i. Documents to be retained for all teacher appointments

| | | |
|---|--|--|
| 1 | A copy of the Registration Certificate / confirmation of current registration of the teacher from the Teaching Council of Ireland. | |
| 2 | A copy of the confirmation of medical fitness received from the Occupational Health Service. | |
| 3 | One part completed contract of employment i.e. signed by the employer and the teacher. | |
| 4 | Confirmation of compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced. | |
| 5 | A copy of the teacher's educational qualifications e.g. initial teacher education qualifications, Post Graduate courses or Masters Degrees. | |
| 6 | Record of the Patron's approval of the appointment. | |
| 7 | Any other relevant documentation relating to individual teaching appointments. | |

ii. Documents which must also be retained following a Selection Board recruitment process.

| | | |
|---|--|--|
| 1 | A copy of the advertisement. | |
| 2 | The teacher's application for the post. | |
| 3 | Criteria for assessment of applicants. | |
| 4 | The Selection Board Report – including confirmation of verification of references from previous employers. | |
| 5 | Any documents and/or notes created by the Selection Board. | |

- b) A copy of the appointment form completed by both parties that was submitted to the paymaster.
- c) All records relating to the successful applicant should be retained by the school for the duration of employment plus 7 years.
- d) Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.

- e) All documentation concerning the employment of registered teachers in receipt of a teacher's pension and unregistered persons should be retained for a period of 18 months and should be available for audit.

Appendix E – Recruitment and Appointment Procedures for Principal Teachers in Recognised Primary Schools

The procedures set out in this appendix are designed to provide fair and impartial procedures for the appointment of Principals to Oireachtas funded posts in recognised primary schools. A Board of Management is bound to apply these procedures.

Boards of Management are advised to consult the Department of Education and Skills website for the most up to date information and regulations.

DEFINITIONS

For the purposes of this appendix the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

Days – mean calendar days;

Department – means the Department of Education and Skills;

Employer – means a Board of Management/Manager;

Minister - means the Minister for Education and Skills;

Paymaster - means the person/organisation in charge of paying salaries which is the Department of Education and Skills in the case of primary teachers;

Post - refers to a teaching post, whether full-time or part-time, which is funded out of monies provided by the Oireachtas;

Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998;

Recognised teaching service – means teaching service which the Department/Education and Training Board has recognised for incremental credit purposes;

1. ROLE OF THE BOARD OF MANAGEMENT/MANAGER/EMPLOYER

- 1.1. It is the responsibility of each employer to maintain effective procedures to ensure
 - a) Openness and transparency in the process of appointment to publicly funded posts,
 - b) Compliance with:
 - i Relevant legislation in force at the time of making the appointment, and
 - ii The relevant Department rules and circulars as issued by the Department from time to time.

- 1.2. In accordance with Section 15 of the Education Act, 1998 the Board of Management manages the school on behalf of the Patron. All appointments of teachers in the school shall be made by the Board of Management in accordance with relevant legislation, the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron.

2. ELIGIBILITY CRITERIA FOR APPOINTMENT AS PRINCIPAL

- 2.1. On application for the post of Principal Teacher the applicant must meet the eligibility criteria for the setting in which the vacancy arises. Please see table 2.1.1.

Table 2.1.1.

| Setting | Teaching Council (Registration) Regulations 2009 and Service Requirements |
|--|--|
| Primary schools with less than 80 pupils | Fully registered under Regulation 2 (Primary) with the Teaching Council. |
| Primary schools with 80 pupils or more | Fully registered under Regulation 2 (Primary) with the Teaching Council <u>and</u> have 5 years recognised teaching service, two of which must be in a recognised primary school within the Republic of Ireland |
| Special Schools | Fully registered under Regulation 2 (Primary) or 3 (Montessori & Other Categories) with the Teaching Council <u>and</u> have 5 years recognised teaching service, two of which must be in a recognised primary school within the Republic of Ireland |
| Special School where children are enrolled up to the age of 18 years of age ¹ | Fully registered under Regulation 2(Primary), 3 (Montessori & Other Categories) or 4 (Post Primary) with the Teaching Council <u>and</u> have 5 years recognised teaching service, two of which must be in a recognised primary school or post-primary school within the Republic of Ireland |

- 2.2. Teachers registered with the Teaching Council under Section 31(2) & (3) of the Teaching Council Act 2001 must hold qualifications suited to the sector in which they are teaching and must have completed all qualification shortfalls.
- 2.3. Service in a recognised post-primary school within the Republic of Ireland or in a primary school or post-primary school outside of Republic of Ireland may be reckoned towards service provided this service was reckonable for incremental credit.
- 2.4. A Board of Management should request an applicant for proof of the award of incremental credit from an applicant where applicable.

3. COMPETITION PROCESS

- 3.1. An open competition shall be held for the appointment of Principal Teachers.
- 3.2. Confidentiality must be maintained throughout the process.

¹ Including High Support Units, Children Detention Schools, Youth Encounter Projects and Special Care Units and in such schools a proportion of the pupils attending the special school are of post primary age and where second level programmes, such as Junior Certificate School Programme (JCSP) and Junior Cycle Level 2 Learning Programmes (L2LPs) are being provided.

4. ADVERTISING RULES

- a) Vacancies must be advertised on at least one of the websites as approved by the Management Bodies and should be notified to all teaching staff in the school including teaching staff on approved leave.
- b) There shall be no unreasonable delay between the notification of the vacancy, insertion of the advertisement and the filling of the post.
- c) The advertisement shall invite applications from eligible teachers to be submitted to the Chairperson of the Board of Management by a specified date and to a specified address.
- d) The advertisement shall state:

| | | |
|----|---|--|
| 1 | The name, address roll number and patronage of the school. | |
| 2 | The number of teaching posts (including Principal Teacher) | |
| 3 | The nature of the vacancy (i.e. Principalship). | |
| 4 | The status of the vacancy (i.e. permanent). | |
| 5 | The expected commencement date of the post. | |
| 6 | The address to which applications should be sent. This may be a postal or e-mail address. Refer to paragraph 4.1 for electronic applications. | |
| 7 | The latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement. | |
| 8 | Whether a curriculum vitae or standard application form is required. (Applicants should not be required to submit both a curriculum vitae and an application form.) | |
| 9 | A list of documentary information required to support the application (e.g. evidence of qualifications; Teaching Council confirmation of registration). | |
| 10 | Any other relevant documentation (e.g. certificate to teach Catholic religious education for schools under Catholic Patronage). | |

- e) The advertisement may also state:

| | | |
|---|---|--|
| 1 | Whether a minimum number of applications are required for the competition to proceed. | |
| 2 | Whether a stamped addressed envelope is required for the return of documentation. | |
| 3 | That the applicant should mark envelope "Application". | |

- f) Advertisements must not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race or a member of the Travelling Community. Special care should be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.
- g) Vacancies for Principal Teachers should not be advertised in July or August except in exceptional circumstances and with the prior approval of the Patron.

4.1. ELECTRONIC APPLICATIONS

Where the employer chooses to accept electronic (e-mail) applications then the following procedures should be followed:

- a) A separate e-mail account shall be set up for the application process. Where the employer does not have access to a distinct e-mail address then a service such as g-mail may be used e.g. Schoolnameapplications@gmail.com. Only one email address shall appear on the advertisement
- b) Access to this account shall be restricted to members of the Selection Board only.
- c) The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail.
- d) Applications shall be opened and downloaded by the Selection Board at its short-listing meeting.
- e) The applications will be assessed in accordance with procedures as set out in this appendix.
- f) Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.
- g) Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the :bcc option or e-mail applicants on an individual basis.
- h) Employers may decide to reply in writing (including via e-mail) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail is used employers should save or print a copy of the letter to the successful applicant for school records.
- i) The e-mail address may be required for a new recruitment campaign by a new Selection Board. Therefore, all electronic applications must be printed off, retained by the school and then deleted from the email system.
- j) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions, the passwords should be changed to ensure that only the new Selection Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Selection Board.

4.2. COMPOSITION OF SELECTION BOARD-

| | |
|--|--|
| Primary Principal Teacher Selection Board | <ul style="list-style-type: none">• Chairperson of the Board of Management In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Selection Board.• At least two assessors independent of the Board of Management, to be appointed by the Patron after consultation with the Chairperson. The person who is vacating the position of Principal of a school shall have no involvement in the recruitment and appointment procedure for the Principal Teacher that will replace him/her. |
|--|--|

- a) At least one of the members of the Selection Board shall be a woman and at least one member be a man.

4.3. CRITERIA OF ASSESSMENT

- a) Prior to advertising a position the employer may set a minimum number of applications which must be received for the competition to proceed.
- b) Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.
- c) The Selection Board shall meet as soon as practical and shall establish agreed criteria for the assessment of the applications and for interview prior to opening of the applications received. In establishing the criteria, the following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-
 - Professional qualifications
 - Registration with the Teaching Council
 - Teaching experience
 - Leadership Capacity
 - Other relevant experience

Care must be taken to ensure that the criteria do not lead to discrimination on the grounds set out in Section 6(2) of the Employment Equality Acts, 1998-2008 i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.

- d) The criteria selected must reflect the needs of the school.
- e) The applications shall be opened only in the presence of the Selection Board.
- f) **Disclosure of interest/integrity of Selection Board proceedings:**
 - i. The Board of Management shall inform the Chairperson of the Selection Board that it is the responsibility of the Selection Board to address disclosures of interest/integrity in accordance with the procedures set out in this appendix.
 - ii. A member of the Selection Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Selection Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Selection Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
 - iii. Following this disclosure, the Selection Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management level. Where the Selection Board finds that there is a concern regarding a Selection Board member, the Chairperson of the Selection Board shall inform the Chairperson of the Board of Management who in turn informs the Patron unless the Chairperson of the Selection Board is the Chairperson of the Board of Management in which case they should contact the Patron directly. The Patron shall nominate another member in his/her place following consultation with the Chairperson of Board of Management.
 - iv. Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Selection Board to the Board of Management on completion of the process.

- v. Failure to disclose any relationship may invalidate the process.
- g) Selection of applicants for interview will be based on an initial assessment of applications against the established criteria.
- h) If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Selection Board or, where the minimum number of applications set by the employer under 4.3(a) for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.
- i) If there are no eligible applicants the position will be re-advertised.

4.4. INTERVIEWS

- a) Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:
 - i. At least 7 days notice of a specific interview date, time (outside school hours) and the location of the interview venue.
 - ii. Details of the established criteria for the post.
 - iii. A request for the applicant to notify the Selection Board if s/he requires any additional assistance in relation to a special need.

- b) The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation.
- c) All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from an applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Selection Board has a preconceived view of the suitability of either a man or a woman for a particular post.

- d) Each member of the Selection Board is required to complete his or her own individual marking sheet for each applicant and give it to the Chairperson of the Selection Board on completion of the interviews.
- e) The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants who are deemed suitable for appointment.
- f) Following completion of the interview process the Selection Board Chairperson shall, on behalf of the Board of Management, conduct reference checks of the highest ranked applicant. This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Selection Board at its sole discretion will determine the suitability of any reference. The Selection Board further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

- g) An applicant's own marking sheets should be made available on request after the recruitment process is complete.

5. APPOINTMENT OF SUCCESSFUL APPLICANT

- 5.1. Following the completion of the interview process, the Selection Board Chairperson shall submit a written report to the Board of Management setting out:
 - i. That the selection procedures have been complied with.
 - ii. If there has been a disclosure of interest/integrity to the Selection Board and the outcome of such disclosure.
 - iii. The name of highest ranked applicant whom it considers most suitable for appointment, and
 - iv. Confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment.
- 5.2. The Chairperson of the Selection Board will retain:
 - i A record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer.
 - ii An order of merit which can be used if the highest ranked applicant nominated for appointment declines the position.
- 5.3. References of applicants shall be checked prior to any offer of appointment being made.
- 5.4. The Board of Management shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board of Management.
- 5.5. The prospective employee should not be offered the appointment until the prior approval of the Patron has been obtained by the Chairperson of the Board of Management.
- 5.6. Employers shall follow the normal recruitment practice in relation to the following:
 - i. Verification of documentation: Teaching Council registration and qualifications.
 - ii. Medical fitness: The successful applicant being appointed shall be subject to a pre-employment medical screening by the Occupational Health Service (OHS). The fitness of the successful applicant must be confirmed before the employee takes up the Principal's post.
- 5.7. All appointments are subject to compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced.
- 5.8. The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanction of the Minister, confirmation of qualifications, confirmation of registration with the Teaching Council, compliance with Garda vetting requirements (see 5.7) and pre-employment medical screening prior to commencement of the employment. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.
- 5.9. As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 5.10. A contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment.

- 5.11. Both the successful candidate and the employer should complete the Appointment /Re-appointment form(s) for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed Principal is set up on Payroll as soon as possible.

6. APPOINTMENT AS PRINCIPAL TEACHER IN CONVENT AND MONASTERY SCHOOLS

- 6.1. If the authorities of the Religious Order concerned wish to appoint a member of the Order the Board of Management shall, subject to the prior approval of the Patron and of the Minister, appoint the person proposed by these authorities provided that the person is registered with the Teaching Council and qualified for the post in question, references have been received from the Principal Teacher or Chairperson of the Board of Management of the member's current or previous school and compliance with Garda vetting requirements.
- 6.2. Where a Religious Order has been guaranteed a certain number of posts in a reorganised school which is not a convent or monastery school, the Board of Management shall, subject to the prior approval of the Minister, appoint to such posts members of the order nominated by the authorities of the Religious Order concerned provided that the persons nominated are registered with the Teaching Council and qualified for the post(s) in question, references have been received from the Principal Teacher or Chairperson of the Board of Management of the member's previous school and are in compliance with Garda vetting requirements.
- 6.3. Where a teacher is appointed under (6.1) or (6.2) above, the Religious Order may, at its sole discretion, remove a member of the order from a position where such a member was appointed to the position in accordance with this provision. This should be included in the contract.
- 6.4. If the authorities of the Religious Order consider that a lay person should be appointed to such a post, the procedures set out in this appendix shall be followed.

7. CONTRACTS – TERMS OF EMPLOYMENT

- 7.1. Under the Terms of Employment (Information) Act 1994, employers are required to provide a written statement of terms of employment to an employee, no later than two months after the commencement of the employment.
- 7.2. The contract should include the names of the employee and the employer. It should be signed and dated by both parties. It should also include a written statement of the particulars of the employee's terms of employment e.g., place and hours of work, duties/responsibilities, disciplinary/ grievance procedures, employer policies (e.g. health and safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 and 2001.
- 7.3. Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within the contract.
- 7.4. The employer shall retain one of the completed signed duplicate contracts on the teacher's personnel file and furnish the other signed duplicate contract to the employee.
- 7.5. Employers should ensure compliance with all relevant employment legislation e.g. the Unfair Dismissals Acts, etc. when dealing with issues pertaining to appointments and contracts of employment.

8. COMPLIANCE

- a) All employers and teachers must adhere to the regulations and procedures set out in this appendix. The Department shall not be liable for any costs, obligations or funding of contracts arising from failure to adhere to the terms of this appendix
- b) Each employer will maintain effective procedures to ensure Principal Teacher appointments are made in accordance with the procedures outlined in this appendix and other relevant Department circulars.
- c) The Department may carry out examinations of Principal Teacher appointment records. All documentation relating to Principal Teacher appointments, listed in paragraph 8.1 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

8.1. RECORD OF DOCUMENTS TO BE RETAINED BY SCHOOL AUTHORITIES

- a) The following documents should be safely retained in the school for all Principal Teacher appointments:

| | | |
|----|--|--|
| 1 | A copy of the advertisement. | |
| 2 | The Principal Teacher's application for the post. | |
| 3 | Criteria for assessment of applicants. | |
| 4 | Any documents and/or notes created by the Selection Board. | |
| 5 | The Selection Board Report – including confirmation of verification of references from previous employers. | |
| 6 | A copy of the Principal Teacher's educational qualifications e.g. initial teacher education qualifications, Post Graduate courses or Masters Degrees. | |
| 7 | A copy of the Registration Certificate / confirmation of current registration of the Principal Teacher from the Teaching Council of Ireland. | |
| 8 | Confirmation of compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced. | |
| 9 | A copy of the confirmation of medical fitness received from the Occupational Health Service. | |
| 10 | Any other relevant documentation relating to individual Principal teaching appointment. | |
| 11 | Record of the Patron's approval of the appointment | |
| 12 | One part completed contract of employment i.e. signed by the employer and the Principal Teacher. | |
| 13 | A copy of the appointment form completed by both parties that was submitted to the paymaster. | |

- b) All records relating to the successful applicant should be retained by the school for the duration of employment plus 7 years.

- c) Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.

Appendix F - Patron's Declaration

All parts of this declaration must be completed in full. (Incomplete declarations will be returned)

Part A. [Please use block capitals]

County: _____ Roll No: _____

Name of School: _____ School Phone No: _____

Name of Patron: _____ Patron's Phone No: _____

Part B. [Please use block capitals]

I confirm that I have appointed:

Title _____ Forename _____ Surname _____

as Chairperson of the Board of Management of the above school with effect from ____/____/____

Was this person the Chairperson of the outgoing Board? Yes No

Chairperson's personal address*: _____

_____ Eircode:

Chairperson's personal phone No*: _____

* This information is requested for use by Department officials only and will not be provided to third parties.

Part C.

I confirm that the election of the parent nominees to the Board of Management was conducted in accordance with **Appendix B** of the *Governance Manual for Primary Schools 2015 – 2019* using (please tick relevant box):

Option 1 of Appendix B **Option 2 of Appendix B**

Part D [Please use block capitals]

Has this Board been appointed under a shared governance arrangement in accordance with section 3(c) of the *Governance Manual for Primary Schools 2015 – 2019*? Yes No

If yes, please provide details of the other school involved in the shared governance arrangement;

County: _____ Roll No: _____

Name of School: _____

Note: Please attach the completed Appendix F form for the other school to this form.

Part E.

I confirm that all Board members have been appointed and the Board of Management has been established in accordance with the requirements set out in the *Governance Manual for Primary Schools 2015 – 2019* and the Education Act, 1998.

Signed: _____ (Patron's signature) Date: _____

NOTE: This form can be downloaded from the Department's website. It should be completed in full and returned to School Governance Section, Department of Education & Skills, Cornamaddy, Athlone, Co. Westmeath. Eircode: N37X659. Where there is a change of Chairperson during the Board's term of office, the Patron shall submit an updated **Appendix F** declaration to School Governance Section as soon as the appointment has been made.

Appendix G - Declaration of Acceptance of Membership of the School Board of Management

School _____

Roll No. _____

Address _____

Eircode: _____

I hereby declare that I accept membership of the Board of Management of the above-named school for its current term of office and undertake to adhere to the rules pertaining to my duties as per the *Governance Manual for Primary Schools 2015 – 2019* and all other relevant rules, regulations, legislation (including the Charities Act 2009) and Departmental circulars relating to the membership and operation of Boards.

| Member's Name (Block Capitals only) | Member's Signature | Date |
|--|--------------------|-----------|
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |
| _____ | _____ | _ / _ / _ |

This declaration should be signed by each of the members at or before the first meeting of the Board that he or she attends. This form shall be kept as part of the Minute Book.

NOTE: A copy of this form shall be forwarded to the Charities Regulatory Authority and may be published by the Regulator.

Appendix H - Recruitment and Appointment Procedures for Special Needs Assistants (SNA's) in Recognised Primary Schools

The procedures set out in this appendix are designed to provide fair and impartial procedures for the appointment of SNAs to Oireachtas funded posts in recognised primary schools. A Board of Management is bound to apply these procedures.

These procedures complement Circular 0041/2015 which details the recruitment procedures and supplementary assignment arrangements for SNAs for the 2015/2016 school year. Circular 0041/2015 is available on the Department's website www.education.ie or any update thereof.

DEFINITIONS

For the purposes of this appendix the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

Cover SNA Vacancy – means a substitute vacancy i.e. Maternity Leave, Sick Leave, Career Breaks, job-sharing replacement, unpaid leave replacement etc.

Days – means calendar days unless otherwise indicated;

Department – means the Department of Education and Skills;

Employer – means a Board of Management/Manager;

Minister - means the Minister for Education and Skills;

Post - refers to a SNA post, whether full-time or part-time, which is funded out of monies provided by the Oireachtas;

Recognised School – means a school recognised by the Minister in accordance with section 10 of the Education Act, 1998;

Standard SNA Vacancy – means a vacancy other than for a cover SNA Vacancy.

1. ROLE OF THE BOARD OF MANAGEMENT/MANAGER/EMPLOYER

- 1.1. It is the responsibility of each employer to maintain effective procedures to ensure
 - a) Openness and transparency in the process of appointment to publicly funded posts, and
 - b) Compliance with:
 - i Relevant legislation in force at the time of making the appointment, and
 - ii The relevant Department rules and circulars as issued by the Department from time to time in particular Circular 0041/2015, or any revision of same that is applicable at that time.
- 1.2. Boards of Management, in accordance with the procedures hereunder, are responsible for the appointment of SNAs in primary schools. Any such appointment is subject to the prior approval of the school's Patron.
- 1.3. A SNA shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2. MINIMUM EDUCATION REQUIREMENTS FOR EMPLOYMENT AS A SNA

- 2.1.** The minimum required standard of education for appointment to the post of Special Needs Assistant is:-
1. A FETAC level 3 major qualification on the National Framework of Qualifications, OR
 2. A minimum of three grade Ds in the Junior Certificate, OR
 3. Equivalent

3. ADVERTISEMENTS

- 3.1.** A Board of Management must not advertise a standard SNA vacancy without first ensuring that:-
- a) In the first instance, all existing part-time SNAs have been offered a full-time position in accordance with Circular 0041/2015, or any revision of same that is applicable at that time.
 - b) Secondly, any panel established by a school following interviews for a standard SNA post (“internal panel”) is clear.
- 3.2** All standard SNA vacancies and cover SNA vacancies of 24 weeks or more must be advertised on one of the following websites as soon as practicable. SNA vacancies may also be advertised locally.

List of Websites:

www.educationposts.ie

www.staffroom.ie

www.educationcareers.ie

www.educatetogether.ie

www.jobsireland.ie

Any Education and Training Board website

- 3.3** Subject to any exceptions permitted by the Employment Equality Acts, 1998 to 2011 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating any such intention.
- 3.4** The advertisement shall invite applications with a curriculum vitae or on a standard application form from eligible persons to be submitted by a specified date to the Chairperson of the Board of Management at the specified address. For standard vacancies, eligible applicants from the SNA supplementary assignment panel as detailed in Circular 0041/2015, should be invited to submit a certified copy of Panel Form 1 (PF1) as outlined in that Circular.

3.5 The advertisement shall state:-

| | | |
|----|---|--|
| 1 | The name, address, Roll number and Patronage of the school. | |
| 2 | The expected date of commencement of the post. | |
| 3 | State if the post is full time or part time and the number of part time hours. | |
| 4 | State whether the post is standard or cover SNA vacancy. | |
| 5 | A general description of the duties of the post. | |
| 6 | The address to which applications should be sent. This may be a postal or e-mail address (see (4) for electronic application/e-mail procedures). | |
| 7 | The latest date for receipt of applications, which shall not be earlier than 14 days after the first date of publication of the advertisement. | |
| 8 | State that a curriculum vitae or standard application form must be submitted with the application (applicants should not be required to submit both a curriculum vitae and an application form). | |
| 9 | State that an internal panel of suitable applicants may be set up from which future vacancies (including cover SNA vacancies) may be filled (valid for the duration of the school year). Standard SNA vacancies may not be filled from a panel established following interviews for a cover SNA position. | |
| 10 | For standard SNA vacancies, applicants should be invited to submit a certified copy of Panel Form 1 (PF1) as outlined in Circular 0041/2015. | |
| 11 | A list of any specific competencies and/or requirements to meet the special educational needs of the pupil(s). | |

4. ELECTRONIC APPLICATIONS

4.1 Where the employer chooses to accept electronic (e-mail) applications then the following procedures should be followed:

- a) A separate e-mail account shall be set up for the application process. Where the employer does not have access to a distinct e-mail address then a service such as g-mail may be used e.g. Schoolnameapplications@gmail.com. Only one email address shall appear on the advertisement.
- b) Access to this account shall be restricted to members of the Selection Board only.
- c) The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail.
- d) The applications will be assessed in accordance with procedures as set out in this Appendix.
- e) Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.
- f) Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the :bcc option or e-mail applicants on an individual basis.

- g) Employers may decide to reply in writing (including via e-mail) to those unsuccessful applicants who presented at interview. However, if e-mail is used employers should save or print a copy of the letter to the successful applicant for school records.
- h) The e-mail address may be required for a new recruitment campaign by a new Selection Board. Therefore, all electronic applications must be printed off, retained by the school and then deleted from the email system.
- i) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions, the passwords should be changed to ensure that only the new Selection Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Selection Board.

5 COMPOSITION OF SELECTION BOARD-

| | |
|----------------------------|---|
| SNA Selection Board | <ul style="list-style-type: none"> ● Chairperson of the Board of Management In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Selection Board. ● School Principal ● One other person nominated by the Patron |
|----------------------------|---|

- 5.1 The Selection Board must include at least one male and one female.
- 5.2 In the case of the selection of a Special Needs Assistant in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly-appointed Principal shall fill the position of Principal on the Selection Board.
- 5.3 Confidentiality must be maintained throughout the process.

6 LIABILITY TO SUPPLEMENTARY PANELS

- 6.1 If an employer receives an application for a standard SNA vacancy from one or more SNAs who are due to be made redundant and who furnishes the employer with a certified copy of Panel Form 1 (PF1), then the employer is obliged to offer the vacancy to one of those SNAs. This is subject to the SNA meeting any specific competencies and/or requirements to meet the special educational needs of the pupil(s). This will require an interview process to ascertain. This is also subject to the checking and verification of References, meeting any Occupational Health & Safety (OHS) requirements and compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced. The SNA must agree to respect the ethos of the employer in question.
- 6.2 Short listing of such applicants for interview:-
Employers may only interview SNAs with a certified copy of Panel Form 1 (PF1) in the first instance. If there are five or fewer such applicants, all of them shall be called for interview. Otherwise, at least five such applicants shall be called for interview.
- 6.3 If an employer does not receive an application for a standard SNA vacancy from an SNA who is due to be made redundant and who furnishes the employer with a certified copy of Panel Form 1 (PF1) within the time-period specified in the advertisement or if having interviewed at least five such applicants, it has been established that none of those applicants meet the specific competencies and/or requirements to meet the special educational needs of the pupil(s)

then and only then can the employer call other applicants for interview with a view to filling its vacancy from all the other applicants (which may include further panel applicants) for the vacancy. This second interview process, if required, must be held on a separate day.

7 CRITERIA OF ASSESSMENT

- 7.1 Subject to paragraph 6.1 and 6.2 above the selection board shall retain the discretion to re-advertise the post where it is not satisfied with the number of applications received, with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.
- 7.2 Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date. Otherwise, at least three eligible applicants shall be called for interview.
- 7.3 The Selection Board shall meet as soon as practical and shall establish agreed criteria for the assessment of the applications and for interview prior to opening of the applications received. In establishing the criteria, the following factors shall be taken into account, having regard to the requirements under Circular 0041/2015 and the appropriate legislation, though not exclusively nor necessarily in this order:-
- Supplementary Panel rights
 - Qualifications
 - Any specific competencies and/or requirements to meet the special educational needs of the pupil(s)

Care must be taken to ensure that the criteria do not lead to discrimination on the grounds set out in Section 6(2) of the Employment Equality Acts, 1998-2008 i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.

- 7.4 The criteria selected must reflect the needs of the school.
- 7.5 The applications shall be opened only in the presence of the Selection Board. Confidentiality must be maintained throughout the process.
- 7.6 **Disclosure of interest/integrity of Selection Board proceedings:**
- i. The Board of Management shall inform the Chairperson of the Selection Board that it is the responsibility of the Selection Board to address disclosures of interest/integrity in accordance with the procedures set out in this appendix.
 - ii. A member of the Selection Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Selection Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. worked together in the past. In this context Selection Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
 - iii. Following this disclosure, the Selection Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management level. Where the Selection Board finds that there is a concern regarding a Selection Board member, the Chairperson of the Selection Board shall inform the Chairperson of the Board of Management who in turn informs the Patron unless

the Chairperson of the Selection Board is the Chairperson of the Board of Management in which case they should contact the Patron directly. The Patron shall nominate another member in his or her place following consultation with the Chairperson of Board of Management.

- iv. Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Selection Board to the Board of Management on completion of the process.
 - v. Failure to disclose any relationship may invalidate the process.
- 7.7 Selection of applicants for interview will be based on an initial assessment of applications against the established criteria.

8 INTERVIEWS

8.1 Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:

- i. At least 7 days' notice of a specific interview date, time (outside school hours) and location.
- ii. Details of the established criteria for the post.
- iii. A request for the applicant to notify the Selection Board if s/he requires any additional assistance in relation to a special need.

8.2 The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation.

8.3 All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from a applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Selection Board has a preconceived view of the suitability of either a man or a woman for a particular post.

8.4 Each member of the Selection Board is required to complete his or her own individual marking sheet and give it to the Chairperson of the Selection Board on completion of the interviews.

8.5 The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants that they deemed suitable for appointment.

8.6 If following interview, a number of applicants obtain the same marks then seniority as an SNA should be used to determine the ranking of the candidates. The seniority of the SNAs can be determined from the PF1 form.

8.7 Following completion of the interview process the Selection Board Chairperson shall, on behalf of the Board of Management, conduct reference checks of the highest ranked applicant. This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Selection Board in its sole discretion will determine the suitability of any reference. The Selection Board further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

8.8 An applicant's own marking sheets should be made available on request after the recruitment process is complete.

9 APPOINTING THE SUCCESSFUL APPLICANT

- 9.1** Following the completion of the interview process, the Selection Board Chairperson shall submit a written report to the Board of Management setting out:
- i.** That the selection procedures have been complied with.
 - ii.** If there has been a disclosure of interest/integrity to the Selection Board and the outcome of such disclosure.
 - iii.** The name of highest ranked applicant whom it considers most suitable for appointment, and
 - iv.** Confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment.
- 9.2** The Chairperson of the Selection Board will retain:
- i.** A record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer.
 - ii.** The order of merit can be used if the highest ranked applicant nominated for appointment declines the position.
- 9.3** References of the successful applicants shall be checked prior to any offer of appointment being made.
- 9.4** Where specified in the advertisement that an internal panel may be created, the Chairperson of the Selection Board will retain an internal panel of applicants in order of merit deemed suitable for appointment to any future post arising in the school valid for the duration of the school year subject to suitable reference and prior approval of the Patron.
- 9.5** The Board of Management shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board of Management. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.
- 9.6** The offer of employment should not be made to the prospective employee until the prior approval of the Patron has been obtained by the Chairperson of the Board of Management.
- 9.7** Employers shall follow best practice in relation to the following.
- i.** Verification of documentation: Qualifications must be verified for the highest ranked applicant nominated for appointment.
 - ii.** Medical fitness: The successful applicant being appointed shall be subject to a pre-employment medical screening by the Occupational Health Service (OHS). The fitness of the successful applicant must be confirmed before the employee takes up the post.
- 9.8** All appointments are subject to compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced.

- 9.9 The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanction of the Minister, confirmation of qualifications and compliance with Garda vetting requirements (see 9.8) and pre-employment medical screening prior to commencement of the employment.
- 9.10 As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 9.11 A contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment.
- 9.12 Both the successful candidate and the employer should complete the Special Needs Assistant Appointment Form for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed SNA is set up on Payroll as soon as possible.

10. ORDER OF SENIORITY

- 10.1 The employer shall establish the order of seniority based on the agreed terms outlined in the relevant circulars which are available on the Department's website.

11. CONTRACTS OF EMPLOYMENT

Appointees must be offered a contract of employment.

12. NOTIFICATION OF THE APPOINTMENT TO THE DEPARTMENT OF EDUCATION AND SKILLS

- 12.1 On completion of the appointments procedure as outlined above, Boards of Management shall complete and submit the form "Notification of Appointment – SNA", which is available on the Departments website, www.education.ie and return to:

Non Teaching Staff (NTS) Payroll,
Payroll Division,
Department of Education and Skills,
Cornamaddy,
Athlone,
Co Westmeath.
N37 X659

13 COMPLIANCE

- 13.1 All employers and SNAs must adhere to the regulations and procedures set out in this appendix. The Department shall not be liable for any costs, obligations or funding of contracts arising from failure to adhere to the terms of this Appendix.
- 13.2 Each employer will maintain effective procedures to ensure SNA appointments are made in accordance with the procedures outlined in this appendix and other relevant Department circulars.
- 13.3 The Department may carry out examinations of SNA appointment records. All documentation relating to SNA appointments, listed in paragraph 14 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

14 RECORD OF DOCUMENTS TO BE RETAINED BY SCHOOL AUTHORITIES

a) The following documents should be safely retained in the school for all SNA appointments:

| | | |
|----|--|--|
| 1 | A copy of the advertisement. | |
| 2 | The applications for the post. | |
| 3 | Criteria for assessment of applicants. | |
| 4 | Certified copy of Panel Form 1 (PF1) (if applicable) | |
| 5 | Any documents and/or notes created by the Selection Board. | |
| 6 | The Selection Board Report – including confirmation of verification of references from previous employers. | |
| 7 | A copy of the applicant's educational qualifications. | |
| 8 | Confirmation of compliance with relevant non-statutory vetting requirements (currently set out in Department Circular 0063/2010) and the statutory vetting requirements when they are commenced. | |
| 9 | A copy of the confirmation of medical fitness received from the Occupational Health Service. | |
| 10 | Any other relevant documentation relating to an individual SNA's appointment. | |
| 11 | Record of the Patron's approval of the appointment | |
| 12 | One part completed contract of employment i.e. signed by the employer and the SNA. | |
| 13 | A copy of the appointment form completed by both parties that was submitted to the paymaster. | |

b) All records relating to the successful applicant should be retained by the school for the duration of employment plus 7 years.

c) Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.