



**An Roinn Oideachais  
agus Scileanna**  
Department of  
Education and Skills

# **Governance Manual for Primary Schools**

**2019 - 2023**

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## Minister's Foreword

Since boards of management were introduced in our primary schools in 1975, thousands of volunteers have individually and collectively enriched and contributed to the management and operation of our primary schools. As the changeover to new Boards approaches from 1 December 2019, I am very grateful that this strong tradition of volunteerism and civic contribution continues to play such a key part in the day to day running of our schools.

The primary goal of a 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. Therefore, I believe that in achieving this objective the most effective Boards are those that have a clear understanding of their governance role and responsibilities and are fully aware of the importance of good communications with the school community including, in particular, parents.

The manual contains a helpful overview of the role of the Board in addition to the various rules regarding the composition and operation of Boards. I would encourage every Board use this overview as a framework to consider its role and responsibilities, identify the key activities and priorities that it will address to accomplish its primary goal.

I am looking forward to the opportunity as part of the Primary Education Forum to discussing with our partners what the future governance arrangements for schools might look like. It's a conversation that can provide real benefits to Boards in exploring ways how in future years shared governance arrangements might be better achieved and developed. The pilot shared governance arrangement currently in place will continue for the next four year term of Boards. It is an opportunity for Boards to consider this shared governance arrangement on a voluntary basis for the duration of the new term.

In order to successfully manage a school, appropriate training is essential for Board members. I am very appreciative to the various Management Bodies for their role in the provision of training, advice and guidance to boards of management and I urge all new boards of management to avail of the training resources provided. Furthermore, I am pleased that my Department is continuing to support 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 contribution in updating this manual for new Boards. Finally, I acknowledge and am very grateful for the commitment and contribution that all members of Boards are making and I wish each and every Board member every success in your role.

Joe McHugh, T.D.,  
Minister for Education and Skills

## Glossary of Terms

- Board of Management:** The board of management/manager(s) is the body of persons or the person(s) appointed by the patron to manage the school on behalf of the patron. The functions of the board of management (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, 1998 also provides that a “*board shall perform the functions conferred on it and on a school by this Act*”.
- CE:** Means Chief Executive in an Education and Training Board.
- Days:** Days as it appears in this manual should be taken to mean calendar days as distinct from school days.
- Department:** For the purposes of this manual, the Department means the Department of Education and Skills.
- Employer:** Employer means the appropriate school authority. In the case of primary schools (other than community national schools under the patronage of an ETB), the board of management/manager(s) is the employer. In the case of community national schools the ETB is the employer. Therefore in this manual, the phrase “the employer” is used to refer to the board of management/manager(s)/ETB as appropriate.
- ETB:** Means an Education and Training Board.
- Minister:** For the purposes of this manual, the Minister means the Minister for Education and Skills.

**Parent:** Parent encompasses the definition of “parent” in the Education Act, 1998 to include a foster parent, a guardian appointed under relevant guardianship of children legislation, 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 relevant adoption legislation or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.

**Patron:** 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.

**School Authority:** For the purpose of this manual, school authority refers to the board of management or equivalent in the case of primary schools (other than community national schools) and the relevant ETB in the case of a community national school.

**Serving Teacher:** For the purposes of this manual, a serving teacher shall be taken to mean a teacher serving in a school in a permanent capacity or in a fixed-term (full-time or part-time) 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:

- (a) teachers (including substitutes) whose term of appointment is less than six months\*;
- (b) teachers on career break;
- (c) teachers on secondment;
- (d) 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.

**Term of Office:**

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 2019 up to and including 30 November 2023. 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.

**Trustees**

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.



# 1. Introduction and overview of the role of the Board of Management

## 1.1 Introduction

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 2019 to 30 November 2023.

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 for that management.

All boards of management of primary schools assuming office from 1 December 2019 onwards are required to adhere to the provisions of the *Governance Manual for Primary Schools 2019 – 2023*. 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 and the relevant ETB in the case of community national schools.

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.

The provisions of this manual shall be modified where necessary to reflect the legislative and administrative arrangements under which Education and Training Boards (and by extension community national schools) operate. These include but are not limited to the Education and Training Boards Act 2013, the Code of Practice for The Governance for Education and Training Boards (January 2019) and all other relevant legislative and administrative documents which underpin and support good governance in the education and training board sector.

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.

## 1.2 The Board of Management 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.

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. At the time of publication of this manual, schools' requirements in relation to admission policies are set out in section 15 of the Education Act, 1998. The Education (Admission to Schools) Act, 2018 will provide a new framework for school enrolment and further information is set out in **section 1.6.2** of this manual.

Patrons have a specific role in nominating members to interview boards and in the prior approval of appointments in accordance with the relevant Department of Education and Skills circular as applicable. (See **section 29** of this manual for 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 Safeguarding Statement, Code of Behaviour, Anti-Bullying Policy, School Accounts etc.

## 1.3 The Board of Management of a Community National School

Education and Training Board's (ETBs) are the bodies corporate for community national schools established or maintained under their patronage, in accordance with Schedule 3 of the Education and Training Boards Act, 2013.

While ETBs are the bodies corporate for community national schools maintained under their patronage, ETBs delegate many management functions and responsibilities to boards of management which are established as committees of the ETB in accordance with section 44 of the Education and Training Boards Act, 2013. Boards of management in community national schools have responsibility for matters that are not employment related e.g. school policies, child protection, school planning etc. The financial affairs of a community national school shall be managed and comply with the financial policy of the relevant ETB as set out in **section 17.2** of this manual.

## 1.4 The Board of Management as Employer

Under section 24 of the Education Act, 1998 (as amended by the Education (Amendment) Act, 2012) the board of management is the employer of teachers and other staff of the school. In the case of community national schools the ETB is the employer and not the

board of management. Further details on the role of the ETB as employer is set out in **section 1.5** of this manual.

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 recruited and appointed to posts in accordance with the relevant procedures and requirements outlined in Department circulars and in other agreements between the Unions and Management Bodies (see **section 29** of this manual for further information).

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 0049/2018](#).

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 recruitment and appointment procedures for teachers and Special Needs Assistants (SNAs) should be referred to the relevant ETB. Any further queries may be directed to the following email: [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie)

General information regarding employers' responsibilities is contained on [www.workplacerelations.ie](http://www.workplacerelations.ie)

## **1.5 The Education and Training Board (ETB) as Employer**

In accordance with section 6 of the Education (Amendment) Act, 2012 it is the responsibility of the ETB to employ the principal, and other staff of a community national school. The board of management of a community national school under the patronage of an ETB is not the employer of teachers and other staff of the school, the relevant ETB is the employer. The ETBs role as employer includes responsibilities for the recruitment and dismissal of teachers and other staff within the community national school, in accordance with statutory provision, relevant Department circulars, employment and sectoral agreements.

The recruitment and appointment procedures for principals, teachers and SNAs as set out in the relevant Department of Education and Skills circulars as applicable apply to the community national schools and they should be read on the basis that the employer is the ETB rather than the board of management. The composition of interview boards in community national schools in the ETB sector are set out in the relevant Department of Education and Skills circular as applicable. The interview board will make the recommendation for appointments and as appointments are an executive function, the Chief Executive (CE) of the ETB will confirm the appointments. (See **section 29** of this manual for further information on recruitment and appointment procedures.)

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 0048/2018](#) and [Circular 0050/2018](#).

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 recruitment and appointment procedures for teachers and Special Needs Assistants (SNAs) should be referred to the relevant ETB. Any further queries may be directed to the following email: [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie)

General information regarding employers' responsibilities is contained on [www.workplacerelations.ie](http://www.workplacerelations.ie)

## 1.6 School Policies

**1.6.1** 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 Safeguarding Statement, 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. Information on Child Protection is set out in **section 19** of this manual. Further information on the key policy areas of Admission (Enrolment) Policies, the Code of Behaviour and the Anti-Bullying Policy is set out below.

### 1.6.2 Admission (Enrolment) Policy

The Education (Admission to Schools) Act, 2018 was signed into law by the President on the 18th July 2018. The overall objective of the Act is to provide a new framework for school enrolment that is designed to ensure that every child is treated fairly and that the way in which schools decide on applications for admission is structured, fair and transparent.

In 2018 a number of sections of the Act were commenced, as follows:

- **Section 8** which provides the Minister with a power to compel a school to open a special class following a number of steps.
- **Section 11 - Amendment of the Equal Status Act, 2000**

This provision, amends the Equal Status Act, 2000 to prohibit the use of religion as a selection criterion in all recognised primary school admissions. There are protections provided to ensure that a child of a minority religion can access a school providing a religious instruction or religious education programme consistent with his or her religious beliefs.

- **Section 64** which prohibits schools from charging fees or seeking payment or contributions for an application for admission to a school or for the enrolment or continued enrolment of a student in a school.
- **Section 66** which allows for co-operation between Boards.

#### **Important Note regarding the Education (Admission to Schools) Act, 2018.**

At the time of publication of this manual, the Department had begun the process of consultation with the Education Partners on the regulations that will be put in place alongside the commencement of further sections of the Act. It is therefore important for Boards to monitor the Department's website [www.education.ie](http://www.education.ie) for the up-to-date position regarding same.

### **1.6.3 Code of Behaviour**

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). Guidelines on [Developing a Code of Behaviour](#) are available on the Tusla website [www.tusla.ie](http://www.tusla.ie) and include the requirement for schools to have an Anti-Bullying Policy within the framework of their overall Code of Behaviour.

### **1.6.4 Anti-Bullying Policy**

In accordance with the Education (Welfare) Act, 2000 and the guidelines issued by the National Educational Welfare Board (NEWB), all schools are required to have an Anti-Bullying policy within the framework of their overall Code of Behaviour. 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).

### 1.6.5 Education (Student and Parent Charter) Bill 2019

#### **Important Note regarding the Education (Student and Parent Charter) Bill 2019**

The Education (Student and Parent Charter) Bill 2019 was published by the Minister in September 2019. Under the proposed legislation every school will be required to consult with parents and students, and publish a Student and Parent Charter. The proposed legislation will provide for the Minister to set out national guidelines which schools will follow when drawing up and implementing their own charter. At the time of publication of this manual, the Bill was about to commence its journey through the houses of the Oireachtas. It is therefore important to check the Department's website [www.education.ie](http://www.education.ie) for the up-to-date position regarding same.

### 1.7 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.

In 2017 the Department issued [Circular 0060/2017](#) to the management authorities of recognised primary schools, in respect of the roll out and operation of the Financial Support Services Unit (FSSU) at primary level. The circular is available on the Department's website [www.education.ie](http://www.education.ie). [Circular 0060/2017](#) does not apply to community national schools as advice and support to community national schools in financial governance matters is provided by the relevant ETB. **Section 17.3** of this manual sets out the role of the FSSU which includes providing advice and support to schools on financial governance matters.

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 trustees (in schools where there are trustees) is also required in respect of applications for building projects. **Section 17.4** of this manual provides information for Boards on capital expenditure, resources and works.

Since September 2016 the enrolment count on the Primary Online Database (POD) is 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](#). ([Circular 0050/2015](#) in the case of special schools) which are available on the Department's website [www.education.ie](http://www.education.ie)

A critical factor in the allocation of resources to schools is the Annual Census Return to the Department. The Annual Census Return, which is submitted through POD, must be brought to the attention of the board of management and the Board must be fully satisfied as to its accuracy. The signature sheet should then be signed by both the school principal and the chairperson of the board of management (or manager(s)) and in the case of community national schools by both the school principal and the Chief Executive (or their delegated officer) prior to its submission to the Department.

Boards of management and principals 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.

Boards of management are also reminded of their responsibility for taking all reasonable steps to reduce the risk of error, financial irregularity and fraud. Where an alleged financial irregularity or fraud is identified or suspected it must be reported promptly to the Department. In relation to any matter of alleged financial irregularity the Department's standard policy is to ensure that an investigation is undertaken and that the matter is referred to An Garda Síochána where appropriate.

**Sections 12 and 17** of this manual set out requirements relating to the Treasurer and to Finance respectively.

## 1.8 School Leadership

High quality leadership is crucial in establishing a central purpose and vision for a school and the achievement of high quality educational outcomes for pupils. [Looking at Our School, 2016 – a Quality Framework for Primary Schools](#) provides a common understanding and language around the organisation and practice of leadership and management roles in Irish schools. The primary purpose of school leadership and management is to create and sustain an environment that underpins high quality pupil care, learning and teaching. 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.

The relevant Department circular on recruitment, promotion and leadership for registered teachers in recognised primary schools available on the Department’s website [www.education.ie](http://www.education.ie) sets out a leadership and management framework for in-school leadership posts in recognised primary schools and provides flexibility in identifying and prioritising the evolving leadership and management needs of the school. It is designed to assist Boards/ETB in the recruitment of principals, deputy and assistant principals, and in assigning and re-assigning post holders to specific roles and responsibilities to meet the evolving needs of a school.

Boards of management/ETBs must be cognisant of the importance of encouraging and facilitating the principal, deputy principal and assistant principals in developing and effectively exercising their leadership role in the school. The Department has made considerable investment to build the professional competence of school leaders through its support services and through the Centre for School Leadership. The Centre’s responsibilities cover a range of leadership development for school leaders, from pre-appointment training and induction of newly appointed principals to continuing professional development throughout their careers.

## 1.9 School Planning

The Education Act, 1998 requires 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.



## 1.10 Self-Evaluation/Teaching and Learning

The Education Act, 1998 places responsibility on schools to establish and maintain systems whereby the effectiveness of its operations is evaluated. 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, can and should play an active role in improving standards in the school from an oversight and governance perspective. For example, effective Boards will be actively involved in ensuring that appropriate targets are set to improve the outcome for learners in key areas such as literacy and numeracy. The Board will also play an important oversight role in monitoring the progress and achievement of such targets.

The Department issued [Circular 0039/2012](#) and [Circular 0016/2018](#) which outline the requirements in relation to School Self-Evaluation of teaching and learning. A dedicated website [www.schoolself-evaluation.ie](http://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 combined School Self-Evaluation Report and School Improvement Plan is prepared each year and that a summary of the plan is communicated to the whole school community annually. The Board is strongly advised to complete a legislative and regulatory checklist on an annual basis in order to evaluate the extent to which the school is adhering to its obligations. A checklist is available on the SSE website [www.schoolself-evaluation.ie/primary/resources/board\\_of\\_management](http://www.schoolself-evaluation.ie/primary/resources/board_of_management) 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).

## 1.11 Training for Boards

Board members are strongly advised to access relevant training to assist them in carrying out their role. Board members in schools other than community national schools should contact their relevant school Management Body (e.g. CPSMA, Church of Ireland Board of Education, Educate Together, NABMSE). Board members of community national schools should contact the relevant ETB for information in relation to available training

and/or to access training which will be tailored to the legislative and administrative requirements of community national schools.

The modules currently covered by such training for schools other than community national schools 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 in primary schools (other than community national schools)
- 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 16.2** 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.

## 2. General

- 2.1** 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.
- 2.2** The functions of the Board are set out in section 15 of the Education Act, 1998.

### **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 concerned, are complied with,*

- (e) *have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society,*
  - (f) *have regard to the efficient use of resources (and, in particular, the efficient use of 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.”*

**2.3** Boards are advised to monitor the Department’s website [www.education.ie](http://www.education.ie) for the up-to-date position regarding the Education (Admission to Schools) Act, 2018 and schools’ admission policies in the context of the provisions of section 15(d) of the Education Act, 1998. Further details are set out in **section 1.6.2** of this manual.

**2.4** Boards of management of primary schools including community national schools assuming office from 1 December 2019 onwards are required to adhere to the provisions of this manual.

**2.5** 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 relevant section of the Department’s website [www.education.ie](http://www.education.ie) or with the Department directly for the up-to-date position regarding same.

## **2.6 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*”.

### 3. Constitution of Boards of Management

#### 3.1 For schools having a recognised staff of more than one teacher the Board of Management shall, subject to [section 3.4](#) and [section 6](#) comprise the following:

- (a) Two direct nominees of the patron.
- (b) 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).
- (c) The principal (or acting principal) of the school.
- (d) One other serving teacher on the staff of the school, elected by vote of the teaching staff which includes the principal.
- (e) Two extra members proposed by those nominees, described at (a) to (d) above, acting in accordance with the process set out at **Appendix C**.

#### 3.2 For schools having a recognised staff of one teacher the Board of Management shall, subject to [section 3.4](#) and [section 6](#) comprise the following:

- (a) One direct nominee of the patron.
- (b) 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).
- (c) The principal of the school.
- (d) One extra member proposed by those nominees, described at (a) to (c) above, acting in accordance with the process set out in **Appendix C**.

### 3.3 Pilot shared governance arrangements

#### 3.3.1 It has been agreed to continue to allow schools 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 2023.

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 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.

**3.3.2** The composition of the twelve member Board for each school shall, subject to **section 3.4 and section 6** comprise the following:

- (a) Three direct nominees of the patron.
- (b) 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.
- (c) The principals of the two schools.
- (d) One other serving teacher on the staff of one of the two schools, elected by vote of the joint teaching staff.
- (e) Three extra members proposed by those nominees described at (a) to (d) above, acting in accordance with the process set out in **Appendix C**.

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 **sections 6 and 7** of the *Governance Manual for Primary Schools 2019 – 2023*.

**3.3.3** The decision to operate a shared governance arrangement is for the patron to make 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.

#### **3.3.4 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 the requirements of **section 17** of this manual.

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.

### 3.4 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 3.1 (b), 3.2 (b) or 3.3.2 (b)** and
- the members from the community selected in accordance with **Appendix C** should be independent of the other categories of persons set out at **section 3.1 (a) to (d), 3.2 (a) to (c), or 3.3.2 (a) to (d)** as applicable.
- it is also a requirement that a person, other than the principals or, where it arises, the elected teacher nominee, who is employed by the board of management/ETB for the purposes of the school shall not be appointed to nor be a member of the board of management.

### 3.5 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:

- (a) parents of a past pupil of the school, or
- (b) 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 (a) or (b) 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 6.1** 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.

### 3.6 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** of this manual. 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 2023.

### 3.7 Schools which are new/amalgamate/change patron

In the case of a newly established school, a Board shall be appointed by the patron in accordance with the relevant provision of **section 4** of this manual.

In the case of schools that amalgamate, the term of office of the Board of each of the schools amalgamating shall cease to exist on the day prior to the first day on which the newly amalgamated school is open to receive pupils. In the case of schools amalgamating each Board continues to manage their respective school up to and including the day prior to the first day on which the newly amalgamated school is open to receive pupils.

In the case of schools that change patron, the term of office of the Board(s) operating under the outgoing patron shall cease to exist on the day prior to the first day on which the school is open to receive pupils under the new patron.

A new Board shall then be appointed by the patron of the new school, the patron of the newly amalgamated school or the new patron in the case of a school that changes patron in accordance with the relevant provision of **section 4** of this manual.

In the period pending the establishment of the new Board in the new school, in the newly amalgamated school or in the school that changes patron, 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 2023.

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

- 4.1** 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. The process for the election and appointment of a board of management can take up to nine weeks. 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.
- 4.2** 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 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.
- 4.3** 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**.
- 4.4** 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**.
- 4.5** The patron shall then formally appoint the board of management.
- 4.6** The patron shall appoint one of the members so appointed as chairperson of the board of management.
- 4.7** In all cases, in relation to the appointment of the Board the patron shall submit to the Department a fully completed declaration at **Form 1 (formerly Appendix F)** which complies in full with the requirements of this manual. Where Boards have been appointed under a shared governance arrangement in accordance with **section 3.3** the declaration at Form 1 (formerly 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 at **Form 1 (formerly Appendix F)**. The contact details within the patron's declaration are required to be provided to the Minister to facilitate official communication and will not be used by the Department for any other purposes. Full details of the Department's data protection policy is available at [www.education.ie](http://www.education.ie)
- 4.8** Except where the Minister communicates to the contrary, within 10 days of receipt of the information at **4.7**, the Board will be deemed to be recognised by the Minister.

**4.9** 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 **Form 2 (formerly 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 2019 – 2023* and all other relevant rules, regulations, legislation (including the Charities Act, 2009) and Departmental circulars relating to the membership and operation of the Board. Until the declaration at **Form 2 (formerly Appendix G)** is signed by a Board member, he or she shall not be entitled to act as a member of the Board.

**4.10** 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. Ineligibility

**6.1** A person, other than the principal or, where it arises, the elected teacher nominee, who is employed by the board of management or ETB, and/or for the purposes of the school may not be appointed to nor be a member of the board of management.

**6.2** A person<sup>1</sup> shall not be eligible to be a member of a Board if that person:

- (a) is an undischarged bankrupt,
- (b) makes a composition or arrangement with creditors under the protection or procedure of a court,
- (c) is convicted on indictment of an offence,
- (d) is sentenced to a term of imprisonment by a court of competent jurisdiction,
- (e) is disqualified or restricted from being a director of any company within the meaning of the Companies Acts, or is prohibited, removed or suspended from being a trustee of a scheme under the Pensions Act 1990 to 2008,
- (f) has been removed from the position of charity trustee of a charitable organisation by an order of the High Court under section 74 of the Charity Act, 2009,
- (g) has been placed on the Sex Offenders Register by order of a court.

The provisions of 6.2 (a) and 6.2 (b) apply to persons only for the duration of the undischarged bankruptcy and/or the duration of the court approved composition or arrangement with creditors.

The Department has consulted with the Charities Regulator and the ineligibility provision's set out in (a) to (f) of this section align with the requirements of section 55(1) of the Charities Act, 2009.

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<sup>1</sup> Where a school principal is ineligible to be a member of the Board under section 55(1) of the Charities Act, 2009 the principal shall not be a member and shall not act as secretary to the Board for the duration of the period during which he or she is ineligible to serve on the Board. For the period of ineligibility the principal's position on the Board shall remain vacant, however the principal should be present at board meetings to assist the Board in the conduct of its business.

## 7. Term of Office, Dissolution of Board/Removal of Member(s), Cessation of Membership, Resignation and Vacancies

### 7.1 Term of office

- (a) 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 2023.
- (b) 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.

### 7.2 Dissolution of Board/removal of members

- (a) 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.
- (b) Before deciding to remove a member of the Board or to dissolve the Board, the patron shall inform that member or Board by notice in writing 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.
- (c) The patron must comply in full with the requirements of section 16(1) to 16(4) of the Education Act, 1998 when deciding to remove a member of the Board or dissolve the board of management.
- (d) 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.
- (e) Where the patron removes a member of a Board the resulting vacancy shall be filled in accordance with the provisions of **section 7.5**.
- (f) 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.

### 7.3 Cessation of membership

(a) Where a member:

- 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 or
- ceases to be eligible as set out in **section 6.2 (a) to (g)** of this manual.

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

(b) 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.

(c) 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 6**, be entitled to remain on the Board for the period up to and including 30 November 2023.

(d) 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 6**, be entitled to remain on the Board for the period up to and including 30 November 2023.

(e) 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.

(f) Any teacher who ceases to be a serving teacher shall thereupon cease to be a member of the Board.

(g) 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 all other cases regarding the parent of a child who completes primary education, that parent ceases to be a member of the Board on the day before the primary school reopens for a new school year.

- (h) 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.

## 7.4 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, 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, thereupon cease to be a member of the Board.

## 7.5 Vacancies

- (a) Where a member of a Board:

- dies, or
- resigns as per **section 7.4**, 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 7.3 (a) to (g)**, 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.

- (b) 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 **Form 2 (formerly 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.

- (c) Any change in the membership of the Board shall be recorded in the minutes of the next meeting of the Board. The Board's registration with the Charities Regulator must also be updated as set out in **section 18** of this manual.
- (d) 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.

**Important 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. The quorum of the Board is set out in **section 13.3 (c)** of this manual.



## 8. Confidentiality

- 8.1** Individual members of the Board are required to keep the matters discussed at meetings including all documents drafted and disseminated to Board members confidential unless otherwise agreed by the Board.
- 8.2** Where allegations of a breach of confidentiality by any Board member arises, 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.
- 8.3** 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 the matters discussed at meetings confidential, 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.

**Section 9.3** provides for the Board to put in place an agreed report to support good communications to parents, staff and the school community. The agreed report shall not include details of any issues which must remain confidential to Board members.

## 9. Board Communications/Transparency

- 9.1** Good management practice will require frequent communications to parents, staff and the school community.
- 9.2** 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*”.
- 9.3** 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**.
- 9.4** In authorising the dissemination of information under **section 9.3** the Board shall pursue a policy of openness and have a positive approach to sharing information with the school community. The provisions of **section 8.1** 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

- 10.1** 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.
- 10.2** 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.
- 10.3** 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.

- 10.4** 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).
- 10.5** 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.
- 10.6** In schools other than community national schools 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. In community national schools, the ETB enters into an agreement with each new staff member appointed.
- 10.7** In schools other than community national schools the chairperson or where applicable, the principal (with the permission of the chairperson) shall act on behalf of the Board in certifying the school returns and other official forms as required. In community national schools the principal and the Chief Executive (or their delegated officer) shall certify the school returns and other official forms as required.
- 10.8** 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/manager(s). 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**

- 11.1** An allowance as set out in [Circular 0008/2013](#) may be payable to principals who act as secretaries to boards of management. A broad outline of the duties of the principal 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.
- 11.2** Notwithstanding the provisions of the circular, the chairperson shall act as correspondent for the Board in accordance with **section 16.1** of this manual.
- 11.3** In circumstances where the principal of a school does not act as secretary to a Board-
- 1) The Board shall elect a recording secretary from amongst its members.
  - 2) The duties of the recording secretary are confined to:

- a) 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.
- b) Setting the agenda for meetings in consultation with the chairperson of the Board and the principal.
- c) Recording in the minutes, decisions reached at meetings including the numbers of those voting for or against a motion.
- d) In community national schools the secretary to the board of management sends a copy of the draft minutes of the proceedings of a Board meeting together with a copy of the minutes signed by the chairperson of the previous Board meeting to the relevant ETB for noting.

## 12. The Treasurer

- 12.1** Each board of management (other than boards of community national schools) shall, subject to **section 6**, elect a treasurer from amongst its members. The requirements of **section 12** do not apply to boards of management of community national schools. Boards of management of community national schools are advised to contact the relevant ETB regarding school finances as set out in **section 17.2** of this manual.
- 12.2** 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 17** of this manual.
- 12.3** 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. The [Financial Support Services Unit \(FSSU\)](#) as set out in [Circular 0060/2017](#) provides templates for use internally by schools for monitoring monthly income, expenditure, budget management cash flow etc. and are available on the FSSU website [www.fssu.ie/primary](http://www.fssu.ie/primary). Boards of management are asked to consider utilising this facility.
- 12.4** The Board must satisfy itself that proper internal controls are in place for all financial transactions. The Board shall ensure that appropriate controls are in place in relation to the use of any school credit 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.

- 12.5** 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 shall not use debit cards for school expenditure.
- 12.6** Cheque and online 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. In the case of a manager/managers appointed by the patron in accordance with section 14 of the Education Act, 1998 to manage the school the signatories of the school bank account(s) should be a manager along with a nominee of the patron.
- 12.7** 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.
- 12.8** All proper and usual records must be kept in respect of all financial transactions.
- 12.9** The treasurer shall present at each meeting of the Board an up-to-date statement of the school accounts giving details of income and expenditure since the previous meeting.
- 12.10** 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 at the end of each financial year, and on request to the patron, the trustees (in schools where there are trustees), and to the Department. The financial year for schools is from 1 September to 31 August.

## 13. Procedure for Board meetings

### 13.1 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.

### 13.2 First meeting

- (a) Every member of the Board shall sign the declaration at **Form 2 (formerly 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 2019 – 2023* and all other relevant rules, regulations, legislation including the Charities Act, 2009 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.
- (b) In circumstances where the principal 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, other than a Board of a community national school, shall also elect a treasurer from amongst its members in accordance with **section 12**.
- (c) 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.

### 13.3 Ordinary meetings

- (a) The chairperson may at any time call a meeting of the Board.
- (b) At least seven 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.

- (c) 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 3.3** (12 member Board).
- (d) The meeting shall be quorate throughout the entire course of the meeting.
- (e) Subject to **section 13.3 (c)**, a Board may act, notwithstanding one or more than one vacancy among its members.
- (f) The proceedings of the Board shall not be invalidated by reason of any defect in the appointment or qualifications of any member thereof.
- (g) 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 (d) above, the meeting shall remain quorate throughout the entire course of the meeting.
- (h) Where a matter is put to a vote, it shall be determined by a majority of votes of the members present including member(s) on a conference call 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 in the minutes of the Board meeting.
- (i) 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 subject to the requirement at **section 13.3 (k)**. 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. In community national schools the provisions at **section 11.3(2) (d)** also apply.
- (j) The provisions of **section 13.3 (b) to (i)** inclusive apply to all board meetings.
- (k) When agreeing a date for the final meeting of the outgoing Board, the Board should allow sufficient time for the minutes of the proceedings of the final Board meeting to be signed by the chairperson of that meeting.

## 13.4 Requested meetings

- (a) 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.
- (b) 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.

## 13.5 Emergency meetings

- (a) 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.
- (b) This meeting shall be held as soon as possible after notification of such meeting has been conveyed to all available members.
- (c) The usual quorum shall be required as set out in **section 13.3 (c)**.

## 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

- 15.1** 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 an interview board including an interview board of a community national school, for a principal, teacher or SNA appointment, this shall be dealt with in accordance with the relevant provisions of the Department of Education and Skills circulars on recruitment and appointment procedures as applicable (see **section 29** of this manual for further information on recruitment and appointment procedures).

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

**15.2** 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.

**15.3** 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. In community national schools employment matters are dealt with by the ETB as employer.

**15.4** 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.

**15.5** 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.

**15.6** 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:

- (a) immediately declare that interest/intention to the Board and,
- (b) preclude himself or herself from any involvement whatsoever in any discussion, deliberation or decision in the matter and,
- (c) cease to be a member of the Board where that member enters into a commercial agreement/business contract with the school.

## **16. Correspondence**

**16.1** The chairperson shall act as correspondent for the Board with the Department and all others. The chairperson may, however, nominate the principal 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.

**16.2** 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.

**16.3** 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. Finance**

### **17.1 The Board of Management and school finance**

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 financial resources including grants are managed appropriately and efficiently and in a manner that provides for appropriate accountability to the relevant parties. All expenditure by or on behalf of the board of management must be approved by the Board and by the relevant ETB in community national schools. The keeping of accounts and records in schools other than community national schools must be in accordance with section 18 of the Education Act, 1998. The accounts of community national schools form part of the accounts of the relevant ETB.

The board of management is responsible for taking all reasonable steps to reduce the risk of error, financial irregularity and fraud. Where an alleged irregularity is identified or suspected it must be reported promptly to the Department. In relation to any matter of alleged financial irregularity the Department's standard policy is to ensure that an investigation is undertaken and that the matter is referred to An Garda Síochána where appropriate.

### **17.2 Community National Schools and school finance**

The financial governance of community national schools shall at all times be managed and comply with the financial policy of the relevant ETB in accordance with the requirements of the Code of Practice for the Governance of Education and Training Boards, statutory provision, relevant Department circulars, and best practice guidelines set out by the Department and the ETB. The keeping of accounts and records must be as directed by the ETB. Boards of management of community national schools should contact the relevant ETB for information regarding the financial matters of the school including the keeping of accounts and records, accounting practices, budgeting, expenditure and internal controls.

### **17.3 Supporting financial governance in primary schools**

The Financial Support Services Unit (FSSU) supports financial governance in primary schools (other than community national schools) by providing a support mechanism for all primary schools to enable them comply with the provisions the Education Act, 1998 in terms of accountability, transparency and financial responsibility for State funds. Members of boards of management of community national schools should contact their relevant ETB in relation to financial governance.

The role and objectives of the FSSU are set out in Department [Circular 0060/2017](#) and include:

- Providing an advice and support service for primary schools on financial governance and all aspects of financial management and control. Standardised procedures and accounting formats have been developed including a standardised national template for annual school accounts.
- Acting as a central repository for receipt of annual accounts from schools.
- Carrying out such audits as may be required.
- Submitting financial information to the Charities Regulator which will also satisfy the financial reporting obligations placed on schools by the Charities Act, 2009.
- Provision of statistical information to the Central Statistics Office.

Boards of management are required to comply with the requirements of [Circular 0060/2017](#) and any subsequent circulars, including in relation to the use of the standardised national template for annual school accounts. Information on the FSSU is available at [www.fssu.ie](http://www.fssu.ie)

#### 17.4 Capital expenditure and works

- (a) 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). Any major repairs or alterations to the school premises of a community national school shall be subject to the prior approval of the relevant ETB and carried out under the direction of the relevant ETB.
- (b) In addition to the approval required under (a) 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.
- (c) Boards must comply with current building and planning regulations and current public procurement requirements. Public procurement requirements are set out in **section 27** of this manual.
- (d) 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.

- (e) 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.
- (f) Capital expenditure must be recorded separately from income and expenditure relating to the school's day to day activities in the school accounts and all documentation relating to specific school projects should be stored separately.

## 17.5 Grant payments

- (a) Details of the rate of funding to be issued to schools, are placed on the Department's website [www.education.ie](http://www.education.ie) incorporating any budgetary changes. Details of funding to be issued to community national schools, incorporating any budgetary changes, will be notified to the relevant ETBs and reflected in the annual service plan issued to ETBs.
- (b) 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.
- (c) 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.

## 17.6 Insurance

- (a) 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.
- (b) 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.
- (c) The following is the position for schools operating from premises owned by the Minister:

- 1) 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 policies noting the Minister's interest thereon with an insurer licensed to operate in the Republic of Ireland (or which has received official authorisation to operate in the Republic of Ireland in accordance with Article 6 of Directive 73/239/EEC as re-enacted or amended).
  - 2) Contents insurance should be taken out in respect of all contents regardless of whether the items were funded by the Department or any other party. There is no requirement to take out buildings insurance on buildings which have been funded by the Department of Education & Skills.
  - 3) In relation to the Minister's repair obligations under the lease, the main form of funding for repairs to buildings funded by the Department will be via the current grant schemes for schools. Details of the relevant grant schemes are available on the Department's website [www.education.ie](http://www.education.ie)
  - 4) 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.
  - 5) As the function of the board of management is to manage the school on behalf of the patron, the Board should ensure, where a school lease has been put in place that they adhere to all the terms and conditions in the school lease agreed between the patron and the Minister for the use of the school premises. 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. Where a school lease has been put in place the patron should provide a copy of the lease to the board of management.
  - 6) It is also intended that a Frequently Asked Question document on the school lease will be available via the Department's website [www.education.ie](http://www.education.ie) for the information of boards and schools on the terms of the lease. Boards are advised to monitor the Department's website for further updates.
- (d) The relevant insurance policies shall be available for inspection by interested parties.

- (e) The relevant ETB is responsible for ensuring that appropriate insurance arrangements are in place for each community national school under its patronage. Where an ETB is renting a property for a community national school, the ETB is responsible for employer's liability, contents and public liability insurance. Responsibility for other insurance rests with the landlord or as determined by the relevant lease in place for the property.

## 17.7 Accounting practice

- (a) What constitutes an adequate accounting system (in schools other than community national schools) will depend on the size of the school and the diversity of its activities. Boards of management of community national schools are advised to contact the relevant ETB regarding accounting practice as set out at **section 17.2** of this manual. The FSSU as set out in [Circular 0060/2017](#) provides templates for use internally by schools for monitoring monthly income, expenditure budget management cash flow etc. and are available on the FSSU website [www.fssu.ie/primary](http://www.fssu.ie/primary). Boards of management are asked to consider utilising this facility.
- (b) The Board must satisfy itself that proper internal controls are in place for all financial transactions. The Board shall ensure that appropriate controls are in place in relation to the use of any school credit 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. The Board shall not use debit cards for school expenditure.
- (c) Boards (other than community national schools) may also avail of on-line banking systems. In community national schools the prior permission of the relevant ETB is required to avail of on-line banking systems.
- (d) All expenditure by or on behalf of the board of management must be approved by the Board (see also **section 12** the Treasurer). 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.”*

- (e) 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 12.6** of this manual.
- (f) A total account of the Board's income and expenditure shall be prepared at the end of each financial year. 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. The financial year for schools is from 1 September to 31 August.
- (g) Boards of management (other than boards of community national schools) are required to comply with the requirements of Department [Circular 0060/2017](#) and any subsequent circulars including in relation to the use of the standardised national template for annual school accounts and the submission of same to the FSSU in the prescribed format and within the required timeframe.
- (h) The final accounts shall be presented to and reviewed by the members of the Board and once approved, signed by both the treasurer and the chairperson or a member of the Board nominated by the chairperson. In the case of a manager/managers appointed by the patron in accordance with section 14 of the Education Act, 1998 to manage the school, the signatories of the annual accounts must be the manager along with a nominee of the patron. A copy of the accounts shall be retained as part of the minutes of the board of management.
- (i) The school accounts should be made available for inspection to the school community including parents, the patron and trustees (in schools where there are trustees). As set out in [Circular 0060/2017](#) a standard template report for use when providing summary financial information to parents is available as part of the standardised national template for annual school accounts. 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.

## **17.8**     **Budgeting**

- (a) 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.
- (b) Provision for community national schools shall be incorporated into the Annual Service Plan of the relevant ETB submitted to the Department of Education and Skills annually. Boards of management of community national schools should contact the ETB regarding budgeting as set out in **section 17.2** of this manual.



- (c) Boards' expenditure should not exceed their annual income.
- (d) 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.
- (e) At the commencement of its financial year the Board shall frame and adopt a budget for the year. This budget should include provision for all relevant items of expenditure such as insurance, purchase of classroom requisites, maintenance costs etc. The financial year for schools is from 1 September to 31 August.
- (f) The board of management may form a finance sub-committee to operate under the authority of the Board.
- (g) 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.
- (h) 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. The parents' association bank account should therefore contain those funds needed to meet its on-going day to day running costs and any funds exceeding this amount should be transferred to the schools bank account as soon as practicable in line with the agreed timeline for

the transfer of funds set out at **section 17.8 (g)**. The parents' association is required to make available information regarding its bank account for inclusion in the annual accounts of the school.

## 17.9 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. The matter of a Board employing a teacher or SNA in a private capacity does not arise in a community national school as the relevant ETB is the employer.

Many management bodies do not recommend and patrons do not permit their schools hire such teachers and/or SNA's on a privately funded basis. In that regard, before a Board considers such an arrangement, the Board must seek the prior 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.

## 18. The Charities Regulator

Under the Charities Act, 2009 there is a requirement for each board of management to have its school registered with the [Charities Regulator](#) and to verify this information once a year. The Department and the Charities Regulator work closely to make the registration process as simple and straightforward as possible. There is no requirement for the board of management of community national schools to register individually with the Charities Regulator as the relevant ETBs registration with the Charities Regulator encompasses community national schools under its patronage.

As part of the registration process board of management members are required to provide their name, start date on the Board and residential address. Residential addresses provided will not be made public on the Register. Boards are also required to indicate which Board member is the chairperson. Where a change in Board membership occurs the schools registration with the Charities Regulator must be updated accordingly.

The Department has consulted with the Charities Regulator and board of management members who act with reasonable care and good faith, adhering to the rules and procedures including those pertaining to financial procedures outlined in the *Governance Manual for Primary Schools 2019 – 2023* and all other relevant rules, regulations and legislation relating to the membership and operation of Boards, meet the requirements outlined in the Charities Regulator publications the “Charities Governance Code” and “Guidance for Charities Trustees”. The Charities Regulator can be contacted by emailing [info@charitiesregulator.ie](mailto:info@charitiesregulator.ie).

## 19. Child Protection

**19.1** The [Child Protection Procedures for Primary and Post Primary Schools 2017](#) (the procedures) which issued under [Circular 0081/2017](#) apply to all recognised schools. They give direction and guidance to school authorities and to school personnel in relation to meeting their statutory obligations under the Children First Act, 2015 and in the implementation of the best practice (non-statutory) guidance set out in [Children First National Guidance for the Protection and Welfare of Children 2017](#) (Children First National Guidance 2017).

The procedures include:

- The reporting procedures to be followed by registered teachers in respect of their role as mandated persons, including a requirement to liaise with the Designated Liaison Person (DLP) and, where applicable, to submit mandated reports jointly with the DLP to Tusla.
- Guidance and direction for boards of management in relation to meeting their statutory obligations in relation to Child Safeguarding Statements. In that regard, the procedures require that all boards of management use certain mandatory templates published by the Department of Education and Skills when preparing, publishing and reviewing their Child Safeguarding Statement.
- Oversight requirements which are aimed at ensuring full compliance by schools with the Children First Act, 2015 [Children First National Guidance 2017](#) and with the Department’s requirements as set out in the procedures for schools.

**19.2** It is the responsibility of the board of management to ensure that the procedures are implemented in full and to quality assure their effectiveness on a regular basis. In that regard, good governance requires that the board of management can and does satisfy itself that the school has robust procedures in place to enable it to deal fully and properly with all child protection matters in the school in accordance with [The Children First Act, 2015](#) the [Children First National Guidance 2017](#) and with the Department’s requirements as

set out in the procedures for schools. The procedures contain certain oversight requirements aimed at ensuring that the board of management meets its responsibilities in this regard. All boards of management must comply in full with these oversight requirements which are set out in detail in chapter 9 of the procedures. They include oversight by the Board of the school's child safeguarding requirements and oversight of the reporting of child protection concerns. For the purposes of oversight of the reporting of concerns, the procedures require certain information to be provided to and reviewed by the board of management as part of the principal's Child Protection Oversight Report that must be provided to the Board at every Board meeting.

**19.3** The [Child Protection Procedures for Primary and Post Primary Schools 2017](#) and the associated mandatory templates and other supporting documents (additional optional templates and guidance documents) are available on the Department's website at [www.education.ie](http://www.education.ie). Schools must ensure they use the most up-to-date version of the templates as published on the Departments website [www.education.ie](http://www.education.ie)

**19.4** Under the [Child Protection Procedures for Primary and Post Primary Schools 2017](#) the Department's Inspectorate is required to monitor and report on schools' compliance with the procedures. As part of its monitoring and reporting role, the Inspectorate monitors and reports on schools' compliance with aspects of the Child Protection Procedures for Primary and Post Primary Schools 2017 during all inspection models. The aspects of the procedures checked during the inspection models depend on the inspection model and are set out in the publication [Child Protection Monitoring by the Inspectorate](#) available on the Department's website [www.education.ie](http://www.education.ie). The Inspectorate also implements a dedicated inspection model specifically designed to monitor compliance with the Child Protection Procedures for Primary and Post Primary Schools 2017. This model is referred to as the *Child Protection and Safeguarding Inspection* model. This is an in-depth, stand-alone inspection model that focuses on the implementation of ten main aspects of the procedures. Information about Child Protection and Safeguarding Inspections is available on the Department's website at [www.education.ie](http://www.education.ie)

## **20. Garda Vetting**

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

The Vetting Act has placed statutory obligations on school authorities (other than in certain limited circumstances as set out in the Vetting Act) to obtain a vetting disclosure from the National Vetting Bureau prior to employing, contracting or placing a person to undertake relevant work or activities with children or vulnerable persons or prior to permitting a person to undertake such relevant work or activities on behalf of the school.

- 20.2** The Vetting Act also provides for the statutory retrospective vetting and periodic re-vetting of employees, volunteers and others who undertake relevant work or activities with children or vulnerable persons. It is a criminal offence for a school authority not to comply with its statutory vetting obligations under the Act.
- 20.3** It is important to note that the National Vetting Bureau does not decide on the suitability of any person to work with children or vulnerable persons. Decisions on suitability for such work rest at all times with the relevant school authorities, and the results of vetting should form only one component of the recruitment decision. In that regard vetting should not, take the place of normal recruitment procedures, such as seeking and following up of references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for. Whether a person is being considered for employment or other roles in the school, comprehensive procedures for the checking of the person's suitability to work with children or vulnerable persons are an essential element of child protection practice.
- 20.4** Separate to the requirements of the Vetting Act, school authorities must also be cognisant of their civil law duty of care to their pupils and the need for prudent practice from a child protection perspective. In circumstances where the Vetting Act does not require a school authority to obtain a vetting disclosure, a school authority may from a prudent practice perspective nevertheless opt to seek a vetting disclosure in respect of a person prior to employing, contracting or placing that person to undertake relevant work or activities with children or vulnerable persons or prior to permitting that person to undertake such relevant work or activities on behalf of the school.
- 20.5** School authorities must also ensure compliance with the Department's requirements in relation to the provision of a child protection related statutory declaration and associated form of undertaking by all persons being appointed to teaching and non-teaching positions. Further information relating to vetting requirements can be found on the Department's website [www.education.ie](http://www.education.ie)

## **21. The Data Protection Acts and GDPR**

- 21.1** The General Data Protection Regulation (GDPR) and the Data Protection Act, 2018 came into effect on 25 May 2018.

The GDPR complemented by the Data Protection Act, 2018 is designed to protect the rights of individuals with regard to personal data. Under the GDPR, personal data is data that relates to or can identify a living person, either by itself or together with other available information and a data subject is the individual to whom the personal data relates.

- 21.2** The GDPR and the Data Protection 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 is collected fairly, is accurate and up-to-date, is kept for lawful purposes, and is 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.

**21.3** Schools/ETBs are data controllers where they process the personal data of students, parents and staff. All Board minutes and other school records and data must be maintained in compliance with the GDPR and Data Protection Acts. The responsibility for compliance with the Acts rests with each school/ETB. The school/ETB 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.

**21.4** A “*Data Protection in Schools*” website [www.dataprotectionschools.ie](http://www.dataprotectionschools.ie) was launched by the primary and post primary management bodies in September 2014 which provides an overview of data protection legislation and how it applies to schools. A further resource [www.gdpr4schools.ie](http://www.gdpr4schools.ie) was established to assist schools prepare for and implement GDPR requirements.

## **22. 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 community national school is currently exempt under the Freedom of Information Acts. A board of management of a community national school established or maintained by an Education and Training Board is partially included under Schedule 1, Part 1(h) of the Freedom of Information Act, 2014. Community national schools under the patronage of an ETB should contact the relevant ETB for advice and guidance on 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.

## 23. The Protected Disclosures Act, 2014

**23.1** The [Protected Disclosures Act, 2014](#) requires 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. Written information in relation to these procedures must be provided to workers employed by the public body (which includes schools).

**23.2** 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.
- An obligation to protect the identity of the discloser.

**23.3** The Minister for Public Expenditure and Reform has published [Guidance under section 21\(1\) of the Protected Disclosures Act, 2014](#) for the purpose of assisting public bodies in the performance of their functions under the Act. Each school authority should draw-up and maintain protected disclosures procedures in line with this guidance. Each school authority 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/ETBs put a Protected Disclosure Policy in place in addition to establishing the required procedures.

**23.4** Community national schools are required to contact the relevant ETB regarding the Protected Disclosures Act, 2014.

## 24. 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.

## 25. Use of school premises

**25.1** 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](http://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.

**25.2** In the case of community national schools a policy document governing the use of the school for community purposes shall be prepared by the ETB, in consultation with the board of management. This document should cover the issue of all costs (direct/indirect) and insurance requirements. Any rental income generated will be ring-fenced by the ETB for use by the school.

**25.3** In October 2017 the Department published [Guidelines on the use of school buildings outside of school hours](#) designed to assist schools who wish to use their premises for educational, recreational and community purposes, including childcare services. In this regard it is important for school authorities to be aware that there may be governance and liability issues associated with the provision of pre-school services on behalf of the board of management. Although it is possible for a board of management to register as a registered provider under the Childcare Regulations, it is important for school authorities to be aware that the protections afforded to individual Board members in terms of the indemnity which applies to Board members under section 14(7) of the Education Act, 1998 may not apply in the case of pre-schools. School authorities should seek their own legal advice in this regard.

The recommended approach is that where a pre-school is proposed, subject to the relevant consents of property owners/trustee and patron, rooms or premises may be made available to third parties (registered childcare providers) by means of a legal agreement. The



approvals required and legal agreements have been set out in section 3 of the [Guidelines on the use of school buildings outside of school hours](#).

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.

## 26. Guidelines on Health and Safety

**26.1** In accordance with the [Safety, Health and Welfare at Work Act, 2005](#), it is the responsibility of individual school authorities 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. In March 2018 the Department issued [Circular Letter 0018/2018](#) to remind all school authorities of the need for vigilance in the management of Health & Safety, including in particular fire safety systems.

**26.2** 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](http://www.hsa.ie)

## 27. Procurement of Goods and Services

**27.1** 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. Community national schools are required to comply with the procurement policy of the relevant ETB.

## 27.2 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 procurement of goods and services.

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 provides advice and guidance to help ensure schools are fully compliant in meeting their obligations under public procurement law and have published the booklet [Guidance for Schools on Good Procurement Practices](#). Further information including National and EU procurement thresholds for goods and services is available at [SPU Procurement Guide](#).

## 28. Energy Management in Schools

**28.1** 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](http://www.energyineducation.ie)

### 28.2 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 Climate Action and Environment \(DCCA\)](#). It is the responsibility of each ETB to report annually on the energy usage of each of its schools directly to the Sustainable Energy Authority of Ireland (SEAI).

SEAI and DCCA have developed an on-line energy Monitoring and Reporting (M&R) system to facilitate schools to report their energy use (as required and detailed in SI 426 of 2014 and SI 646 of 2016). 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.

There is additional information on the reporting process available at [www.seai.ie](http://www.seai.ie)

The summer works programme as of 2019 requires that payment of the grant to schools who receive funding under this scheme will be subject to schools registering on the SEAI website and committing to making the appropriate returns.

## 29. Appointment of all Employees of the Board of Management/ETB including Teachers/Principals/Special Needs Assistants

**29.1** The Department’s requirements in relation to the recruitment and appointment procedures and the composition of interview boards are set out in [Circular 0044/2019](#) for principals and teachers and in [Circular 0051/2019](#) for special needs assistants. Both Circular 0044/2019 and Circular 0051/2019 supersede Appendices D, E and H of the *Governance Manual for Primary Schools 2015 – 2019*. Employers are required to comply with the requirements of Circular 0044/2019 and Circular 0051/2019 and any subsequent circulars. Both circulars are available on the Department’s website [www.education.ie](http://www.education.ie). Enquiries in relation to recruitment and appointment procedures for teachers and special needs assistants (SNA’s) may be emailed to [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie).

The Board/ETB 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.

**29.2** Thorough recruitment procedures are also an essential element of child protection practice. The Board/ETB must ensure all appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department circulars in relation to Garda vetting (see **section 20** of this manual). The Board/ETB must also ensure the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to teaching and non-teaching positions.

## 30. 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. In community national schools this form must also be approved by the relevant ETB.

## 31. On-Line Claim System (OLCS)

**31.1** 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. [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 [www.education.ie](http://www.education.ie)

**31.2** The relevant ETB as employer is responsible for the recording of absences of teachers and SNA's in community national schools and all claims for the relevant substitute must be approved by the ETB. In the case of community national schools it is important that procedures are in place to ensure that the entering and approval of leave and claims is carried out in a timely fashion in order to meet payroll deadlines.

**31.3** Boards of management/ETBs 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.

- 31.4** Boards of management/ETBs 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/ETBs ensure that the necessary control and security measures are implemented. Boards of management/ETBs 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.
- 31.5** Boards of management/ETBs 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/ETB on a regular basis, or where requested by the Board/ETB. Copies should also be forwarded to the staff members concerned.

## 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 meeting of teaching staff 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 3.3** of this manual is being put in place, a joint meeting of teaching 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 who also has a vote. For this purpose, serving teachers may self-nominate and shall be taken to mean teachers serving in the school in a permanent capacity or in a fixed-term (full-time or part-time) capacity where the term of appointment is six months or greater. A serving teacher employed by more than one school is eligible to nominate, vote and/or be nominated in each of the schools in which they are employed.
  3. The following teachers are not eligible to nominate, vote and or be nominated:
    - (a) teachers (including substitutes) whose term of appointment is less than six months\*;
    - (b) teachers on career break;
    - (c) teachers on secondment;
    - (d) 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 3.3** 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 be a religious person, the elected teacher member shall be a lay person and, if the principal be a lay person, it is recommended that the elected teacher member shall be a religious person.
11. The procedure set out at 1 - 10 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 3.3** 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 3.1 (b)** or **3.2 (b)** or **3.3.2 (b)** of this manual.
- Parents of children who are enrolled and have commenced attendance at the school from junior infants to sixth class inclusive are eligible for nomination and election to the Board.

### 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.



**Note:**

A parent nominee on a board of management while they can be a member of the parents' association committee, they should not hold a position of office on the parents' association committee.

**Data Protection and GDPR**

When circulating details of nominees put forward for appointment as parent nominees on a Board, the patron's representative and parents' association should exercise vigilance and be aware of their obligations arising from the GDPR and Data Protection Acts and the need to ensure full compliance with the Acts in relation to the collection, use, retention, security 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 (2)** 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 EU General Data Protection Regulation (GDPR).

## 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 3.3** 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. Parents may self-nominate and 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 subject to the requirement of **3.3.2 (b)** of this manual.
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 write to all parents of children who are enrolled and have commenced attendance at the school (i.e. each household) to establish their willingness to stand for nomination and election as parent nominee on the board of management.
2. The patron's representative shall, for those parents who indicate their willingness to stand for nomination and election, seek their consent for the circulation of their name and the classes attended by their children to each household. The Data Protection Acts require that the patron's representative must receive the prior permission of each parent for the circulation of such personal information to other parents of children who are enrolled and have commenced attendance in the school.
3. The patron's representative shall then compile a list of all parents who have given their consent for nomination and election as parent nominee which may contain the classes attended by their children where consent is given. The list shall then be circulated to each household, inviting parents of children who are enrolled and have commenced attendance in the school to nominate candidates from this list for election to the board of management.
4. Each parent may make one nomination for the fathers' panel and one for the mothers' panel. Nominations 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.
5. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected.
6. 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.
7. 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 Acts require that the patron's representative must seek permission for the circulation of such personal information from those accepting nomination.
8. Separate ballot papers should be used for the election of one mother and one father. Each parent voting shall have one, non-transferable vote for each panel. The patron's representative should make arrangements 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.

9. The votes shall be counted in public.
10. The election shall be determined on a plurality of votes (i.e. the first past the post system).
11. In the event of a tied vote between nominees, the election of the nominee(s) shall be determined by the drawing of lots.
12. The result of the ballot shall be notified to the parents and to the patron's representative.
13. 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.
14. 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 a member(s) 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 3.3** 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 point 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 3.1** or **3.2** or **3.3** 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 Community National 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 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.

## Form 1 (Formally known as 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: 

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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 2019 – 2023* 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 3.3** of the *Governance Manual for Primary Schools 2019 – 2023*? 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 Form 1 (formally known as Appendix F) 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 2019 – 2023* and the Education Act, 1998.

Signed: \_\_\_\_\_ (Patron's signature) Date: \_\_\_\_\_

**NOTE:** Where there is a change of Chairperson during the Board's term of office, the patron shall submit an updated **Form 1 (Formally known as Appendix F)** declaration to School Governance Section as soon as the appointment has been made. 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.**

## Form 2 (Formally known as 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 2019 – 2023* 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:** Where there is a change in membership during the Board's term of office this declaration should be signed by any new member at or before the first meeting that he or she attends. This form shall be kept as part of the minute book.

