



etbi

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

ETBI Handbook on Governance Manual for Community National Schools 2019 - 2023



Introduction

The Governance Manual for Primary Schools 2019-2023 has issued to all primary schools in Ireland. Education and Training Boards Ireland (ETBI) as well as all other patron bodies were part of the Department of Education and Skills (DES) Task Group that developed this manual. One of the main concerns of ETBI in the revision of the Governance Manual for Primary Schools 2015-2019 was to ensure that Community National Schools (CNSs) and Education and Training Boards (ETBs) were included throughout the document and not as a separate appendix. This was achieved in the current iteration of the manual.

The Governance Manual for Primary Schools 2019-2023 clearly outlines the areas of the manual that do not apply to Community National Schools due to its governance structures under the ETBs. However, it was felt by the Community National School Principals' Network that the Governance Manual for Primary Schools 2019-2023 could be further enhanced for members of Boards of Management in Community National Schools with the publication of a handbook.

This handbook has taken all of the relevant information from the Governance Manual for Primary Schools 2019-2023 but has taken out all information that is not relevant to Community National School Boards of Managements. It has also included information that is required by members of Community National School Boards of Management in order to carry out their functions effectively that is not in the main Governance Manual.

Although the Governance Manual for Primary Schools 2019-2023 that was issued to all schools by the DES is available to members of a Community National School Board of Management, it is hoped that this handbook will provide members of Community National School Boards of Management with all the information they need to carry out their functions effectively.

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 Board of Management of a Community National School is a committee of the ETB in accordance with section 44 of the Education and Training Boards Act, 2013. The ETB is the ‘body corporate’ for the school.

The functions of the Board of Management are set out in section 15 of the Education Act, 1998 which provides, inter alia, that it shall be the duty of the Board of Management 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 board¹ 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”*.

Body Corporate: Means a body which can sue and be sued in its own name.

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: 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 ETB.

ETB: Means an Education and Training Board.

Minister: For the purposes of this manual, the Minister means the Minister for Education and Skills.

¹ The term ‘board’ in Section 15 of the Education Act should be taken to mean the Board of Management of a Community National School

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 or body corporate 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 of Management or dissolve a Board of Management.

School Authority: For the purpose of this manual, school authority refers to the relevant ETB.

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 of Management.

**Term of
Office:**

Term of office as it appears in this manual shall, unless the context requires otherwise, be taken to mean the four year-period from 1 December 2019 up to and including 30 November 2023. The term of office of any Board of Management is subject to the provisions of sections 14, 16 and 17 of the Education Act, 1998 and to the relevant provisions of this manual.

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 of Management 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 *Handbook on Governance Manual for Community National Schools Schools 2019 – 2023*. It is acknowledged that the most effective Boards of Management also have a clear understanding of their role and responsibilities and ensure that these are fulfilled. Training for Boards of Management can play an important role in this regard. Board of Management members are therefore strongly advised to avail of the training that is provided, provided by the relevant ETB.

The Board of Management 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 of Management 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 of Management 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 Revised Code of 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 of Management, the following is an outline of some of the key activities in which effective Boards of Management typically and routinely engage.

1.2 The Board of Management and the Patron

It is the duty of the Board of Management to manage the school on behalf of the patron. In carrying out this duty the Board of Management is obliged to consult with and keep the patron informed of decisions and proposals of the Board of Management.

Section 44(18) of the Education and Training Boards Act 2013 states that *'the acts of every committee established under this section ... shall be subject to confirmation by the education and training board that established it, save where the Minister otherwise directs'*. In this regard, the Minister directs that this confirmation is not required in the case of a Board of Management of a Community National School in the ETB sector provided that:

- a) The ETB has formally (by resolution of the ETB) provided the Board of Management of a Community National School with terms of reference and the Board of Management of a Community National School is operating within these terms of reference. The Handbook on the Governance Manual for Primary Schools 2019-2023 are the terms of reference; and
- b) The Secretary of the Board of Management of the Community National School sends to the relevant ETB a copy of the draft minutes of the proceedings of a board meeting together with a copy of the adopted minutes of the previous board meeting.

The Board of Management is also accountable to the patron for upholding the school's characteristic spirit.

The Board of Management 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 of Management matters and that any information required for the exercise of the patron's role is made available to the patron by the Board of Management. 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, 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 all 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** of this manual.

1.4 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

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

1.5 School Policies

1.5.1 The Board of Management has overall responsibility for school policies. Therefore, there are a range of different school policies that Boards of Management 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 of Management will need to consider any particular school policy will depend on the circumstances of the school in question. However, each Board of Management 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.

1.5.2 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 of Management.

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 for the up-to-date position regarding same.

1.5.3 Code of Behaviour

The Board of Management 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 and include the requirement for schools to have an Anti-Bullying Policy within the framework of their overall Code of Behaviour.

1.5.4 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 of Management 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 of Management and to school personnel in preventing and tackling school-based bullying behaviour amongst its pupils. The Board of Management and school personnel are required to adhere to these procedures in dealing with allegations and incidents of bullying.

The Board of Management 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 of Management 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).

1.5.5 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 for the up-to-date position regarding same.

1.6 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 of Management therefore have a statutory duty to ensure that appropriate systems and procedures are in place to ensure school resources (including grants, staffing and other resources) are managed appropriately and efficiently and in a manner that provides for appropriate accountability to the relevant parties.

The Board of Management should also be fully aware of and actively involved in the oversight of the school's applications for all resources. The approval of the ETB is also required in respect of applications for building projects. **Section 17.4** of this manual provides information for Boards of Management 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

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 of Management must be fully satisfied as to its accuracy. The signature sheet should then be signed 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, the ETBs 'Anti-Fraud and Corruption' policy will apply.

1.7 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, 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 ETBs 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.

1.8 School Planning

The Education Act, 1998 requires the Board of Management 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 of Management 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.

1.9 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 of Management 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 of Management itself.

The Act places a statutory duty on the Board of Management 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 Management of the teaching and learning in the school should be in place. Furthermore, the Board of Management, can and should play an active role in improving standards in the school from an oversight and governance perspective. For example, effective Boards of Management 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

of Management 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 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 of Management 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 of Management 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 to assist Boards of Management in this regard.

The focus of the Board of Management'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 of Management for this purpose should be in a format that does not breach pupil confidentiality (e.g. information aggregated by class or group, as appropriate).

1.10 Training for Boards of Management

Board of Management members are strongly advised to access relevant training to assist them in carrying out their role. ETBs are responsible for the provision of Board of Management training. ETBI supports ETBs in delivering this by providing a 'Train the Trainer' programme for those charged with the training of Boards of Management in each ETB.

Board of Management 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 are as follows:

- The Role, Responsibilities and Effective Functioning of the Board of Management
- Governance and Legal issues - policies and procedures arising from legislation, guidelines and circulars

- Child Protection Procedures
- Anti-Bullying Procedures
- Core Values and Characteristic Spirit of Community National Schools
- Teaching and Learning/SSE/SIP/WSE and MLL
- Understanding the Role of the BoM in Special Education Provision

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 of Management members and available training resources. It is the responsibility of each Board of Management 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 of Management will normally be the main source of information for other Board of Management members in relation to general information and in relation to queries regarding Board of Management matters. Board of Management members will also find the relevant ETB's and ETBI's websites as useful sources of general information. If such general information is not available on the relevant websites then the Board of Management member may seek it from 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 of Management, 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 of Management.

1.11 The Characteristic Spirit (ethos) of Community National Schools and the Board of Management

As previously stated, the responsibility for the characteristic spirit of all schools in Ireland lies with the patron. Section 15 (2)(b) of the Education Act 1998 states that the Board of Management of a school must:

“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...”

The ETB sector has reviewed the core values underpinning the characteristic spirit of their schools, and the following statement can now describe the core values and characteristic spirit of a Community National School:

Community National Schools are state, co-educational, multid denominational schools underpinned by the core values of:

- Excellence in Education;
- Respect;
- Care;
- Equality and
- Community.

An Interim Patron's Framework has been developed for the Community National School Model that should be used until a final Patron's Framework for both Community National Schools and ETB Post-Primary Schools is finalised. The Interim Patron's Framework was developed around the core values of Community National Schools being:

- Multidenominational
- Equality-Based
- Community Focused, and being committed to
- Excellence in Education

As all of these core values will be part of and enhanced in the revised Patron's Framework for the ETB sector, it is still a very relevant document to work on in the interim.

In summary, the Interim Patron's Framework is used to:

- Support ETBs in ensuring that BoMs and school management and staff are upholding the characteristic spirit of the school as described in the Framework.
- Inform BoMs and school management and staff about how the core values and characteristic spirit of an ETB are best lived out.
- Enable ETBs and ETB schools to provide clear information to external individuals/groups about their core values and characteristic spirit.

The Framework acknowledges that every school caters for its school community. However, it provides the broad parameters within which this must be done in order to uphold the characteristic spirit of a Community National School. A copy of the Interim Patron's Framework is available from the local ETB. Once the revised Patron's Framework for all ETB schools is complete, it will be issued to all Boards of Management. All decisions of the Board of Management should be in line with the core values of the Community National School model.

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 of Management 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 board² 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

² The term ‘board’ in Section 15 of the Education Act should be taken to mean the Board of Management of a Community National School

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 of Management are advised to monitor the Department's website 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 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 or with the Department directly for the up-to-date position regarding same.

2.6 Indemnification for Board of Management 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*

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 four-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 12-member Board of Management for each school, there will be just one election/nomination process across both schools and the 12 persons who are elected/nominated will serve on the Boards of Management of both schools. Under the pilot shared governance arrangement the same group of 12 people are members of the Board of Management of each of the two schools i.e. each person is a member of the Board of Management of school “A” and also a member of the Board of school “B”. While each Board of Management 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 12-member Board of Management 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 of Management) 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 of Management members, eligibility and cessation of Board of Management 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 of Management 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 of Management 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 of Management 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 of Management must hold its own separate Board of Management meetings, meetings may be scheduled so that they are conducted consecutively (with one school's Board of Management meeting immediately following the other). To ensure that the distinction between two different Boards of Management is maintained, there should be clear and consistent administration of meetings so that the business relating to each separate Board of Management 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 of Management. The keeping of accounts and records must be in accordance with section 18 of the Education Act, 1998. A total account of each Board of Management'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 of Management that have been appointed under a shared governance arrangement in accordance with this section of the manual.

Note: The Department will notify Boards of Management 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 of Management, where practicable:

- Board of Management 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 of Management 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 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 of Management 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 Management 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 of Management.

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/ETB 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 of Management 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 of Management 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 of Management, the patron shall manage the school or appoint a manager to discharge the functions of a Board of Management in accordance with section 14 of the Education Act, 1998.

The term of office of the new Board of Management 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 of Management 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 Management 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 of Management 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) of Management 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 of Management 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 of Management 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 of Management in accordance with section 14 of the Education Act, 1998.

The term of office of the new Board of Management 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 of Management so far as their remuneration as teachers is concerned, no member of the Board of Management 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 of Management. 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. As the Board of Management of a Community National School is a committee established under section 44 of the Education and Training Boards Act 2013, in accordance with section 44(10) of this Act, each ETB is required to obtain the consent of the Minister for the appointment of the Chairperson of the Board of Management.
- 4.7 In all cases, in relation to the appointment of the Board of Management, 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 of Management 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 of Management, 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

- 4.8 Except where the Minister communicates to the contrary, within 10 days of receipt of the information at 4.7, the Board of Management will be deemed to be recognised by the Minister.
- 4.9 The first meeting of the Board of Management must be held within one calendar month of the date of recognition of the Board of Management by the Minister. Every member of the Board of Management shall, at or before his or her first attendance at a meeting of the said Board of Management, sign the declaration set out at **Form 2 (formerly Appendix G)** of his or her acceptance of membership of the Board of Management and his or her undertaking that he or she will adhere to the rules pertaining to his or her duties as per the *Handbook on the Governance Manual for Community National Schools 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 of Management. Until the declaration at **Form 2 (formerly Appendix G)** is signed by a Board of Management member, he or she shall not be entitled to act as a member of the Board of Management.
- 4.10 The patron's representative dealing with a vacancy arising during the term of office of the Board of Management need not necessarily be the same person who acted as patron's representative for the initial Board of Management 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 ETB, and/or for the purposes of the school may not be appointed to nor be a member of the Board of Management. For clarification, section 44 of the Education and Training Board Act 2013 precludes an employee of an ETB from sitting on any committee (which includes a board of management) of that ETB, except where:

- (a) The employee is one of the two staff representatives elected as a member of the Education and Training Board, in line with section 30(1)(b) of the Education and Training Board Act 2013;
- (b) The employee is an elected teacher nominee to the Board of Management of the school within which that teacher works, in line with section 44(12)(a) of the Education and Training Board Act 2013 and the direction of the Minister to Education and Training Boards in February 2017;
- (c) The employee is a member of the board of management of a school within which s/he is the principal or acting principal of the school, in line with section 44(12)(a) of the Education and Training Board Act 2013 and the direction of the Minister to Education and Training Boards in February 2017;

6.2 Community National School Board of Management members are not trustees of a charity in the same way Board of Management members of non-ETB schools are. However, as ETB Board of Management members are considered trustees, it is prudent that they would only appoint Board of Management members who meet the eligibility criteria applied to trustees of charities. Therefore, a person³ shall not be eligible to be a member of a Board of Management in a Community National School if that person:

³ 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.

- (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 provisions set out in (a) to (f) of this section align with the requirements of section 55(1) of the Charities Act, 2009.

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

7.1 Term of office

- (a) The term of office of the Board of Management shall, subject to the provisions of this manual and the Education Act, 1998 be for a period not longer than four 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 of Management but may be eligible for re-appointment.

7.2 Dissolution of Board of Management/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 of Management or dissolve the Board of Management.
- (b) Before deciding to remove a member of the Board of Management or to dissolve the Board of Management, the patron shall inform that member or Board of Management by notice in writing of the intention to so remove or dissolve and the reasons therefor, and shall afford such member or Board of Management 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 and Section 44 of the Education and Training Board Act 2013 when deciding to remove a member of the Board of Management 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 of Management 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 of Management 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 of Management 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 of Management 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 of Management.

(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 of Management 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 of Management 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 of Management extends beyond a continuous period of 24 weeks, such teacher nominee shall cease to be a member of the Board of Management 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 of Management for the period up to and including 30 November 2023.

(e) Where, during the term of office of the Board of Management, a teacher nominee takes up the role of acting principal, the replacement teacher nominee shall cease to be a member of the Board of Management 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 of Management.

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

- (g) Any parent who ceases to have a child enrolled in the school shall cease to be a member of the Board of Management 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 of Management's term of office. Such a parent may remain on the Board of Management until the end of that Board of Management'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 of Management 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 of Management 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 of Management members

If a member of a Board of Management wishes to resign from his or her position as a Board of Management 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 of Management. A chairperson who wishes to resign from the Board of Management shall give written notice of this intention to the patron and shall, thereupon cease to be a member of the Board of Management.

7.5 Vacancies

- (a) Where a member of a Board of Management:

- 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 of Management 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 of Management 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 of Management. Until such declaration is signed by the new member, he or she shall not be entitled to act as a member of the Board of Management.
- (c) Any change in the membership of the Board of Management shall be recorded in the minutes of the next meeting of the Board of Management. The Board of Management'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 of Management 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 of Management.

Important Note:

In any case where vacancies on the Board of Management result in the membership falling below the number required for a quorum, the Board of Management shall cease to exist and the exercise of the functions of the Board of Management 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 of Management 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 of Management 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 of Management meetings. Such reporting may be a breach of confidentiality requirements. It is a matter for each Board of Management 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 of Management. Individual members of the Board of Management are obliged to keep the matters discussed at meetings confidential, unless otherwise agreed by the Board of Management and where so agreed, members of the Board of Management must not publicly criticise or make any negative public comment about Board of Management decisions, irrespective of their own personal views on the matter.

Section 9.3 provides for the Board of Management 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

9. Board of Management Communications/Transparency

- 9.1** Good management practice will require frequent communications to parents, staff and the school community.
- 9.2** The Board of Management 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 of Management *“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 of Management, at the closure of each Board of Management 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 of Management 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 of Management 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 of Management. 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 of Management 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 of Management 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 of Management 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 Community National Schools the principal and the Chief Executive (or their delegated officer) shall certify the school returns and other official forms as required.
- 10.7** 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 of Management members may also visit their schools; however, such visits must only be undertaken where official Board of Management business is being conducted and as authorised by the chairperson of the Board of Management.

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 of Management from time to time.

11.2 Notwithstanding the provisions of the circular, the chairperson shall act as correspondent for the Board of Management 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 of Management-

- 1) The Board of Management 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 of Management 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 of Management meeting together with a copy of the minutes signed by the chairperson of the previous Board of Management meeting to the relevant ETB for noting.

12. The Treasurer

The role of Treasurer to the Board of Management is not comprehended in the Community National School model. The responsibility for financial and budgetary management has been delegated to the Principal of the school by the Chief Executive. The Board of Management as a whole has an oversight and monitoring role in respect of all fiscal matters in the school.

13. Procedure for Board meetings

13.1 Frequency of meetings

A Board of Management 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 of Management 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 of Management. This is a declaration of acceptance of membership of the Board of Management 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 of Management. Until such declaration is signed by the member, he or she shall not be entitled to act as a member of the Board of Management.
- (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 of Management shall elect a recording secretary from amongst its members in accordance with **section 11**.
- (c) Training, which is particularly important for new Board of Management members, should be discussed at the first meeting of the Board of Management with a view to putting in place a plan to identify and meet the training needs of Board of Management members. The training plan for Board of Management members should be regularly reviewed and updated by the Board of Management.

13.3 Ordinary meetings

- (a) The chairperson may at any time call a meeting of the Board of Management.
- (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 of Management. It should be clear that all members of the Board of Management 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 of Management 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 of Management shall be:
- three members in the case of schools having a recognised staff of one teacher (4-member Board of Management),
 - five members in the case of schools having a recognised staff of more than one teacher (8-member Board of Management), and
 - seven members in the case of schools operating a shared governance arrangement in accordance with **section 3.3** (12-member Board of Management).
- (d) The meeting shall be quorate throughout the entire course of the meeting.
- (e) Subject to **section 13.3 (c)**, a Board of Management may act, notwithstanding one or more than one vacancy among its members.
- (f) The proceedings of the Board of Management shall not be invalidated by reason of any defect in the appointment or qualifications of any member thereof.
- (g) All decisions of the Board of Management 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 of Management meeting. In such circumstances, this fact must be recorded in the minutes and the Board of Management 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 of Management meeting.
- (i) Minutes of the proceedings of the Board of Management 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 of Management and shall be available on request to the patron 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 of Management meetings.
- (k) When agreeing a date for the final meeting of the outgoing Board of Management, the Board of Management should allow sufficient time for the minutes of the proceedings of the final Board of Management 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 of Management 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 of Management 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 of Management to the Patron, and the Department

The Board of Management shall make available to the patron, 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 of Management proceedings

Where a relationship arises in the case of any member of 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.

15.1 Where any member of the Board of Management 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 of Management for consideration (including matters relating to procurement of goods or services), that Board of Management member shall immediately disclose to the Board of Management the fact of that relationship and the nature thereof. Unless the Board of Management 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 of Management proceedings should not be open to the charge of bias, then that member shall take no part in the Board of Management's deliberations on the matter. In this context, Board of Management 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 of Management. The disclosure and absence of the member from the deliberation and decision-making process shall be recorded in the minutes.

15.2 Where any member of the Board of Management 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 of Management for consideration, that Board of Management member shall withdraw from the Board of Management's deliberations on the matter unless the Board of Management 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 of Management proceedings should not be open to the charge of bias. In this context Board of Management 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 of Management. 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 matters that are employment related are dealt with by the ETB as employer and not the Board of Management.

15.3 Where the patron is satisfied, after due investigation and following receipt of a recommendation from the Board of Management, that any member of the Board of Management failed, at a material time, to disclose a relationship, it shall remove that person from membership of the Board of Management in accordance with section 16 of the Education Act, 1998 and sections 12 and 44 of the Education and Training Board Act 2013 and shall not subsequently appoint that person as a member of any Board of Management.

15.4 In the event of a member of the Board of Management 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 of Management 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 If a serving Board of Management member (or his /her business or company) wishes to engage in a commercial agreement/business contract with the school the Board of Management member concerned must:

- (a) immediately declare that interest/intention to the Board of Management 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 of Management 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 of Management 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 of Management 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 of Management without having discussed the matter at a meeting of the Board of Management and having been authorised by the Board of Management and the patron ETB 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 of Management.

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 of Management 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 Responsibility for financial governance

The Board of Management of a Community National School should be involved in the oversight of the school's applications for all resources. These functions must be conducted in compliance with;

- Relevant legislation;
- Code of Practice for the Governance of Education and Training Boards;
- Circular letters as issued by the Department of Education & Skills;
- ETB policies, practices and procedures;
- Guidelines as set out by the Department of Education & Skills, and;
- Guidelines issued by the ETB.

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 including the efficient use of state funds. Boards of Management therefore have a statutory duty to ensure that appropriate systems and procedures are in place such that school resources (including grants, staffing and other resources) are managed appropriately and

efficiently and in a manner that provides the Department with assurance of appropriate accountability from the relevant parties.

The Board of Management have an important oversight function in ensuring that all returns required by the ETB and the Department are accurate and timely.

17.2 The Board of Management and School Finance

The financial governance of a Community National School shall at all times be managed and comply with the financial policies of the relevant ETB. These policies are in line with the requirements of the “*Code of Practice for the Governance of Education and Training Boards*”, statutory provisions, relevant Department circulars, and best practice guidelines set out by the Department and the ETB.

The responsibility for financial management is an executive function and resides with the Principal as a delegated officer of the Chief Executive, in line with section 16 of the Education and Training Board Act 2013. The keeping of accounts and records must be as directed by the ETB.

The Board of Management is responsible for the **monitoring and oversight** of the financial activities of the school. The Board of Management is required under Section 15 of the Education Act 1998 to have regard to the efficient use of resources and, in particular to, the efficient use of State funds.

The Board of Management in the exercise of their **monitoring and oversight** function shall:

- Note the annual budget for the school for the year;
- Review the budgetary performance of the school at each Board of Management meeting and discuss the financial position of the school with the Principal;
- Review financial reports as provided by the ETB.

The Board of Management is not permitted to borrow money. This includes overdrafts, credit cards or other forms of debt.

17.3 Supporting financial governance in primary schools

Support around matters of financial and other areas of governance in Community National Schools will be provided by the ETB. Any issues or concerns arising therefrom must be addressed directly with the ETB. The ETB supports Community National Schools in this regard by providing a support mechanism to enable them to comply with the provisions of the Education Act, 1998, ETB procedures and relevant Circular letters, in terms of accountability, transparency and financial responsibility for State funds as follows:

- Providing an advice and support service for schools on financial governance and all aspects of financial management and control;
- Providing structured systems, policies and procedures to facilitate the school in managing their day to day operations;
- Providing the necessary training and development to key personnel in schools that are engaged in financial administration and management;
- Carrying out reviews of internal controls and supporting the schools in implementing ETB procedures and guidelines.

The Principal is responsible for having an appropriate system of internal control to safeguard all assets and ensure that all financial transactions and related costs are properly, necessarily and appropriately incurred and recorded. In this regard, the Community National School must apply the standards and policies as outlined by the ETB.

The ETB is subject to an annual audit by the Comptroller & Auditor General. There is also an internal audit service provided by the Internal Audit Unit ETBs. Schools are subject to audit by either or both. These audit and assurance services will form part of the financial governance framework for schools. The findings of any undertaken in the school will be shared with the Board of Management.

17.4 Capital expenditure and works

The role of the Board of Management in a Community National School is to work with the Principal in identifying the need for additional, and/or upgrading of existing, physical resources to address the developing needs of the school community. The Board will make an application to the Chief Executive for the resources required.

All capital works in a school must be approved by the Chief Executive and their delivery will be managed centrally from Head Office. The nature, scope and extent of capital works approved and to be undertaken should be advised to the Board of Management. Accordingly;

- No alteration, extension or replacement of the school building and/or grounds shall be undertaken by the school unless and until such have been approved by the ETB, and;
- The ETB Buildings Team will act on behalf of the school authority in dealing with the Department in regard to capital expenditure.

17.5 Grant payments

Details of funding to be issued to Community National Schools, incorporating any budgetary changes, will be notified by the Department to the ETB. The ETB will keep the school informed of grant payments received in respect of their school and they will be reflected on the school financial report.

Details of funding to be issued to schools, incorporating any budgetary changes, are placed on the Department's website every year. 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 Principal may allocate according to the priorities of the school.

Funding provided or raised 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. It is not permitted to apply such restricted monies for any other purpose.

17.6 Insurance

Insurances are managed by the ETB Head Office and the costs associated are charged to the Community National School. The school is required to implement and adhere to all ETB policies and procedures relating to insurances. If there are any changes required to the nature and/or extent of insurances required, the Principal should engage with the ETB directly.

17.7 Accounting practice

The accounting practice in Community National Schools will be as prescribed by the Department and the ETB. These practices and associated systems and procedures must be consistently applied by the Community National School.

17.8 Budgeting

The Principal should produce an annual budget. This budget should set out the projected income and expenditures for the year ahead across all programmes and activities. This budget should be reviewed by the Board of Management at the beginning of the fiscal (calendar) year.

The Board of Management should review the budgetary performance of the school to ensure that it is reasonable and in line with expectations. This will be achieved through monitoring the reports provided and discussing issues and trends with the Principal.

17.9 Employment of a person in a private capacity

No private employment arrangements may be entered into by the school and Community National Schools may not hire teachers, SNAs or ancillary staff on a privately funded basis.

18. 17.1 The Charities Regulator

There is no requirement for the Board of Management of Community National Schools to register individually with the Charity Regulator as the relevant ETB's registration with the Charity Regulator encompasses Community National Schools under its patronage.

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 Management 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 of Management at every Board of Management 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. Schools must ensure they use the most up-to-date version of the templates as published on the Department's website 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. 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

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

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 are agents of the patron ETB data controller where they process the personal data of students, parents and staff. All Board of Management 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 of Management.

21.4 A "Data Protection in Schools" website 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 was established to assist schools prepare for and implement GDPR requirements. Also, a more specific permanent resource and training/learning tool regarding data protection for all ETB staff and schools is available at <http://www.etbi.ie/etbi-gdpr/>; in addition to specifically tailored FAQs and a testing area, there are template documents, school forms, legal DAR response letters and much more available to ETBs through this tool.

22. Freedom of Information Acts

22.1 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. 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

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 of Management to respond sensitively to this need, the Department fully appreciates that the decision ultimately lies with the relevant Board of Management 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 of Management members in terms of the indemnity which applies to Board of Management 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 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. *Section 20 of the Safety, Health and Welfare at Work Act 2005* requires an employer to prepare a written statement to safeguard:

- The safety and health and welfare of employees while they work;
- The safety and health and welfare of other people who might be at the workplace; including students, visitors, contractors and members of the public.

In this regard, the ETB Health and Safety Statement policy and template should be applied by the Community National Schools.

27. Procurement of Goods and Services

Community National Schools are required to purchase all goods and services in an open and transparent way and ensure that value for money is achieved. The policies and procedures governing the operation of procurement in Community National Schools is set out in the ETB Procurement Policy. These policies and procedures must be applied in all instances and without exception by the Community National Schools.

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

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

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 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. Enquiries in relation to recruitment and appointment procedures for teachers and special needs assistants (SNA's) may be emailed to teachersna@education.gov.ie.

The 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 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 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. ETBs/CNS Principals are responsible for the recording of absences of teachers and SNAs on the OLCS system. Community National School Principals 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.gov.ie.

31.2 For the Community National School ancillary staff grades, the Principal should report absences to the relevant ETB as per the ETB's policies and procedures.

31.3 ETBs should ensure that supporting documentation in relation to absences be retained securely i.e. medical certs, attendance at in-service/in-career, parental leave and carer's leave.

31.4 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 ETBs ensure that the necessary control and security measures are implemented.

ETBs/CNS Principals 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.

31.4 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 ETB on a regular basis, or where requested by the 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 of Management.
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. 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 of Management.

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 of Management 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 of Management 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 of Management 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 of Management.

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 of Management 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 of Management, 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 of Management,
 - (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 of Management. 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 of Management 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 of Management.
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 of Management 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 of Management.

(This process shall also apply, mutatis mutandis, for the selection of one extra member in the case of Boards of Management 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 of Management 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 of Management, 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 of Management (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 of Management for nomination.

4. The criteria to be applied in selecting persons to act as Board of Management members from the community shall be:
- (a) Persons nominated shall possess skills complementary to the Board of Management's skill requirements.
 - (b) Persons shall be nominated with a consciousness of having a gender balance on the Board of Management.
 - (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 Community National Schools

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

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.



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