

Amendments to the *Governance Manual for Primary Schools* 2015-2019 for the Community National Schools

Introduction:

The Governance Manual for Primary Schools was published in Autumn 2015 and is applicable for the period 1 December 2015 to 30 November 2019.

The Governance Manual will continue to apply to Community National Schools subject to the amendments/clarifications outlined in this document. This document will be published on the Department website and will be updated as required.

This document should be read in conjunction with the Governance Manual and does not purport to be an exhaustive list of all the detailed changes required to same.

The Governance Manual should now be read on the basis that the employer is the ETB rather than the Board of Management.

Administrative support and guidance will be provided by the relevant ETBs to help facilitate the smooth transition of the Community National Schools to the ETB sector. To ensure consistency if ETBs have queries in relation to Community National Schools they should contact ETBI. Where a query arises in relation to the applicability of Department Circulars to Community National Schools then the matter should be referred in the first instance to ETBI.

The Governance Manual is next due to be revised during 2019 for the period 1 December 2019 to 30 November 2023. This will give an opportunity to reflect the arrangements for the Community National Schools in the published Governance Manual.

In the interim, the following is a non-exhaustive list of the main amendments to the Governance Manual arising from the transfer of patronage of the Community National Schools to the ETB sector.

A: Sections of the Governance Manual for Primary Schools which are no longer applicable:

1. Introduction and overview of the role of the Board of Management-The Board as Employer:
This section has been replaced with a section entitled The ETB as Employer.
2. Section 21(f) Finance- Employment of person in a private capacity, and
3. Section 23 Appointment of all employees of the Board of Management.

B: Sections that are due to be updated:

1. Section 12 The Treasurer, and
2. Section 21 Finance.

These sections of the Governance Manual will be updated to reflect the financial arrangements outlined in the *Memorandum of Understanding in relation to the transfer of patronage of Community National Schools*. Pending finalisation of the new financial arrangements grants will continue to be paid as normal into the bank account of the Community National Schools. However, pending the updating of the aforementioned sections a Treasurer should not be elected by the Board of Management. In relation to fund raising, it has been agreed that any monies raised by a school from fund raising will be ring-fenced for use by that school.

It should also be noted that the position in relation to Insurance is that the relevant ETB is responsible for ensuring that appropriate insurance arrangements are in place for each of the Community National Schools under its patronage. In the case where an ETB is renting a property for a Community National School, the ETB is responsible for Employers Liability, Contents and Public Liability Insurance. Responsibility for other insurances rests with the landlord or as determined by the relevant lease in place for the property.

C: Sections of the Governance Manual for Primary Schools which have been updated:

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

This section has been updated only where necessary to reflect the role of the ETB as employer, the Board of Management in an ETB school will still have responsibility for matters that are not employment related e.g. school policies, child protection, school planning etc.

The Board as Employer has therefore been replaced with the below text.

The ETB as Employer

The ETB is the body corporate for all schools established or maintained under its patronage in accordance with Schedule 3 of the Education and Training Boards Act, 2013.

While an ETB is the body corporate for all schools, colleges and centres established and maintained under its 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.

The Board of Management of a Community National School under the patronage of an ETB is not the employer of staff in the school. In accordance with Section 6 of the Education (Amendment) Act, 2012, it is the responsibility of the ETB to employ the Principal, teachers and other staff of a school established or maintained by the ETB. All appointments shall be in accordance with statutory provision, relevant Department circulars, employment and sectoral agreements.

The recruitment and appointment procedures for teachers, principal teachers and SNAs (as set out in Appendix D, E and H of the Governance Manual) will continue to apply to the Community National Schools. However, they should now be read on the basis that the employer is the ETB rather than the Board of Management. The composition of interview selection boards in Community National Schools in the ETB sector are to remain the same as set out in the Appendices of the Governance Manual. The selection board will make the recommendation for appointments and as appointments are an executive function the CE will confirm the appointments.

All staff employed by an ETB are employed by the relevant ETB scheme and not by a particular ETB school, college or centre.

The ETB as employer is responsible for complying with the statutory requirements under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. The Department's Circular 0031/2016 "Commencement of Statutory Requirements for Garda Vetting" outlines the statutory requirements that apply to school authorities from 29 April 2016 along with the practical arrangements that will be in place in respect of the vetting of registered teachers, non-teaching staff and others. As and from 29 April 2016 Circular 0031/2016 supersedes and replaces both Circular 0063/2010 and Circular 26/2015.

2. **Introduction and overview of the role of the Board of Management-Training for Boards:** Boards of Management should contact the relevant ETB for information in relation to available training or for advice and guidance in relation to Board matters.
3. **Section 18 Freedom of Information Acts:** Community National Schools are under the patronage of ETBs and are therefore no longer exempt under the FOI Acts.
4. **Section 26 Guidelines on Health and Safety:** The ETB as employer and the Board of Management as a committee of the ETB are responsible for ensuring as far as reasonably practicable, the safety and health at work of the staff in the school and the safety and health of those who are in any way affected by the work activities of an ETB school.
5. **Section 27 Procurement of Goods and Services:** Community National Schools should note that the relevant ETB should be contacted for advice and guidance in relation to procurement.
6. **Section 28 The Protected Disclosures Act 2014:** Each ETB is required to put in place a Protected Disclosures Policy and to have appropriate arrangements in place to receive protected disclosures from its employees.
7. **Section 29 Registration of each school with the Charities Regulatory Authority (CRA):** Community National Schools are no longer required to register individually with the Charities Regulatory Authority as the relevant ETBs registration encompasses all of the schools that are under its patronage.
8. **Section 30 Energy Management in Schools:** 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).

D: Sections which will be subject to the approval of the relevant ETB:

1. **Introduction and overview of the role of the Board of Management- Management of Resources:** Any major repairs or alterations to a school premises, shall be subject to the prior approval of the relevant ETB and carried out under the direction of the relevant ETB. The National School Annual Census form (or the annual return through POD) should be signed by both the School Principal and the Chief Executive (or their delegated Officer) prior to its submission to the Department.

2. **Section 20 Use of the school premises:** 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.
3. **Section 24 Change of staff form:** This form must be approved by the relevant ETB.
4. **Section 25 On-Line Claim System:** All claims must be approved by the relevant ETB. It is important that procedures are in place to ensure that the entering and approval of leave and claims is carried out in a timely fashion in order to meet payroll deadlines.

E: Clarifications:

1. Any references in the Governance Manual to '*in accordance with the Governance Manual for Primary Schools 2015 – 2019*' should be taken by Community National Schools as also including a reference to '*the amendments to the Governance Manual for Primary Schools 2015-2019 for the Community National Schools*'.
2. The constitution of Boards of Management and the procedure for the election and nomination of members of Boards of Management of the Community National Schools shall be the same as that for all primary schools as outlined in sections 3 and 4 of the Governance Manual for Primary Schools 2015-2019. However, 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, the ETB is required to obtain the consent of the Minister for the appointment of the chairperson of the Board of Management.
3. 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 Governance Manual for Primary Schools 2015-2019 (subject to the amendments/clarifications set out in this document in respect of Community National Schools) will suffice as 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.