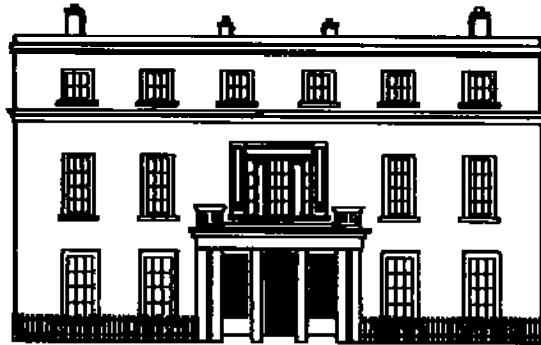


**BOARDS OF MANAGEMENT
OF
NATIONAL SCHOOLS**

**CONSTITUTION OF BOARDS
AND
RULES OF PROCEDURE 2011**



**A N R O I N N D E P A R T M E N T O F
O I D E A C H A I S E D U C A T I O N
A G U S S C I L E A N N A A N D S K I L L S**

**BOIRD BHAINISTÍOCHTA
NA
SCOILEANNA NÁISIÚNTA**

**COMHDHÉANAMH NA MBORD
AGUS
NA RIALACHA IMEACHTA 2011**

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Foreword

Our National Primary School system is one hundred and eighty years old. Founded on an all Ireland basis in 1831 it was a radical creation initiated by the Secretary for Ireland, Lord Edward Stanley. The Stanley initiative set out in the “[Stanley Letter](#)” has continued to this present day to influence the manner in which the State organises the provision of primary education. In 1937 our Constitution set out that the “State shall provide for Education” and in 1998 the Education Act gave particular expression to the key roles and functions that are discharged by Patrons and Boards of Management in the running of schools.

Boards of Management, including elected parent representatives were introduced in 1975. The appointment of new Boards of Management in primary schools, which takes effect from 1 December 2011, is a tremendous example of active citizenship. The governance of our schools is truly enriched by the volunteerism and commitment of thousands of individuals: parents, teachers, patron nominees and community representatives. Each one of you as a member of a new Board of Management is continuing a tradition of civic contribution that is synonymous with the role of the primary school in Irish society. As Minister, I am very appreciative of the contribution you are making to our schools and to society generally. Your role is key to the successful running of our schools.

It is important that each new Board considers its role and responsibilities. It should identify the key priorities that it will address during its term of office. This booklet includes an overview of the role of the Board and an outline of some key activities in which effective Boards typically and routinely engage. I strongly recommend that all new Boards of Management use this overview as a framework for how they operate for their term of office.

I believe that if Boards of Management are to be fully effective in their management role and are to be a real support to school principals, they need to have access to support and appropriate training themselves. In this regard, the various management bodies play an important role in the provision of training, advice and guidance to Boards of Management. I would like to thank the management bodies and each of the other education partners for their positive contributions to the process of updating this booklet for new Boards.

Finally, I wish each Board member well as you begin your new term of office.

Ruairi Quinn, T.D.,
Minister for Education and Skills

Introduction and Overview of the role of the Board of Management

Boards of Management of primary schools are appointed for a four year term. The term of office for new Boards of Management is from 1 December 2011 to 30 November 2015.

The Board manages the school on behalf of the Patron and is accountable to the Patron and the Minister. The Board must uphold the characteristic spirit (ethos) of the school and is accountable to the Patron for so doing. The Principal is responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school, and is accountable to the Board for that management.

All Boards of Management of primary schools assuming office from 1 December 2011 onwards are required to adhere to the provisions of the *Constitution of Boards and Rules of Procedure 2011*. It is acknowledged that the most effective Boards also have a clear understanding of their role and responsibilities and ensure that these are fulfilled. The Board should adopt a child-centred approach to all of its work. It must also have regard to the efficient use of resources (particularly the grants provided by the State), the public interest in the affairs of the school and accountability to students, parents and the community.

It is important that from the outset, the Board carefully considers its role and responsibilities and identifies the key activities and priorities that it will address during its term of office. These will vary from school to school depending on the school's individual circumstances. As an aid to new Boards, the following is an outline of some key activities in which effective Boards typically and routinely engage:

School Planning

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

The School Plan is not a static document. It evolves in the light of the changing and developing needs of the school community. It must be regularly reviewed and updated. One of the first tasks of any newly appointed Board will therefore be to give careful consideration to the School Plan. The School Plan serves as a basis for the work of the school as a whole and for evaluating and reporting on whole school progress and development.

[Guidelines for primary schools on school development planning are on the Department of Education and Skills website.](#)

Guidance in relation to school planning is also available on the Professional Development Service for Teachers (PDST) website at www.pdst.ie.

Self-Evaluation

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

The Department's document "[Looking at our School](#)" is designed to assist schools in reviewing and evaluating the work of their school.

Teaching and Learning

Under the Education Act 1998, the Principal and the other teachers, under the direction of the Principal, have statutory responsibility for the instruction provided to students in the school and shall, inter alia, encourage and foster learning in students, regularly evaluate students and report the results of the evaluation to the students and their parents.

The Act also places a statutory duty on the Board to ensure that an appropriate education is provided to all of the school's pupils. In order to effectively carry out this duty, appropriate and regular oversight by the Board of the teaching and learning in the school should be in place. Furthermore, the Board, from an oversight and governance perspective, can and should play a key role in improving standards in the school. For example, effective Boards will be actively involved in ensuring that appropriate targets are set for improving learning outcomes, particularly in literacy and numeracy, and in monitoring how well these targets are being achieved. This will typically involve regular Board discussions around questions such as "How well are pupils doing at reading and maths?" or "What evidence is available of pupils' outcomes?" or "What progress have our pupils made in the past year?" The focus of the Board's considerations in relation to teaching and learning must be on ensuring the best possible outcomes for the school's pupils. It is important to ensure that any such discussions do not breach pupil confidentiality. Likewise, information provided to the Board for this purpose should be in a format that does not breach pupil confidentiality (e.g. information aggregated by class or group, as appropriate).

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

The Board should also be fully aware of and actively involved in the oversight of the school's applications for all resources. The approval of the Patron and Trustees is also required in respect of applications for building projects. A critical factor in the allocation of resources to schools is the annual enrolment (census) return to the Department. This return must always be examined and checked by the Board and the Board must be fully satisfied as to its accuracy prior to its submission to the Department.

Sections [12](#) and [19](#) of this booklet set out requirements relating to The Treasurer and to Finance respectively.

School Policies

The Board has overall responsibility for school policies. There are, therefore, a range of different school policies that Boards will, from time to time, be involved in developing, implementing and reviewing as appropriate. Examples include the Admission

(enrolment) Policy, Child Protection Policy, Code of Behaviour/Anti-bullying policy, Complaints Procedures, School Attendance Strategy, Health and Safety statement etc.

The extent to which a new Board will need to consider any particular school policy will depend on the circumstances of the school in question. However, each Board must ensure that the appropriate and necessary school policies are in place as required. Further information on the key policy areas of Child Protection and the Code of Behaviour/Anti-Bullying Policy is set out below.

Child Protection

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

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

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

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

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

Code of Behaviour /Anti-bullying policy

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

The Board must also ensure that the school has an anti-bullying policy. The NEWB guidelines, issued to schools in 2008, make it clear that each school must have policies to prevent or address bullying and harassment and that schools must make clear in their code of behaviour that bullying is unacceptable. The guidelines further state that the

code of behaviour should indicate what action the school will take in relation to alleged breaches of the school's bullying policy.

The Board as Employer

Under Section 24 of the Education Act the Board of Management is the employer of teachers and other staff of the school. The Board's role as an employer includes responsibility for the recruitment and dismissal of teachers and other staff within the school, subject to employment legislation and sectoral agreements.

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

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

Current Terms and Conditions for teaching and SNA staff are outlined in various circulars on the Department of Education and Skills website. The Department intends to consolidate these circulars and have them more readily accessible on a Terms and Conditions page of the website. General information regarding employers' responsibilities is contained on www.employmentrights.ie.

The Board and the Patron

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

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

Training for Boards

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

The modules currently covered by such training are as follows:

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

**BOARDS OF MANAGEMENT
OF NATIONAL SCHOOLS
CONSTITUTION OF BOARDS
AND
RULES OF PROCEDURE 2011**

1. General

National 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.

Role of the Board of Management:

Section 15 of the Education Act, 1998 states:

- (1) It shall be duty of the Board to manage the school on behalf of the Patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that Board has responsibility.
- (2) A Board shall perform the functions conferred on it and on a school by this Act and in carrying out its function the Board shall:
 - (a) do so in accordance with the policies determined by the Minister from time to time,
 - (b) uphold, and be accountable to the Patron for so upholding the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school,
 - (c) consult with and keep the Patron informed of decisions and proposals of the Board,
 - (d) publish, in such manner as the Board with the agreement of the Patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special education needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerns, are complied with,

- (e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society,
 - (f) have regard to the efficient use of resources (and, in particular, the efficient use of grants provided under Section 12), the public interest in the affairs of the school and accountability to students, their parents, the Patron, staff and the community served by the school, and
 - (g) use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.
- (3) For the avoidance of doubt, nothing in this Act shall confer or be deemed to confer on the Board any right over or interest in the land and buildings of the school for which the Board is responsible.

Note: Indemnification for Board Members

Section 14(7) of the Education Act, 1998 states “Except as provided by this Act, no action shall lie against a member of a Board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act”.

2. Definitions

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

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

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

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

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

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

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

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

- (g) **Days** as it appears in this document should be taken to mean calendar days as distinct from 'school' days.

3. **Constitution of Boards of Management**

- (a) For schools having a recognised staff of more than one teacher the Board of Management shall comprise the following:
 - (i) Two direct nominees of the Patron.
 - (ii) Two parents of children enrolled in the school (one being a mother, the other a father, elected by the general body of parents of children enrolled in the school).
 - (iii) The Principal Teacher (or Acting Principal Teacher) of the school.

- (iv) One other serving teacher on the staff of the school, elected by vote of the teaching staff which includes the Principal Teacher.
- (v) Two extra members proposed by those nominees, described at (i) - (iv) above, acting in accordance with the process set out at [Appendix C](#).

Note: To ensure the widest possible representation, where practicable,

- parents elected to the Board should be from separate families and bear no relationship to any other member of the Board
- parents of children enrolled in the school should not be nominated or elected to the Board other than in accordance with (ii) above
- the members from the community selected in accordance with [Appendix C](#) should be independent of the other categories of persons set out at (i) to (iv) above.

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

(b) For schools having a recognised staff of **one teacher** the Board of Management shall comprise the following:

- (i) One direct nominee of the Patron.
- (ii) The Principal of the school.
- (iii) One parent elected from parents of pupils enrolled in the school (elected by the general body of parents of children enrolled in the school).
- (iv) One extra member proposed by those nominees, described at (i) - (iii) above, acting in accordance with the process set out in [Appendix C](#).

Note: To ensure the widest possible representation, where practicable,

- the parent elected to the Board should bear no relationship to any other member of the Board
- a parent of a child enrolled in the school should not be nominated or elected to the Board other than in accordance with (iii) above
- the member from the community selected in accordance with [Appendix C](#) should be independent of the other categories of persons set out at (i) to (iii) above.

It is also a requirement that a person, other than the Principal Teacher who is employed for the purposes of the school may not be appointed to nor be a member of the Board of Management.

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

- (a) In accordance with Sections 8 and 14 of the Education Act, 1998, the Patron is responsible for initiating the steps necessary for the establishment of a Board of Management in a national school. To this end the Patron requests a representative to arrange for the elections and nominations as set out in **Appendices A, B and C**. It is open to the Patron to select the person of his or her choice for this purpose.
- (b) Except in special circumstances with the approval in writing of the Minister, or in the case of teacher members of the Board so far as their remuneration as teachers is concerned, no member of the Board shall take or hold any beneficial interest in any property held or used for the purposes of the school or receive any remuneration for his/her services as a member of the Board. However, a Principal Teacher in receipt of an allowance for carrying out duties as Secretary to the Board of Management shall be deemed as an exception in this instance due to his/her receipt of remuneration for the carrying out of these duties.
- (c) The Patron's representative will arrange for a meeting of those elected/nominated as per the procedures in **Appendices A and B**. The purpose of this meeting will be to agree the nomination of extra member(s), as set out in **Appendix C**.
- (d) The Patron's representative shall communicate to the Patron the names of the persons duly elected/nominated in accordance with **Appendices A, B and C** of this document.
- (e) The Patron shall then formally appoint the Board of Management.
- (f) The Patron shall appoint one of the members so appointed as Chairperson of the Board of Management.
- (g) In all cases, the Patron shall submit to the Department the fully completed declaration at **Appendix F** in relation to the appointment of the Board. Where there is a change in Chairperson during the term of office of a Board, the Patron should notify the Department accordingly using the declaration attached at **Appendix F**.
- (h) Except where the Minister communicates to the contrary, within 10 days of receipt of the information at (g), the Board will be deemed to have been recognised by the Minister and shall assume office forthwith.
- (i) The first meeting of the Board must be held within one calendar month of the date of recognition of the Board by the Minister. Every member of the Board shall, at or before the first meeting of the said Board, sign a declaration of acceptance of membership of the Board and an undertaking that he/she will adhere to the rules pertaining to his/her duties as per the 'Constitution of Boards and Rules of Procedure 2011' and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Boards and, until such declaration is completed he/she shall not be entitled to act as a member of the Board. A template of this declaration is

provided at [Appendix G](#).

- (j) The Patron's representative dealing with a vacancy arising during the term of office of the Board need not necessarily be the same person who acted as Patron's representative for the initial Board appointments.

5. Position in the event of failure to nominate the extra members as provided for under 3(a) (v) and 3 (b) (iv) of this document

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 may manage the school or nominate a manager in accordance with Section 14 of the Education Act, 1998.

6. Non eligibility

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

except where it is not otherwise possible to constitute the Board. In such circumstances this fact, prior to appointment shall be declared to the other Board members and the Patron.

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

(a) Term of office, dissolution of Board/removal of members

- (i) The term of office of the Board shall be four years.
- (ii) A member, including the Chairperson, shall hold office for a period not longer than the term of the Board but may be eligible for re-appointment.

- (iii) In accordance with the Education Act, 1998 (Section 16), the Patron may with the consent of the Minister remove a member of the Board or dissolve the Board of Management.
- (iv) Before deciding to remove a member of the Board or to dissolve the Board, the Patron shall inform that member or Board of the intention to so remove or dissolve and the reasons therefor and shall afford such member or Board a period of one month to make representations to the Patron on the matter.
- (v) Whenever the Patron dissolves a Board, the Patron may, subject to the approval of the Minister, appoint any person or body of persons as the Patron thinks fit to perform the functions of the Board, for a period not normally exceeding six months.
- (vi) Where the Patron removes a member of a Board the resulting vacancy shall be filled in accordance with the provisions of **(d)** below.
- (vii) In accordance with the Education Act, 1998 (Section 17), the Minister may require the Patron to dissolve a Board of Management having informed the Board and the Patron of his or her intention to do so and having considered any representations by the Board or the Patron.

(b) Cessation of membership

- (i) Where a member:
 - is adjudged a bankrupt, or
 - under the protection or procedure of a court, has made a composition or arrangement with creditors,

that member shall thereupon cease to be a member of the Board, except where it is not possible to fill the resulting vacancy. In such circumstances this fact shall be declared to the other Board members and the Patron.

- (ii) Where a member:
 - is sentenced to a term of imprisonment, or placed on the Sex Offenders Register by a court of competent jurisdiction, or
 - ceases to be a member of the category of person provided for in **Section 3** above, to which he or she belonged at the time of his or her becoming a member of the Board (see **Note** below),

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

- (iii) Where the teacher nominee takes a leave of absence (statutory or non-statutory) which is approved for a period of 24 weeks or more that teacher nominee shall cease to be a member of the Board as and from the date of the commencement of such leave.

- (iv) In any case where a leave of absence (statutory or non-statutory) of the teacher nominee to the Board extends beyond a continuous period of 24 weeks, such teacher nominee shall cease to be a member of the Board at the end of the 24 week period.

Note:

- Any parent who ceases to have a child enrolled in the school shall cease to be a member of the Board except in the case of a parent of a child who completes primary education on 30 June of the year in which the term of the current Board of Management expires. Such a parent may remain on the Board until the end of the Board's term of office provided this period does not exceed five months in total.
- Any teacher who ceases to be a serving teacher shall cease to be a member of the Board.
- Where a member of a Board ceases to be a member of that Board by virtue of (b) above, that member's office shall become vacant and shall be filled, as soon as may be after the vacancy occurring, by a new member appointed in the same manner as that in which the vacating member was appointed (see (d) hereunder).

(c) Resignation of Board Members.

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

(d) Vacancies

(i) Where a member of a Board:

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

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

- (ii) The new member so appointed shall hold office for the residue of the Board's term of office.

- (iii) Any change in the membership of the Board shall be recorded in the

minutes of the next meeting of the Board.

8. Confidentiality

- (a) Individual members of the Board are required to keep confidential the matters discussed at meetings unless otherwise agreed by the Board.
- (b) Where allegations of a breach of confidentiality by a Board member arise, the matter shall be brought to the attention of the Patron at the earliest opportunity. The Patron shall carry out an investigation into the matter and shall reach a conclusion on the matter.
- (c) Where the Patron is satisfied, after due investigation, that any member of the Board infringed this injunction of confidentiality, he/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.

Note: It is important to note that Board members are not delegates of their electorates. They have no obligation to either report back to their electors or to take instruction from them on how to vote at Board meetings. Such reporting may well be a breach of confidentiality requirements. It is a matter for each Board to decide what may be reported and by whom and, in this respect, it is advisable that personnel, financial and personal matters should be treated as strictly confidential.

9. Board communications/transparency

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

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

10. The Chairperson

- (a) Each Board of Management shall have a Chairperson, who shall be entitled to vote and who in the event of a tied vote shall also have a second and casting vote.
- (b) The Chairperson shall be appointed by the Patron and his/her authority shall derive from such appointment. In exercising this function the Patron shall give due consideration to the opportunity to engage in a consultative process within the wider school community. The Patron, in appointing an individual as Chairperson shall also give due consideration to the possibility of perceived conflicts of interest in holding the position of Chairperson and shall have regard to the individual's capacity to undertake the duties of the role.
- (c) The Principal or elected teacher nominee shall not be eligible for appointment as Chairperson. In addition, the Chairperson, (where practicable), should bear no direct relationship to any serving staff member or Board member.
- (d) In the absence of a Chairperson from a particular meeting or where the Chairperson, on account of a conflict of interest, withdraws from a meeting or part thereof, the Board shall elect an Acting Chairperson to preside at that meeting only or part thereof only, as appropriate. Otherwise, the Patron shall appoint a new or Acting Chairperson where the circumstances require it (e.g. due to the long-term absence of the Chairperson).
- (e) The Board may authorise the Chairperson, and/or another member, in respect of a particular function or functions, to act on its behalf for a specified period of time.
- (f) The Board shall authorise the Chairperson to act on behalf of the Board in entering into an agreement with each new staff member appointed to the staff of the school.
- (g) The Chairperson or Principal Teacher (with the permission of the Chairperson) shall act on behalf of the Board in certifying the school returns and other official forms as required.
- (h) The Rules for National Schools state that managers should visit their schools and satisfy themselves that the Rules are being complied with; this requirement shall be fulfilled by the Chairperson of the Board of Management. Board members may also visit their schools; however such visits must only be undertaken where official Board business is being conducted and as authorised by the Chairperson of the Board.

11. The Secretary

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

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

In circumstances where the Principal Teacher of a school *does not* opt to take up the allowance payable for acting as Secretary to a Board of Management;

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

Note: The Data Protection Acts, 1988 and 2003

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

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

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

Guidance for schools in relation to meeting their responsibilities in relation to data protection is being developed by the primary and post-primary school management bodies.

Note: The Freedom of Information Acts, 1997 and 2003

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.

12. The Treasurer

- (a) The Board shall elect a Treasurer from amongst its members. The Principal or the teacher nominee to the Board shall not be the Treasurer. The Treasurer shall be fully familiar with the requirements of Section 18 of the Education Act, 1998, and also with the requirements of this Section and with Section 19 of this document.
- (b) The Treasurer shall keep the school account(s). What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, a computerised [template of an efficient accounting system](#) is available on the Department's website.
- (c) All monies received shall be lodged in the school bank account(s) which shall be registered in the school name. The school bank account(s) shall be used solely for the purposes of the school's banking requirements. There are a range of payment methods available to Boards including cheque, direct debit, credit card, credit transfer etc. Boards should discuss the most cost effective payment methods with their bankers.

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

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

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

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

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

- (d) The Treasurer shall present at each meeting an up-to-date statement of the school accounts giving details of income and expenditure since the previous meeting.

- (e) The Treasurer shall retain vouchers of expenditure for inspection and audit by the school's accountant and by officials of the Department. All financial documents shall be submitted to the Board of Management, and on request to the Patron, the Trustees, and to the Department at the end of each financial year.

13. Procedure for Board meetings

(a) Frequency of meetings

A Board shall hold such and so many meetings at such times as the Chairperson deems necessary but shall hold a minimum of one meeting per school term and shall hold not less than five meetings in any school year.

(b) First meeting

- (i) Every member of the Board shall, at or before the first meeting of the said Board, sign a declaration of acceptance of membership of the Board and an undertaking that he/she will adhere to the rules pertaining to his/her duties as per the 'Constitution of Boards and Rules of Procedure 2011' and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Boards and, until such declaration is completed he/she shall not be entitled to act as a member of the Board. A template of this declaration is provided at [Appendix G](#).
- (ii) In circumstances where the Principal teacher does not opt to take up the allowance payable for acting as Secretary to a Board of Management, the Board shall elect a Recording Secretary from amongst its members in accordance with Section 11 of this document. The Board shall also elect a Treasurer from amongst its members in accordance with Section 12.

(c) Ordinary meetings

- (i) The Chairperson may at any time call a meeting of the Board.
- (ii) At least seven clear days before each ordinary meeting, a notice of the time and place of the intended meeting, together with an agenda for the meeting, shall be sent to every member of the Board. It should be clear that all members of the Board are entitled to be notified of all meetings – including meetings where issues may concern an individual member directly and he/she may be required to subsequently withdraw or decide not to attend if the meeting is solely for that purpose. Where exceptional circumstances warrant it, a meeting of the Board may be convened at less than seven days' notice and this fact should be recorded in the minutes.
- (iii) The quorum of the Board shall be three members in the case of one teacher schools and five members in the case of all other schools.
- (iv) The meeting shall be quorate throughout the entire course of the

meeting.

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

(d) Requested meetings

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

(e) Emergency meetings

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

- (iii) The usual quorum shall be required.

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

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

15. Disclosure of interest/integrity of Board proceedings

- (a) A member of the Board who stands in a relationship to a person who is a candidate for appointment by the Board as teacher or other member of staff of the school, including the Principal, shall immediately disclose to the Board the fact of the relationship and the nature thereof and shall take no part in any deliberation or decision of the Board concerning the appointment and the disclosure and the decision shall be recorded in the minutes of the Board. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process. A professional relationship in itself does not necessarily mean there is a conflict of interest.
- (b) Where any member of the Board is related to any person or is connected to any company/business that may be the subject of or have a direct involvement in a matter which is before the Board for consideration (including matters relating to procurement of goods or services), that Board member shall immediately disclose to the Board the fact of that relationship and the nature thereof. Unless the Board is fully satisfied that the relationship concerned is not prejudicial to the preservation of the principles of natural justice and/or public procurement requirements and specifically that the legal requirement that Board proceedings should not be open to the charge of bias, then that member shall take no part in the Board's deliberations on the matter and the disclosure and absence of the member shall be recorded in the minutes. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the deliberations of the Board.
- (c) Where any member of the Board is personally the subject of a matter which is before the Board for consideration, that Board member shall withdraw from the Board's deliberations on the matter unless the Board is fully satisfied that the presence of the member during any such deliberations is not prejudicial to the preservation of the principles of natural justice and, specifically, the legal requirement that Board proceedings should not be open to the charge of bias. The absence of the member from the deliberations shall be recorded in the minutes. The provisions set out in Section 13(c)(ii) above concerning notification to individuals of Board meetings should be followed in this instance.
- (d) Where the Patron is satisfied, after due investigation and following receipt of a recommendation from the Board, that any member of the Board failed, at a material time, to disclose a relationship, he/she shall remove that person from

membership of the Board in accordance with Section 16 of the Education Act, 1998, and shall not subsequently appoint that person as a member of any Board of Management.

- (e) In the event of a member of the Board refusing to withdraw from a meeting, as provided for in this Section, the Chairperson shall adjourn the meeting and, in the event of such member again refusing to withdraw at the re-convened meeting, the Chairperson shall report the matter in writing to the Patron, who shall remove that person from membership of the Board in accordance with Section 16 of the Education Act, 1998 and shall not subsequently appoint that person as a member of any Board of Management.
- (f) If a serving Board member (or his /her business or company) wishes to engage in a commercial agreement/business contract with the school the Board member concerned must
 - (i) immediately declare that interest/intention to the Board and resign from the Board and
 - (ii) preclude him/herself from any involvement whatsoever in any discussion, deliberation or decision in the matter.

16. Correspondence

- (a) The Chairperson shall act as correspondent for the Board with the Department and all others. The Chairperson may however, nominate the Principal Teacher to act as correspondent in his/her absence, where necessary. However, any correspondence indicating that it is being sent to the Chairperson in a private and confidential manner should not be opened by any person other than the Chairperson.
- (b) No member of the Board shall make or cause to be made representations to the Minister, the Department or any other party in regard to the business of the Board without having discussed the matter at a meeting of the Board and having been authorised by the Board to make representations on its behalf.
- (c) The Chairperson (or the Principal when nominated in the Chairperson's absence) shall ensure that any written correspondence or written statements on behalf of the Board should be on the school's official headed paper, or where appropriate authenticated by the use of an official school stamp.

17. 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 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 and their delegates may also visit and examine the school site and buildings when appropriate.

18. Use of the school premises

In 2005, the Department issued [Circular Letter Prim 16/05](#) to all Boards of Management in respect of the Sharing of School Facilities with the Community. The purpose of this circular was to urge Trustees and Boards of Management to give serious consideration to such requests where possible. In urging and encouraging the Trustees and Boards to respond sensitively to this need, the Department fully appreciates that the decision ultimately lies with the relevant Board or Trustees and that the first priority at all times should be the interest of the school, its teachers and pupils.

Boards of Management should familiarise themselves with the content of this Circular which is available on the Department's website at www.education.ie.

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.

19. Finance

(a) Capital expenditure and works

- (i) No alteration, extension or replacement of the school building and/or grounds shall be undertaken by the Board unless and until such have been approved in writing by the Patron and Trustees.
- (ii) In addition to the approval required under (i) above, capital expenditure for which grant aid is to be sought must not be entered into until prior written sanction to do so has been received from the Department.
- (iii) Boards must comply with current building and planning regulations and current public procurement requirements.
- (iv) Nothing in this Section shall prevent the Board from carrying out minor works covered by [Circular 0141/2006](#) ("Grant Scheme for Minor Works to National School Properties"). If in doubt on the interpretation of the terms of that circular, the Board should consult with the Building Unit of the Department.
- (v) The Patron may designate the Chairperson or a member of the Board to act on behalf of the school authority in dealing with the Department in regard to capital expenses. Such designation must be made in writing.

(b) Grant Payments

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

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

Per capita grants are provided to cover general running costs, as well as caretaking and secretarial services. As per [Circular 40/2009](#), these grants may be regarded as a common grant, which the Board of Management may allocate according to its own priorities.

(c) Insurance

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

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

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

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

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

(d) Accounting practice

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

Boards may also avail of on-line banking systems, however, the Board must satisfy itself that proper internal controls are in place for the use of on-line banking services and that all proper and usual accounts are kept in respect of each transaction ([Section 12](#) above refers).

- (i) All expenditure by or on behalf of the Board of Management must be approved by the Board. The keeping of accounts and records must be in accordance with Section 18 of the Education Act, 1998.
- (ii) A total account of the Board's income and expenditure shall be prepared at the end of each school year and shall be properly audited or certified in accordance with best accounting practice. This account should be made available for inspection to the school community including parents, the Patron, Trustees and the Minister. This account should incorporate details of all accounts which may be maintained separately by the Board in compliance with the terms of particular grant schemes.
- (iii) Copies of this account, referred to at (ii) above, shall be presented to members of the Board and a copy of this account retained as part of the minutes of the Board of Management.
- (iv) The school accounts shall also be available for audit by officers of the Department and officials of the Comptroller and Auditor General's Office if requested.
- (v) All transactions from the school accounts must be signed by the Chairperson and the Treasurer. However, the Chairperson may nominate a Board member to act as signatory in his/her absence as outlined at **12 (c)** above.

(e) Budgeting

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

- (v) This budget should include provision for all relevant items of expenditure such as insurance, purchase of classroom requisites, maintenance costs etc.
- (vi) The Board of Management may form a finance sub-committee to operate under the authority of the Board.
- (vii) A Parents' Association is entitled to raise funds for the administration and activities of the association. They shall consult with the Board about any fund-raising for the school or school projects. The approval of the Board is needed prior to these funds being raised. The expenditure of these funds is by the Board of Management in consultation with the Parents' Association. All monies raised or generated for an agreed project for the school should, as soon as is practicable, be lodged to the school account. Any funds raised must be used for the purpose(s) for which the money was collected. If in exceptional circumstances, it becomes unnecessary for the Board to use all of the funds collected for the purpose specified, the Board will communicate this to the Parents' Association and where appropriate, the local community. In any event the funds must be used for the school. The Board in consultation with the Parents' Association committee will decide the change of purpose for which the funds are used.

20. Appointment procedures for teachers/special needs assistants (SNAs)

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

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

21. Appointment of all employees of the Board of Management

The Board is reminded of its duty to comply with current legislation and all Department circulars which currently apply in relation to appointments and to obtain the prior approval of the Patron for all appointments of teachers (including Principals) and SNA staff.

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

22. Change of staff form

The school return has been replaced by a change of staff form that issues annually to all schools in respect of teachers that are paid through the Department's payroll.

A separate change of staff form is also issued in respect of non-teaching staff that 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.

23 On-Line Claim System (OLCS)

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

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

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

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

Boards of Management should also be aware that a facility exists on the OLCS to produce reports of all absences taken by teachers and SNAs in a defined period. These reports can be produced at school level and should, having due regard to the confidentiality of any personal information of staff, be provided to the Board on a regular basis, or where requested by the Board. Copies should also be forwarded to the staff members concerned.

Appendix A

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

1. A staff meeting should be held for the purpose of selecting the teacher who will be nominated to the Patron for appointment as teacher nominee on the Board of Management. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting.
2. At the meeting, nominations shall be invited from among the serving teachers, including the Principal Teacher who also has a vote. For this purpose, serving teachers shall be taken to mean teachers serving in the school in a permanent capacity or in a fixed-term capacity where the term of appointment is six months or greater.
3. The following teachers are not eligible to nominate, vote and or be nominated:
 - (a) teachers (including substitutes) whose term of appointment is less than six months*;
 - (b) teachers on career break;
 - (c) teachers on secondment;
 - (d) teachers on service overseas.

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

4. Each nomination must be seconded.
5. If there is only one nomination, the person nominated shall be deemed to be elected.
6. If there is more than one nomination, a secret ballot shall be held at the meeting, in which case two tellers shall be appointed.
7. The vote shall be counted in public at the meeting and the result of the ballot shall be notified to the staff and to the Patron's representative.
8. In the event of a tied vote between nominees, the election of the teacher nominee shall be determined by the drawing of lots.
9. In the case of a two teacher school, the Classroom Teacher automatically becomes the nominee to the Patron for appointment as teacher nominee, unless the school is a base school for a resource or learning support teacher in which case the procedure set out at 1 – 8 above applies.
10. In relation to the two teacher members on Boards of Management for Convent and Monastery Schools the position shall be that if the Principal Teacher be a Religious, the elected teacher member shall be a lay person and, if the Principal Teacher be a lay person, it is recommended that the elected teacher member shall be a Religious.
11. The procedure set out at 1 - 9 above shall be used to fill any teacher nominee vacancy.

Appendix B

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

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

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

There is a choice of two procedures which apply. These are set out at options 1 and 2. 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.

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 and be elected by the general body of parents of children enrolled in the school.*
- *parents of children enrolled in the school should not be nominated or elected to the Board other than in accordance with Section 3 (a) (ii) or 3(b) (iii).*

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 the person with the next highest number of votes from among those not elected to the Board initially or
- (b) the Board of Management may recommend a by-election to replace the parent nominee.

Data Protection Acts

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

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

Appendix B (contd.)

Option 1

1. The Patron's representative shall arrange for a meeting of parents of children enrolled in the school. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting. This notification shall
 - (a) indicate that at the meeting nominations will be sought from parents for persons to stand for election as parent nominees on the Board
 - (b) clarify whether there will be a ballot at the meeting to elect the nominees or whether the ballot will be conducted subsequently as a postal ballot
 - (c) where it is intended to have a postal ballot, indicate the latest date for return of ballot papers and the date, time and place of the public counting of votes.
2. At the meeting nominations should be invited for both a mothers' panel and a fathers' panel.
3. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected.
4. If more than one nomination is received for either of the panels, a secret ballot shall be held at the meeting or subsequently. Two tellers shall be appointed, one of whom may act as Returning Officer in the case of a postal ballot.
5. In the event of a postal ballot, the poll must close and the casting of votes takes place within ten days of the meeting.
6. Each person voting shall have one, non-transferable vote for each panel.
7. The votes shall be counted in public.
8. The election shall be determined on a plurality of votes (i.e. the first past the post system).
9. In the event of a tied vote between nominees the election of the nominee(s) shall be determined by the drawing of lots. However, where the ballot has been conducted at a meeting and where agreed by the majority of voters present and voting therein, the election of the nominee(s) shall be determined by a further vote at that meeting. Such a vote shall be confined to the tied nominees.
10. The result of the ballot shall be notified to the parents and to the Patron's representative.
11. The voting returns from the ballot may be retained for the purposes of co-option in order to fill vacancies occurring during the life of the Board where it is decided, having consulted the parents' association, not to have a by-election, or further by-election, as appropriate.
12. Following the conclusion of the above process, the Patron's representative shall inform the Patron that the parents' nominees have been selected in accordance with Option 1 and shall confirm that the procedures under Option 1 have been adhered to in full.

Appendix B (contd.)

Option 2

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

Appendix C

(This process shall also apply, *mutatis mutandis*, for the selection of one extra member in the case of Boards of schools with only one teacher.)

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

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 shall be convened within seven days of the completion of the election processes set out in **Appendices A and B**.
3. At this meeting, having discussed the skill needs of the Board, in line with the criteria set out at 4 below, for the effective management of the school, the members shall propose two extra members from the wider community, agreed unanimously amongst them, to the Patron for appointment. To ensure the widest possible representation, where practicable, the two selected members from the community should be independent of the other categories of persons on the Board [See Section 3(a) or 3(b) of this document].

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 of the members shall propose two extra members from the wider community to the Patron for appointment. These discussions, including the three recommended meetings, shall conclude within ten days. It would be expedient for the members to identify those other persons who might be approached in the event that those initially selected decline the invitation. The members should determine the order in which the persons selected will be approached.

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

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

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

- (c) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.
- (d) **In addition to (a), (b) and (c), the following criteria shall be applied as appropriate:**

In the case of Roman Catholic primary schools

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

In the case of Church of Ireland primary schools

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

In the case of Presbyterian primary schools

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

In the case of Methodist primary schools

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

In the case of Educate Together schools

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

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

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

In the case of Muslim primary schools

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

In the case of all other schools

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

Appendix D

Teacher and Principal Appointment Procedures

The procedures set out in this appendix are designed to provide fair and impartial procedures for candidates for appointment and a Board of Management is bound to apply these procedures.

These procedures have been authorised by Statute and agreed by and between the parties identified under the Education Act, 1998, i.e., the Patron/Trustees the management authorities, teacher representatives, parent representatives and the Department of Education & Skills.

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

Reference to “days” in Appendix D is to be taken to mean calendar days unless otherwise indicated.

1. The Role of the Board of Management

1.1. Section 24 (1) – (4) of the Education Act provides as follows:-

24.—(1) Subject to this section, a board may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act.

(2) The numbers and qualifications of teachers and other staff of a school, who are to be paid from monies provided by the Oireachtas, shall be subject to the approval of the Minister, with the concurrence of the Minister for Finance.

(3) A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

(4) Pending the agreement of procedures provided for in subsection (3), the procedures applied in the appointment, suspension and dismissal of teachers or other staff immediately before the commencement of this section shall, after such commencement, continue to be applied.

1.2. Agreed procedures under Section 24(3) of the Education Act may be accessed on the Department’s website at www.education.ie.

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

approval of the Patron.

1.4. Boards are reminded of :-

- 1.4.1. provisions under the Education Act 1998 and Employment Legislation including the Protection of Employees (Fixed-Term) Work Act 2003; Protection of Employees (Part-Time) Work Act, 2001 and the Employment Equality Acts 1998-2008 (including Section 37 in relation to maintaining religious ethos).
- 1.4.2. requirements set out in the Rules for National Schools and Department circulars concerning the Diocesan and other approved redeployment panels.
- 1.4.3. requirements in regard to qualifications and registration of teachers. Boards of Management of primary schools are obliged to recruit and employ teachers qualified for the post and suitably registered with the Teaching Council. Up to date registration requirements may be accessed on www.education.ie.
- 1.4.4. requirements to comply with the Constitution for Boards and Rules of Procedure.

2. General Procedures for the Appointment of Teachers and Principals

2.1. Preliminary

- 2.1.1 Schools are required to comply with the relevant redeployment arrangements before they can proceed to fill posts through a public advertisement process.
- 2.1.2 A Board of Management must not advertise a teaching post without first ensuring that:
 - (a) the post is not required to meet any obligation to existing teachers in respect of eligibility for a CID (contract of indefinite duration),
 - (b) all relevant redeployment panels are clear or all persons on the panel(s) have declined in writing the offer of a post, and
 - (c) any panel established by a school following interviews for a post (“internal panel”) is clear.

2.2. Advertisements

- 2.2.1. All vacancies of 24 weeks or more shall be notified to all teaching staff of the school and shall be advertised on one of the websites as determined by the management bodies from time to time *or* in at least one national daily newspaper.

Boards are advised to consult their management body for details of the current recommended websites for advertisement of posts. As of Sept 2011 these include:

General

www.educationposts.ie
www.staffroom.ie

Management Bodies/Employers

www.educatetogether.ie
Websites of the Vocational
Educational Committees

Advertisements for the post of Principal may also be advertised on
www.publicjobs.ie.

- 2.2.2. The advertisement shall invite applications with curriculum vitae **or** on the agreed standard application form from eligible teachers to be submitted by a specified date to the Chairperson of the Board of Management at the specified address. **Applicants should not be required to submit both a curriculum vitae and an application form.**

The advertisement **shall** state:-

- (a) the name, address, roll number and patronage of the school.
- (b) the number of teaching posts (including Principal).
- (c) the nature of the vacancy (i.e. whether a teaching post or a Principalship).
- (d) the status of the vacancy (i.e. whether permanent or fixed term (temporary), wholetime or part-time).
- (e) the expected date of commencement of the post.
- (f) the address to which applications should be sent. This may be a postal **or** e-mail address (see 2.3 for electronic application/e-mail procedures).
- (g) the latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
- (h) whether a curriculum vitae **or** standard application form are required. (Applicants should not be required to submit both a curriculum vitae and an application form.)
- (i) the nature of the duties which may initially be allocated to the post (e.g. learning support, resource teacher, etc.). It should be stated that duties included in the advertisement may be subject to change
- (j) a list of documentary information required to support the application i.e., Evidence of qualifications; Teaching Council confirmation of registration; compliance with current Garda vetting and OHS requirements.
- (k) Any other required documentation e.g. certificate to teach Catholic religious education for schools under Catholic Patronage.

2.2.3. The advertisement **may** also state

- (a) Whether or not a list of suitable applicants may be set up from which future vacancies may be filled.
 - (i) Permanent vacancies may not be filled from a panel established following interviews for a fixed term post.
 - (ii) Where interviews for a permanent or fixed-term post have taken place then such an internal panel may be used to fill fixed-term and substitute vacancies equal to or of shorter duration than that interviewed for.
 - (iii) Where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Board approves the successful candidate and the order of merit of the qualifying candidates, subject to the prior approval of the patron.
 - (iv) Posts should be offered to qualifying candidates in order of merit as determined under 2.6.6. The list may only be compiled if referred to in the advertisement.
- (b) Whether a stamped addressed envelope is required for the return of documentation.
- (c) That applicants should mark envelope “Application”
- (d) Whether a minimum number of applications are required for the competition to proceed

A copy of the advertisement must be kept and should be placed in the personnel file of the successful candidate. If the position is advertised online a copy of same should be downloaded.

- 2.2.4. An internal panel referred to in 2.2.3 shall not be set up for the position of Principal. This should not be confused with an order of merit which can be used if a higher ranking candidate declines the position.
- 2.2.5. Special care shall be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.
- 2.2.6. Advertisements must not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race & member of the Travelling Community.
- 2.2.7. There shall be no unreasonable delay between the notification of vacancy, insertion of the advertisement and the filling of the post.
- 2.2.8. Posts that are sanctioned on a permanent basis should be filled by a permanent appointment unless special circumstances apply.

- 2.2.9. Vacancies for Principal Teachers should not be advertised in July or August, except in exceptional circumstances and with the prior approval of the Patron.

2.3. Electronic Applications

- 2.3.1. Where the Board of Management chooses to accept electronic (e-mail) applications then the following procedures should be followed:
- (a) A separate e-mail account should be set up for the application process. Where the school does not have access to a distinct e-mail address then a service such as g-mail may be used e.g. Schoolnameapplications@gmail.com
 - (b) Access to this account should be restricted to members of the selection board only.
 - (c) The closing date and time should be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail.
 - (d) Where, under 2.5.2, the Board of Management sets a minimum number of applications that must be received for the competition to proceed and where this minimum number has been reached the applications shall be opened and downloaded by the Selection Board at its short-listing meeting.
 - (e) The applications will be assessed in accordance with normal procedures.
 - (f) Notification of calls for interview and the documentation listed under 2.6.1 (below) may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.
 - (g) Where a number of candidates are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Boards should utilise the :bcc option or e-mail applicants on an individual basis.
 - (h) Schools may decide to reply in writing (including via e-mail) to those unsuccessful candidates who presented at interview. This may also apply to the successful candidate. However, if e-mail is used a copy of the letter to the successful candidate should be placed on his or her personnel file.
 - (i) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions the passwords should be changed to ensure that only the new selection board has access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the selection board.
 - (j) All e-mail applications should be deleted following completion of a selection process. All personal data should be held securely, only for as long as is relevant, and in accordance with data protection guidelines.

2.4. Selection Board

- 2.4.1. A Selection Board shall be constituted and shall comprise of:-

- (a) For appointments to a Teaching Post - Chairperson of the Board of Management, the Principal Teacher and an assessor independent of the Board

of Management, to be appointed by the Patron after consultation with the Chairperson.

- (b) In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly-appointed Principal shall fill the position of Principal on the Selection Board.
- (c) For appointment to the post of Principal - Chairperson of the Board of Management and at least two assessors independent of the Board of Management, to be appointed by the Patron after consultation with the Chairperson.

2.4.2. At least one of the members shall be a woman and at least one a man.

2.5. Short Listing of Applications

- 2.5.1. The Selection Board shall meet as soon as is practicable and any documents and/or notes created by it shall be retained by the school for a period of 18 months.
- 2.5.2. Prior to advertising a position, the Board of Management may set a minimum number of applications which must be received for the competition to proceed.
- 2.5.3. Where the minimum number of applications has been specified and is not met, the post shall be re-advertised with a provision included that persons whose applications are received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.
- 2.5.4. The Selection Board shall, in the first instance, establish agreed criteria for the assessment of the applications. In establishing a criteria, the following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-
 - professional qualifications
 - registration with the Teaching Council
 - teaching experience
 - other relevant experience e.g. experience in Special Needs; multiclass teaching etc

Boards are advised to refer to www.education.ie for the most up to date qualification and registration requirements for appointment to teaching and principal posts.

The criteria selected must reflect the needs of the school and a copy of the criteria will be sent to all candidates who are called for interview.

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

- 2.5.5. Any member of the Selection Board, including the Chairperson, who stands in

a material relationship to a person who is a candidate for employment in the school, shall disclose this relationship to the Board of Management and, where necessary, withdraw from the Selection Board. The Patron shall nominate another Chairperson or member in their place. Such exclusion will stand for the entire process through to ratification at Board of Management level. The person so excluded shall not play any part in the deliberations or decision of the Board of Management on the matter but shall continue to participate as appropriate in all other business of the Board of Management.

- (a) The disclosure and the decision shall be recorded in the minutes of the Board. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
- (b) Knowing a person in a professional capacity (i.e. having taught or worked with them in the past) is not in and of itself a material relationship. A disclosure should be made and recorded as such by the selection board or the Board of Management as the case may be.
- (c) Failure to disclose any material relationship to the selection may invalidate the process.

2.5.6. If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Selection Board or, where the minimum number of applications set by the Board of Management under 2.5.2 for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.

2.5.7. Selection of candidates for interview will be based on an initial assessment of applications against the criteria established under 2.5.4 above.

2.6. Interviews

2.6.1. Calls to interview should normally be issued in writing or by e-mail within three clear weeks of the latest date for receipt of applications. Each applicant called for interview shall be given:-

- (a) at least seven clear days written notice of a specific interview time outside school hours.
- (b) details of the established criteria for the post shall be included with the written notice of interview
- (c) the Chairman should ensure that the interview venue is fully accessible and in compliance with all Disability and Health and Safety legislation, a request for the candidate to notify the Selection Board if they require any additional assistance in relation to a special need should also be included.

2.6.2. The venue for the interviews should be comfortable and appropriately furnished for a meeting between a group of adults, and should include a comfortable waiting area.

2.6.3. The Selection Board should, as far as practicable, ensure that, while in the interview venue, candidates do not meet each other either prior to or after the interview.

- 2.6.4. All questions at interviews shall relate to the requirements of the particular post and of the Rules for National Schools. No question shall be asked nor information sought in any form from a candidate which might be construed as being discriminatory.

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

- 2.6.5. Each assessor is required to complete his or her own individual marking sheet and give it to the Chairperson of the Selection Board on completion of the interviews. Copies of these sheets will be made available to candidates on request.
- 2.6.6. The individual marks shall be added and the final mark for each candidate will be used to produce a ranking of candidates who are deemed suitable for appointment. The Chairperson shall furnish the final marks and the ranking to the Board of Management together with a written report, nominating the applicant(s) whom it considers suitable for appointment.
- 2.6.7. Confirmation of the receipt of suitable references of the highest ranked candidate(s) nominated for appointment must be included in the written report. References may be obtained in written or verbal format from the referees nominated by the candidate in their application form.
- 2.6.8. A copy of the agreed ranking list of candidates shall be retained by the Board of Management for use in the event of the post not being filled by the highest ranked nominee. References of candidates shall be checked prior to any offer of appointment being made.
- 2.6.9. The Board of Management shall appoint the highest ranked nominee to the post unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board; in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board.
- 2.6.10. The prospective employee should not be offered the appointment until the prior approval of the patron has been obtained by the Chairperson of the Board of Management.
- 2.6.11. The Board of Management must ensure compliance with the current requirements in relation to Garda Vetting and in relation to the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to teaching positions. Current requirements are outlined on www.education.ie.

2.7 Order of seniority

- 2.7.1 Where two or more teachers commence duty on the same day, the Board of Management shall establish the order of seniority based on the order of merit determined by the Selection Board.

2.8 Notification of applicants

2.8.1 With the prior approval of the Patron having been received in accordance with 2.6.10 the Board shall notify the teacher in writing of his/her proposed appointment. The letter of offer to the successful candidate should state that the offer is subject to–

- (a) the sanction of the Minister,
- (b) confirmation of qualifications,
- (c) continued registration with the Teaching Council,
- (d) compliance with Garda vetting requirements, and
- (e) pre-employment medical screening.

A template letter of offer may be found on www.education.ie.

2.8.2 As soon as the Board of Management has received written notification of the teacher's acceptance of the post, all unsuccessful interviewees shall be notified.

2.8.3 Both the successful candidate and the Chairperson shall complete the relevant appointment form and forward it to the Primary Payroll Section of the Department of Education and Skills. If the post is warranted and the Chairperson of the Board certifies that the teacher has met the criteria and the appointment has been made in accordance with the procedures outlined in this appendix and current Departmental Circulars, the Minister for Education and Skills will sanction the appointment.

2.8.4 Records of the advertisement, criteria for assessment of applicants, the written report to the Board of Management and any other record of the Selection Board shall be kept for a minimum period of 18 months by the Board of Management in accordance with Data Protection procedures.

2.9 Contracts

2.9.1 A Board of Management, as employer, must provide his/her employee with a written statement of the particulars of the employee's terms of employment- , e.g., place & hours of work, responsibilities, disciplinary/ grievance procedures, employer policies (health & safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 and 2001.

2.9.2 Teachers engaged for their first permanent or fixed-term (temporary) contract should receive their written terms of employment within two months of the date of their appointment. Any subsequent contract must be furnished prior to the date of renewal/commencement of that contract. The terms and conditions should be signed in duplicate by the employee and the employer. The School should retain one of the duly completed duplicate terms and conditions on the teacher's personnel file and furnish the other to the employee.

3. Appointments as Principal Teacher or as Teacher in convent and monastery schools

- 3.1. If the authorities of the Religious Order concerned wish to appoint a member of the Order the Board of Management shall, subject to the prior approval of the Patron and of the Minister, appoint the person proposed by these authorities provided that the person is registered with the Teaching Council and qualified for the post in question, references have been received from the Principal or Chairperson of the Board of Management of the member's current or previous school and compliance with Garda vetting requirements.
- 3.2. Where a Religious Order has been guaranteed a certain number of posts in a reorganised school which is not a convent or monastery school, the Board of Management shall, subject to the prior approval of the Minister, appoint to such posts members of the order nominated by the authorities of the Religious Order concerned provided that the persons nominated are registered with the Teaching Council and qualified for the post(s) in question, references have been received from the Principal or Chairperson of the Board of Management of the member's previous school and are in compliance with Garda vetting requirements .
- 3.3. Where a teacher is appointed under (3.1) or (3.2) above, the Religious Order may, at its sole discretion, remove a member of the order from a position where such a member was appointed to the position in accordance with this provision. Such a provision should be included in the teacher's contract.
- 3.4. If the authorities of the Religious Order consider that a lay person should be appointed, the procedure set out under Section 2 of this Appendix shall be followed.

4. Appointment of fixed term (temporary) teachers

Where a teacher is granted temporary leave i.e. career break, secondment etc., it shall be the responsibility of the employing authority to employ a fixed-term (temporary) replacement for the period of the temporary absence.

A fixed term contract of employment is one where the end of the contract is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event. Details on the operation of the Protection of Employees (Fixed Term Work) Act in the education sector may be found on www.education.ie

4.1. Obligations of the Board

- 4.1.1. A Board of Management, as employer, must provide his/her employee with a written statement of the particulars of the employee's terms of employment e.g., place & hours of work, responsibilities, disciplinary/ grievance procedures, employer policies (health & safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Act 1994.
- 4.1.2. Teachers engaged for their first permanent or fixed-term (temporary) contract should receive their written terms of employment within two months of the date of their appointment. Any subsequent contract must be furnished prior to the date of renewal/commencement of that contract. The terms and conditions should be signed in duplicate by the employee and the employer. The School

should retain one of the duly completed duplicate terms and conditions on the teacher's personnel file and furnish the other to the employee.

- 4.1.3. Under the Terms of the Protection of Workers (Fixed Term) Act, 2003 (Section 8) the terms and conditions for a fixed term employee must contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event.
- 4.1.4. Where an employer proposes to renew a fixed-term contract, the fixed term employee **shall** be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract **and** the failure to offer a contract of indefinite duration before the date of renewal.
- 4.1.5. The Board of Management is reminded to follow normal recruitment practice in relation to compliance with Garda vetting requirements and reference checks, appropriate qualifications and registration with the Teaching Council.

4.2. Procedures

- 4.2.1. The appointment of fixed term (temporary) teachers shall be a matter for the Board of Management subject to the approval of the Minister.
- 4.2.2. In cases of anticipated vacancies of 24 weeks or more the positions should be advertised and filled through a formal recruitment process using the procedures outlined under Section 2 above (subject to current Department circulars concerning the Diocesan and other approved redeployment panels.)
- 4.2.3. For anticipated vacancies of less than 24 weeks duration the school is obliged to appoint a qualified and registered teacher from a list of such teachers maintained by the school or from a national service such as TextaSub or SubSearch. The Board of Management should refer to current department circulars in relation to the qualification and registration requirements for appointment to teaching posts.
- 4.2.4. Where a fully qualified and registered teacher is engaged on successive contracts in the same or similar positions with the same employer, an interview process is required for the initial appointment only. The Board of Management should ensure that a written contract is furnished to the teacher prior to its commencement.

4.3. Terms of Employment for Fixed-term (temporary) teachers

- 4.3.1. The principle to be applied to conditions of employment in respect of fixed-term employees is the principle of no less favourable treatment during the period of contract unless objective grounds exist for doing so.
- 4.3.2. In general it is agreed that the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.
- 4.3.3. Fixed-term teachers must be notified of the existence of a permanent vacancy. It is not possible to be prescriptive in respect of the methodology to be used. Methods may include the use of the employer website/notifications to individuals outside of term time/the school notice board during term time.

The method which will be used for the advertising of permanent vacancies is to be included in the written statement of terms given to each fixed-term teacher. The objective is to ensure that the fixed-term teacher is notified of the vacancy in a timely manner so as to allow that teacher the opportunity to apply for the position should s/he wish to do so.

All employers should note the provisions of the Protection of Employees (Fixed-Term) Work Act, 2003 which at section 10.2 provides that the information regarding a vacancy “*may be provided by means of a general announcement at a suitable place or undertaking or establishment*”.

Appendix E

Special Needs Assistant Appointment Procedures

Reference to “days” in Appendix E is to be taken to mean calendar days unless otherwise indicated.

1. Procedures for appointment of a Special Needs Assistant

- 1.1. Boards of Management, in accordance with these agreed procedures hereunder, are responsible for the appointment of Special Needs Assistants in primary schools. Any such appointment is subject to the prior approval of the school's Patron.
- 1.2. A Special Needs Assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2. Advertisements

- 2.1 A Board of Management must not advertise a special needs assistant post without first ensuring that any panel established by a school following interviews for a Special Needs Assistant post ("internal panel") is clear.
- 2.2 A Special Needs Assistant post must be advertised in a local newspaper **or** on one of the websites as determined by the management bodies from time to time.

Boards are advised to consult their management body for details of the current recommended websites for advertisement of posts. As of Sept 2011 these include:

General

www.educationposts.ie
www.staffroom.ie

Management Bodies/Employers

www.educatetogether.ie
Websites of the Vocational
Educational Committees

- 2.3 Subject to any exceptions permitted by the Employment Equality Acts, 1998 and 2008 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.
- 2.4 The advertisement shall invite applications with a curriculum vitae **or** on a standard application form from eligible persons to be submitted by a specified date to the Chairperson of the Board of Management at the specified address.
- 2.5 The advertisement **shall** state:
 - (a) The name, address, roll number and patronage of the school.
 - (b) The expected date of commencement of the post.

- (c) State if the post is full time or part time and the number of part time hours.
- (d) State whether the post is standard or substitute.
- (e) A general description of the duties of the post.
- (f) The address to which applications should be sent. This may be a postal **or** e-mail address (see (3) for electronic application/e-mail procedures).
- (g) The latest date for receipt of applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
- (h) State that a curriculum vitae OR standard application form must be submitted with the application (applicants should not be required to submit both a curriculum vitae and an application form).
- (i) State that references or the names and addresses of referees are required.
- (j) State that an internal panel of suitable applicants may be set up from which future vacancies (including substitute vacancies) may be filled (valid for the duration of the school year). Standard special needs assistant vacancies may not be filled from a panel established following interviews for a substitute position.

A copy of the advertisement must be kept and should be placed in the personnel file of the successful candidate. If the position is advertised online a copy of same should be downloaded.

3. Electronic Applications

3.1. Where the Board of Management choose to accept electronic (e-mail) applications, the following procedures should be followed:

- (a) A separate e-mail account should be set up for the application process. Where the school does not have access to a distinct e-mail address, a service such as gmail may be used e.g. Schoolnameapplications@gmail.com.
- (b) Access to this account should be restricted to members of the selection board only.
- (c) The closing date and time should be strictly adhered to. The date and time at which applications are received, shall be as recorded on the e-mail.
- (d) The applications will be assessed as normal
- (e) Notification of calls for interview and the relevant documentation may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.
- (f) Where a number of applicants are e-mailed at the same time, care should be taken to maintain confidentiality of each applicant. Boards should utilise the :bcc option or e-mail applicants on an individual basis.
- (g) Schools may decide to reply in writing to those unsuccessful candidates who presented at interview. This may also apply to the successful candidate. However, if e-mail is used it is recommended to save or print a copy of the letter to the successful candidate for school records.
- (h) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions, the passwords should be changed to ensure that only

the new selection board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the selection board.

- (i) All e-mail applications should be deleted following completion of a selection process. All personal data should be held securely, only for as long as is relevant, and in accordance with data protection guidelines.

4. Selection Board

- 4.1. The Selection Board shall consist of the Chairperson of the Board of Management, the Principal of the school and one other person nominated by the Patron.
- 4.2. The Selection Board must include at least one male and one female.
- 4.3. Any member of the Selection Board, including the Chairperson, who stands in a relationship to a person who is a candidate for employment in the school, shall disclose this relationship to the Board of Management and, where necessary, withdraw from the Selection Board. The Patron shall nominate another Chairperson or member in their place. Such exclusion will stand for the entire process through to approval at Board of Management level. The person so excluded shall not play any part in the deliberations or decision of the Selection Board. Any member of the selection board who is also a member of the Board of Management shall continue to participate as appropriate in all other business of the Board of Management.
 - (a) The disclosure and the decision shall be recorded in the minutes of the Board. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
 - (b) Knowing a person in a professional capacity (i.e. having worked with them in the past) is not in and of itself a material relationship. A disclosure should be made and recorded as such by the selection board.
 - (c) Failure to disclose any material relationship to the selection may invalidate the process.

5. Short listing of applicants

- 5.1. The Selection Board shall meet as soon as is practicable and any documents or notes created by it shall be retained by the school for a period of 18 months.
- 5.2. The Board of Management may set a minimum number of applications which must be received for the competition to proceed.
- 5.3. Where the minimum number of applications has been specified and is not met, the post shall be re-advertised with a provision included that persons whose applications are received within the time specified in the advertisement need not reapply and their application will be held until the next closing date.
- 5.4. The Selection Board shall, in the first instance, establish agreed criteria for the assessment of the applications having regard to the appropriate legislation and to the requirements of the post.

Schools are reminded that with effect from 1st September 2011, the minimum

required standard of education for appointment to the post of Special Needs Assistant is:-

A FETAC level 3 major qualification on the National Framework of Qualifications

OR

A minimum of three grade Ds in the Junior Certificate

OR

Equivalent

Established criteria of the Board shall take account of the Employment Equality Acts, 1998 and 2008 and the Code of Practice of the Equality Authority. The criteria selected must reflect the needs of the school and a copy of the criteria will be sent to all candidates who are called for interview.

5.5. If there are three eligible applicants or fewer, all eligible applicants shall be called for interview by the Selection Board. Otherwise, at least three eligible applicants shall be called for interview.

5.6. Selection of candidates for interview will be based on an initial assessment of applications against the criteria established under (5.4) above.

6. Interviews

6.1. Calls to interview should normally be issued in writing or by e-mail within three clear weeks of the latest date for receipt of applications and should include:-

- (a) at least seven clear days notice of a specific interview time outside school hours.
- (b) details of the established criteria for the post shall be included with the written notice of interview
- (c) a request for the candidate to notify the Selection Board if he/she requires any additional assistance in relation to a special need. The Chairperson should ensure that the interview venue is fully accessible and in compliance with all Disability and Health and Safety legislation, a request for the candidate to notify the Selection Board if they require any additional assistance in relation to a special need should also be included.

6.2. The venue for the interviews should be comfortable and appropriately furnished for a meeting between a group of adults, and should include a comfortable waiting area.

6.3. The Selection Board should, as far as practicable, ensure that, while in the interview venue, candidates do not meet each other either prior to or after the interview.

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

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

Copies of these sheets will be made available to candidates on request.

- 6.6. The individual marks shall be added and the final mark for each candidate will be used to produce a ranking of candidates who are deemed suitable for appointment. The Chairperson shall furnish the final marks and the ranking to the Board of Management together with a written report, nominating the applicant(s) whom it considers suitable for appointment.
- 6.7. Confirmation of the receipt of suitable references of the highest ranked candidate(s) nominated for appointment must be included in the written report. References may be obtained in written or verbal format from the referees nominated by the candidate in their application form.

7. Appointing the Successful Candidate

- 7.1. Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management, nominating
 - (a) the applicant whom it considers most suitable for appointment and
 - (b) a list of candidates in order of merit suitable for appointment to any further post arising in the school over the course of the school year.
- 7.2. The Board of Management shall meet and appoint the candidate nominated by the Selection Board unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board. In this instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board.
- 7.3. The Board of Management shall also retain the list of candidates deemed suitable for appointment. Such a list will be effective for the duration of the school year in question in respect of any appointment to posts of Special Needs Assistants which may arise in the school. References of candidates shall be checked prior to any offer of appointment being made.
- 7.4. The prospective employee should not be offered the appointment until the prior approval of the patron has been obtained by the Chairperson of the Board of Management.

8. Order of seniority

- 8.1 If two or more Special Needs Assistants commence duty on the same day, the Board of Management shall establish the order of seniority based on the order that the Special Needs Assistants were listed in the order of merit determined by the selection board.

9. Garda Vetting

- 9.1 The Board of Management must ensure compliance with the relevant requirements in relation to Garda Vetting and in relation to the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to SNA positions. Current requirements are outlined on www.education.ie.

10. Assessment of Medical Fitness

- 10.1 Arrangements for the assessment of medical fitness of an SNA prior to appointment should be made through the Occupational Health Strategy, further information on which is available on the Department's website (www.education.ie).

11. Contracts of Employment

- 11.1 New appointees must be offered a contract of employment in accordance with the terms outlined in the relevant circular which is available on the Department's website. – www.education.ie – Home – Education Personnel – [Special Needs Assistants](#).

12. Notification of the appointment to the Department of Education and Skills

- 12.1 On completion of the appointments procedure as outlined above, Boards of Management shall complete and submit the form "Notification of Appointment – Special Needs Assistant", which is available on the Department's website www.education.ie under Education Personnel/[Special Needs Assistants](#), to

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

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: _____

Address of School: _____

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 named school with effect from

_____ (Date).

Chairperson's personal address*: _____

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 Constitution of Boards and Rules of Procedure 2011 using (please tick relevant box):

Option 1 of Appendix B ☐

Option 2 of Appendix B ☐

Part D

I confirm that all eight Board members (or in the case of a one-teacher school, all four Board members) have been appointed and the Board of Management has been established in accordance with the requirements set out in the Constitution of Boards and Rules of Procedure 2011 and the Education Act, 1998.

Signed: _____ (Patron's signature)

Date: _____

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

Appendix G

DECLARATION OF ACCEPTANCE OF MEMBERSHIP OF THE SCHOOL BOARD OF MANAGEMENT

School _____ Roll No. _____

Address _____

County _____

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 'Constitution of Boards and Rules of Procedure 2011' and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Boards.

Member's Signature

Date

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