

Chapter 2

The Board of Management

SUMMARY

This chapter describes the duties and obligations of the Board of Management as laid down in legislations and in the Articles of Management for Community and Comprehensive Schools.

Principal Themes

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2.2 Appointment of a Board of Management

- Trustee nominees
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2.3 Termination of Membership of Boards of Management

2.4 Responsibilities of a Board of Management

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- Specific Responsibilities and Rights - Education Act, 1998.
- Specific Responsibilities - The Education (Welfare) Act 2000
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Documentation

(DES CL M 48/01 (link))

Deed of Trust, First Schedule-Instrument of Management, 3(a). (link)

Education for Persons with Persons with Special Educational Needs Act 2004.(link)

The Employment Equality Act, 1998. .(link)

The Equal Status Act, 2000. .(link)

Safety, Health and Welfare at Work Act, 1989. .(link)

Protection of Employees (Part-Time Work) Act, 2001.(link)

Protection of Employees (Fixed Term) Work Act, 2003.(link)

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Chapter 2 Board of Management

2.1 Composition of Boards of Management

Community and Comprehensive schools are governed by Boards of Management which are given statutory recognition by the Education Act, 1998.

The composition of Boards of Management of Community Schools is as follows:

- Nominees of Religious Trustees
- Nominees of Vocational Education Committee Trustees
- 2 Nominees of parents (elected, of whom one must be a mother)
- 2 Nominees of permanent whole-time teaching staff (elected)
- 1 Principal (non-voting)
- Total: 11

Provision is made in the “Catholic” Comprehensive Schools for an 8/9 person Board of Management consisting of:

- Two nominees of the local Catholic Bishop, one of whom acts as Chairperson
- A nominee of the local Vocational Education Committee
- The Chief Executive Officer for the time being of the Vocational Education Committee
- Two elected parent nominees (one male, one female)
- Two elected teacher nominees
- One other who may be co-opted.
- The Principal will normally attend all Board of Management meetings.
- The Board may nominate one of its members to act as Secretary and arrange that the Principal will act as correspondence Secretary. Where it has been the custom and practice for the Chief Executive Officer of the Vocational Education Committee to act as Secretary, the said Chief Executive Officer will continue to act as Secretary.

While agreement has not yet been reached on the Deed of Trust for “Protestant” Comprehensive Schools it is envisaged that the Boards of Management of these school will consist of:

- Six nominees of the local religious authority one of whom is nominated as chairperson by that authority.
- A nominee of the local VEC.
- Two elected teachers
- Two elected parents
- The role of Secretary will be as for the Catholic Comprehensive Schools.

Term of Office of a Board of Management

The term of office of a Community School Board of Management is three years and expires on the 31st day of July in the third year after the Board was constituted.

The term of office of a Comprehensive School Board of Management is five years.

Last updated March 2011.

2.2 Appointment of a Board of Management

The nomination and election of members of an incoming Board must be completed at least one month before the date of expiry of the term of office of the existing Board and the new Board so constituted assumes office when the term of office of the outgoing Board expires. The outgoing Board will normally initiate the procedures to ensure that its successor is in place in good time.

Provisions for the appointment of the first Board of a Community School are detailed in the *Deed of Trust, First Schedule-Instrument of Management, 3(a)*. ([link](#))

Nominations by the Trustees to the Board of Management

The outgoing Board of Management should write to the nominating authorities (i.e. Trustees), requesting their nominations to the new Board, in adequate time to accommodate the completion of the process.

Election of Parent Nominees

Parents elect two Board members. The outgoing Board of Management should arrange for the election of Parent nominees. To be eligible for election, a parent must have a child attending the school at the time of the election. [Ref. *Deed of Trust, First Schedule, Instrument of Management, 3(a)(iii)*] ([link](#))

Note: When elected, the Deed of Trust does not oblige a parent to resign from the Board when s/he no longer has a child attending the school. However, s/he may be removed from office by her/his electorate. (See 2.8 below).

One of those elected must be a mother. "Parent" is not defined in the Deed of Trust, but the Board could reasonably assume that the person/s exercising parental control over the child, either as natural parent/s or legal guardian/s, can be deemed, for the purpose of election, to be the parents. Boards are advised that a reasonable effort should be made to inform all parents/guardians in writing of the proposed election.

It should be noted that the electorate for nominating candidates for election and for electing parents on to the Board of Management includes all parents/guardians of children attending the school at the time, whether they be members of the Parents Association or not.

It is a matter for each Board to decide how to arrange for the nomination and election of parents. The Board may decide to hold a special general meeting of parents for the purpose of nominating candidates, or may decide to send a nominating paper to all parents with the letter of notice setting out the procedures to be followed. When nominations have been made, official pre-numbered ballot papers are prepared, if there are more than two candidates.

Last Updated march 2011

In Community Schools, if there is only one female candidate, she must be declared elected, even if there are a considerable number of male candidates. Since one seat is reserved for a mother, the election is then confined to the filling of the other seat which is open to either a mother or a father.

In Comprehensive Schools provision is made for the election of one father and one mother. Hence, there will in effect be separate elections for male and female candidates.

When issuing the ballot papers to the electorate short election addresses from each of the candidates may be circulated, if that procedure is agreed by the Board.

It is up to the individual school to decide on the method of voting. Some schools hold an election meeting and conduct the ballot in the school over an hour or two in one evening, and other schools find a postal ballot more suitable.

Whether to opt for a straight vote, with the option of voting for one or two people, or to use a P.R. system is a question for determination by each Board. What is important is the maintenance of high standards of fairness. This can best be guaranteed by putting the election and count under the control of an independent presiding officer and by providing her/him with the support and resources to prevent abuses such as impersonation.

It is important (especially if a straight vote system is being used) that there is a tie-breaking system, such as the toss of a coin, announced in advance of the elections. This is advisable as, with a relatively small electorate and the likelihood of a low poll, it is possible that two candidates may be tied on the same vote.

If a P.R. system is used it is important that the presiding officer is well versed in its operation and has given an advance outline of the process to be followed.

It is wise to keep ballot papers safely and in a carefully sealed envelope for a period of one year after an election.

Election of Teacher Nominees

The arrangements for the election of teacher nominees are entirely a matter for the outgoing Board of Management. The Board informs eligible teachers, i.e. teachers currently serving in the school at the time, by public notice or by individual letters, that, acting as one body, they may elect two of their number as their nominees on the Board for the forthcoming term. Arrangements are then made for the receipt of nominations, and, if more than two nominations are received, an election must be held. This election should follow the same general procedure as that outlined for the election of parent nominees.

Eligibility to Vote in Election of Teachers to the Board of Management

All teachers, who are serving in the school at the time of the election, are entitled to vote. Teachers who are on career break, or on extended study leave, or on leave as a public representative, or seconded to the Department, and not currently serving in the school, are ineligible.

As elections are required to be held one month ahead of the commencement of the period of office of a Board (i.e. elections should precede August 1st, the starting date of the Board's term of office) there may be cases of teachers who are resigning on July 31st voting in the election of a Board which will not take up office until they are no longer teachers in the school. Conversely, a teacher who is on career break, but due to return to the school from August 1st, is ineligible to vote in the same election.

Notwithstanding such anomalous situations, Boards are obliged to adhere to the requirements of the DEED OF TRUST, First Schedule-Instrument of Management, Section 3 (a), paragraphs (iv) and (ix). However, while the Deed of Trust specifies that eligibility to participate in the election is confined to Permanent Wholtime Teachers, legislation requires that part time and temporary staff should enjoy equal status with their permanent colleagues.

It is important to note that teachers who are on sick leave, maternity leave, or other approved leave, e.g., adoptive leave, sports leave, leave for jury service, have full eligibility to vote and to offer themselves as candidates. It is necessary, therefore, that Boards should inform such teachers by letter of the forthcoming elections and advise them of the nomination and voting procedures and relevant dates.

2.3 Termination of Membership of Boards of Management

Any member of the Board of Management who is absent from all meetings of the Board during the period of one year, except for reasons approved by the Board, or who is incapacitated from acting, or who communicates in writing to the Secretary of the Board a wish to resign shall thereupon cease to be a member of the Board.

Any member of the Board may be removed from office by her/his nominating body or by the electorate in the case of the Parents' nominees and the Teachers' nominees. [Deed of Trust, First Schedule-Instrument of Management, Section 6].

NOTE: Vacancies created by termination of membership or by the resignation of a member should be filled in accordance with the procedures detailed above in paragraph 2.2

2.4 Responsibilities of a Board of Management

The responsibilities of the Board of Management of a Community School are detailed in the *Deed of Trust, First Schedule-Instrument of Management and Second Schedule-Articles of Management* ([link](#)). These responsibilities are further modified and/or enhanced by the Education Act, 1998 and subsequent legislation. It is important to note that, in the event of any conflict, legislative requirements will take precedence over the Deed of Trust.

General Responsibilities

The Board is responsible for the government and direction of the School, subject to the provisions of the First and Second Schedule of the Deed of Trust and the provisions of the Education Act, 1998, and in accordance with the stated purpose of the School which is to

provide a comprehensive system of post-primary education open to all the children of the Community, combining instruction in academic and practical subjects and on-going education for persons living in the area served by the school, and generally for contributing towards the spiritual, moral, mental and physical well-being and development of the said Community.

Specific Responsibilities - Deed of Trust

In accordance with the provisions of the Second Schedule-Articles of Management, the Board has specific responsibility for the following.

- The Finances of the School.
- Premises and Equipment.
- Selection and Appointment of Staff.
- Organisation and Curriculum.
- Returns and Reports to the Minister.

Specific Responsibilities and Rights - Education Act, 1998.

The provisions of the Education Act, 1998 specify, inter alia, the rights and responsibilities of School Boards, including the following.

A Board ... shall fulfil in respect of the school the functions assigned to that school by the Act, and ... each Board shall be a body corporate with perpetual succession and power to sue and may be sued in its corporate name.

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 the Act or any regulations made by the Minister under the Act.

The Board shall publish 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.

The Board shall also publish its policy concerning the admission to, and participation in the school by students with disabilities or who have other special educational needs, and shall 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.

The Board should be aware that all of its decisions in relation to the admission of pupils to the school, and the suspension or expulsion of pupils from the school are subject to appeal to the Secretary General of the Department of Education and Science in accordance with Section 29 of the Education Act (*DES CL M 48/01 (link)*)

The Board shall make arrangements for the preparation of a School Plan, shall ensure that the plan is regularly reviewed and updated and shall make arrangements for the circulation of copies of the Plan to the trustees, parents, teachers and other staff of the School.

The development of a School Plan should involve the collaborative effort of all the school partners. While the leadership role of the Principal is central to the process of school development planning, the involvement of the entire in-school management team, the Board of Management and the Trustees is most important in the management and co-ordination of the process.

A School Plan will normally be composed of two major elements :

- a statement of the school's self-review, overall mission and goals;
- a systematic description of strategies for further development.

The Department of Education and Science has established the **School Development Planning Initiative (SDPI)**. This body is a full time resource unit, based in the Marino Institute of Education, Dublin 9. Its function is to support all second level schools in school development planning through a number of actions, including the issuing of Guidelines, the provision of Facilitators and the organisation of Regional Seminars.

The Board shall establish procedures for informing the parents of students in the school of matters relating to the operation and performance of the school. This may include an annual report on the achievement of objectives as set out in the School Plan

The Board must be cognisant of the curriculum for recognised schools as may be prescribed by the Minister for Education and Science from time to time. The Board will need to be aware of the prescribed subjects, the syllabus for each subject, the amount of instruction time to be allotted to each subject and the guidance and counselling provision to be offered within the school.

The Board must also be cognisant of the role of the Inspectorate of the Department of Education and Science as set out in the Education Act, 1998, Part 111. In particular, the Board should be aware that the role of the Inspectorate, in advising and supporting schools and teachers on matters relating to the provision of education, includes the functions outlined in the following paragraphs.

The Inspectorate may visit schools, evaluate the organisation and operation of the schools, including the quality and effectiveness of individual teachers, evaluate the provision of special educational needs, assess the implementation of regulations made by the Minister and report to the Minister or to the Board of Management, parents of students and teachers as appropriate.

In addition, the Inspectorate may conduct assessments of the educational needs of students, advise teachers and Boards in respect of the performance of their duties and, in particular, assist teachers in employing improved methods of teaching and conducting classes. They may also advise parents and parents associations.

Board members should familiarise themselves with the contents of DES publications dealing with the inspectorate.

The Board should also be aware of the role of the National Educational Psychological Service Agency which was formally established as an administrative agency of the

Department of Education and Science on 1st September, 1999. This agency is dedicated to the delivery of a psychological service to schools and other recognised educational institutions.

The role of psychologists or of others with equivalent/similar qualifications is set out in the Education Act, 1998. In particular, this role includes the following functions:

to assess the psychological needs of students and to advise as appropriate;
to advise schools on policies and strategies for the education of children with special educational needs;
to advise the Minister for Education and Science on any matter relating to the psychological needs of students in schools;
to assist in the creation of a school environment which prevents or limits obstacles to learning.

Specific Responsibilities - The Education (Welfare) Act 2000

This Act concerns itself particularly with school attendance. It raises the school leaving age to 16 years. It imposes duties and obligations on parents and pupils to ensure that every child in the State attends a recognised school or otherwise receives an appropriate education. The legislation has provided for the establishment of the National Educational Welfare Board (NEWB) to support schools and parents in fulfilling their duties under the Act. Boards of Management are obliged to implement any guidelines or instructions issued by the NEWB.

Specific Responsibilities - Further Legislation

Board of Management members should be familiar with other relevant legislation which will arise from time to time in the course of their work – for example:

- *Education for Persons with Special Educational Needs Act 2004.*
- *The Employment Equality Act, 1998.*
- *The Equal Status Act, 2000.*
- *Safety, Health and Welfare at Work Act, 2005.*
- *Protection of Employees (Part-Time Work) Act, 2001.*
- *Protection of Employees (Fixed Term) Work Act, 2003.*

2.5 Board of Management Meetings

Quorum for Board Meetings

A meeting of the Board of Management may not proceed unless there is a minimum of five voting members present. Where a quorum ceases to be present arising from the early departure of members, the meeting should be adjourned and re-convened as soon as may be convenient.

Chairperson of the Board of Management

The term of office of the Chairperson of a Community School Board is one year without limit on the number of consecutive terms that may be served. The Chairperson of a Comprehensive School Board serves at the discretion of the religious nominating body.

At the first meeting of a Community School Board of Management in each school year, i.e., the first one after July 31st, the election of the Chairperson should be the first item on the agenda. Until this item is disposed of, the outgoing Chairperson or, in his/her absence, the Secretary presides at the meeting; invites nominations for the position of Chairperson and conducts an election if there is more than one nomination. Once the election is over, the Chairperson assumes the chair. Every member of the Board, with the exception of the Principal, is eligible for election to the chair.

If the Chairperson is absent from a Board meeting, the voting members present shall, before any other business is transacted, elect an Acting Chairperson from among their number to preside at the meeting.

The Role of the Chairperson

The role of the Chairperson is, primarily, to preside at meetings and to facilitate the conduct of business at the meetings. The Chairperson is normally consulted by the Secretary in advance of meetings to agree an agenda and order of business. Although the Board sits in a corporate capacity, it is normal practice, in the case of an emergency or when convening a meeting is impracticable, that the Secretary, in consultation with the Chairperson, acts on behalf of the Board.

Upon exercising power in this manner, it is incumbent on the Secretary and the Chairperson to report fully to the next Board meeting and to ensure that the matter is adequately recorded in the minutes.

Secretary of the Board of Management

In a Community or Comprehensive School the permanent Secretary of a Board of Management is normally the School Principal or the Chief Executive Officer of the local Vocational Education Committee.

In accordance with the Deed of Trust, First Schedule, Instrument of Management, Section 3(c), the Board of a Community School may at any time terminate the appointment of the Secretary on giving not less than one month's notice in writing. The appointment may also be terminated if the permanent Secretary is absent from more than two consecutive meetings of the Board except for a reason approved by the Board.

When the office of permanent Secretary becomes vacant, or when a casual vacancy arises, the Board shall appoint one of its members to act as Secretary in a temporary capacity.

Under the Deed of Trust, the Secretary is responsible for the issuing of notice and agenda of meetings and the keeping of minutes of meetings.

Apart from assisting in the orderly and efficient discharge of Board business, the Secretary, in practice, also has a role in relation to a range of other issues concerning the government and direction of the school including:

- dealing with Board of Management correspondence
- provision of information concerning Board of Management rights, obligations and powers
- development of school policy
- staff selection and appointments
- transmission of Board of Management decisions to relevant parties and appropriate follow up
- liaising with the Chairperson
- representing the Board of Management where appropriate
- liaising with relevant School/Board of Management personnel and ensuring that, as far as possible, all relevant matters are brought to the attention of the Board of Management in an efficient and timely manner.
- liaising with ACCS on behalf of the Board of Management and appraising Board of Management members of ACCS advice and guidance.

Convening of Board Meetings

Meetings of the Board must be held at least once in every school term, and Boards are required to hold such other meetings as may be necessary for the efficient discharge of their functions. In practice most Boards of Management hold meetings at monthly intervals, with the exception of July and August.

The Secretary of the Board convenes the meetings, giving at least seven days written notice of a meeting and specifying the business proposed to be transacted at the meeting. Where urgent business arises, which must be dealt with quickly, the Secretary, with the agreement of the Chairperson, may give shorter notice provided this procedure has been approved previously by the Board of Management.

In addition, a meeting of the Board may be convened by any five of its voting members all of whom must sign the request for the meeting. [Deed of Trust for Community Schools, First Schedule, Instrument of Management 9(b) and 10(a)]

Agenda for Meeting of Board of Management

Normally, the Secretary, in consultation with the Chairperson, draws up an agenda for a Board meeting.

The following is a sample agenda for regular Board of Management meetings.

- Minutes of previous meeting.
- Matters arising from minutes.
- Correspondence.
- Financial report.
- Purchases approval.
- ACCS business.
- Personnel matters.

- Principal's report.
- Scheduling of next meeting.

Minutes of Previous Meeting

In practice it is more efficient to circulate the draft minutes in advance of the meeting. This allows the proposal that they be taken "as read", and, either adopted "as a true and accurate account of the previous meeting", or amended and duly adopted as such.

Matters Arising from Minutes

The Chairperson normally invites queries, but only in relation to items which are not recurring on the agenda for the day.

Correspondence

All correspondence addressed to the Board and any other correspondence arriving at the school which relates to the general direction and government of the school must be brought to the notice of the Board. It is open to Board members to request sight of any correspondence, subject to the limitations of confidentiality.

To expedite this item at Board meetings, it is suggested that all correspondence be summarised and that the summary be tabled or circulated in advance. Routine matters for noting only should be marked and grouped for quick disposal, thus allowing more time for consideration of the more important items of correspondence.

Financial Report

The Department of Education and Science has published **Administrative and Financial Guidelines for Community and Comprehensive Schools** to assist Boards of Management to fulfil their obligations regarding the financial management of their schools. These guidelines became effective as and from 1st January 2003.

The implementation of these guidelines is considered extensively in Chapter 5 of this publication.

ACCS Business

Correspondence and Reports, Info bulletins, Newsletters, Annual Convention arrangements and the Annual Convention Handbook from ACCS should be brought to the notice of the Board.

Personnel Matters

It is advisable to include this as a regular item on the agenda to facilitate Board attention to such matters as the allocation and appointment of teaching staff, requests for career breaks and job sharing, requests for special and personal leave, absenteeism, approval for substitution and appointment of secretarial and maintenance staff. The appointment and management of staff is considered in Chapters 3 and 4 of this publication.

Principal's Report

The Principal's Report provides a vehicle for reporting on varied and miscellaneous matters relating to the school. It may range over such items as student and staff attainments, school achievements, disciplinary matters, minor maintenance issues, distinguished visitors to the

school and school events. It should not be used to deal with matters of substance which should always appear on the agenda as separate items.

Scheduling of Next Meeting

Before concluding the business of a meeting, the Board normally sets the date of its next meeting. If this is not done, it is a matter for the Secretary to arrange the date.

Minutes of the Board of Management Meeting

Minutes of Board meetings are among the most important of school records. They should be written by the Secretary of the Board of Management as soon as is practicable after each Board meeting. In their draft form, they are circulated to Board members and tabled at the next Board meeting. Once they are adopted “as a true and accurate account” of the proceedings of a meeting and are signed by the Chairperson of the Board, they then form part of the official records of the school.

The minutes are open to inspection by the Minister and the Board is required to forward forthwith a copy of the minutes of every meeting to the Department of Education and Science for inspection. The minutes may also be inspected by the Comptroller and Auditor General.

It is advisable that minutes:

- are numbered - for easy reference
- are short and concise - contain decisions but without detailed recording of discussions
- record the name of the proposer and seconder of all formal motions. However, a member’s name in association with a contribution to a discussion ought not to be recorded unless the member so requests.

Confidentiality of Board Meetings

The Deed of Trust requires confidentiality in respect of the business of a Board of Management, and no disclosure of the business may be made without the authority of the Board. In this respect, Boards are advised to develop a policy for dealing with matters of a sensitive nature, e.g. complaints by parents or personnel matters.

It is important to note that elected Board members (teachers and parents) 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. This applies equally to trustee nominees. However, it is a matter for each Board to decide what may be reported, and, in this respect, it is advisable that personnel, personal and financial matters should be treated as strictly confidential unless otherwise decided by the Board.

Non-members attending Board Meetings

Other than Board Members, no person has a right to attend Board meetings. However, it is open to a Board of Management to invite whomsoever it wishes to make a presentation to a meeting or to be in attendance and available to give advice and guidance of a technical or

specific nature. Such non-members, when invited, may not contribute to debate except at the invitation of the Board. It is also open to a Board to have a recording secretary present to take notes.

2.6 The Parents' Association

The Board of Management is obliged under section 26 of the Education Act, 1998 to "...give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when it is established". The Parents' Association is an essential organisation which enables parents to remain fully informed on educational developments, to voice the opinions of parents on issues that concern them and to liaise closely with the Principal, the teaching staff and the Board of the school on all matters relating to the educational welfare of their children.

The Parents' Associations of Community and Comprehensive Schools (PACCS) is a national organisation of parents/guardians of pupils attending Community and Comprehensive Schools. It is open to the Parents' Association in each Community and Comprehensive School to affiliate to PACCS. PACCS is, in turn, affiliated to the National Parents' Council, Post Primary (NPCpp) which is the officially recognised body representing the Parents' Associations in all sectors of post primary education.