

Chapter 1

Trusteeship

SUMMARY

This Chapter outlines the role and responsibilities of the Trustees in Community and Comprehensive schools as set down in the Education Act of 1998. It describes the establishment of the National Trustee Forum and its role as the representative body for Trustees in Community and Comprehensive Schools

Documentation:

- *Deed of Trust for Community Schools*
- *Instrument and Articles of Management for Comprehensive Schools*
- *ACCS Guidelines on the Role of Trustees in Community Schools*

Chapter 1

Trusteeship

1.1 The Education Act, 1998

The Education Act, 1998 requires that each school should have a registered **patron**. Section 8 (1)(b) of the Act provides that –

- a. The persons who, at the commencement of this section, stand appointed as trustees or as the board of governors of a post-primary school and, where there are no such trustees or such board, the owner of that school, shall be deemed to be the patron for the purposes of this Act and the Minister shall enter his, her or their name, as appropriate, in a register kept for that purpose by the Minister.

1.2 The Deed of Trust for Community Schools.

The *DEED OF TRUST*([link](#)) is the legal instrument which governs the establishment and management of a Community School. It consists of three sections.

MODEL LEASE FOR A COMMUNITY SCHOOL

THE FIRST SCHEDULE - INSTRUMENT OF MANAGEMENT

This sets out the composition of Boards, procedures for election of members, procedures for the appointment of the Secretary and the election of the Chairperson and other matters related to the operation of Boards.

THE SECOND SCHEDULE—ARTICLES OF MANAGEMENT

This sets out the purposes of a Community School, the operational arrangements for the Board, the responsibilities of the Board and the Indemnity which the State provides to Community Schools in lieu of insurance.

Community School Trustees

The MODEL LEASE provides for the nomination by the religious order(s) involved in the establishment of the school, or, where no religious order is involved, by the local Bishop, and by the local Vocational Education Committee (VEC) of Trustees (Patrons) for appointment by the Minister for Education and Science. It also sets out the details of the lease of the property from the Minister to the Trustees

In accordance with the terms of the MODEL LEASE the TRUSTEES shall, inter alia, “hold the Trust property upon trust for the purposes of the School (to be established with the object of providing a comprehensive system of post-primary education open to all the children of the community, combining instruction in academic and practical subjects and ongoing education for persons living at or near aforesaid and generally for the purpose of contributing towards the spiritual moral mental and physical well-being and development of the said Community) so long as the said lease shall be in existence or until the said lot shall be sold in accordance with the provisions of clause 7 hereof.” [Clause 4]

In accordance with the FIRST SCHEDULE, the religious and VEC Trustees each nominate three members to the Board of Management of the School.

1.3 Instrument and Articles of Management for Comprehensive Schools (link)

There are nine Comprehensive Schools in which the Catholic Bishop of the local Diocese is a Trustee and five Comprehensive Schools in which the local Church of Ireland Board of Education is a Trustee.

The Deed of Trust and Articles of Management for “Catholic” Comprehensive Schools have been amended and are now the legal instruments which govern the management of these schools. (The amended scheme entitled “Endorsement on Deed of Trust for Comprehensive Schools” is attached in appendix 2).

The Trustees in these schools, namely, the local Bishop and the Minister for Education and Science fulfil the role of patron as required under the Education Act.

Discussions are underway and nearing completion on corresponding revised arrangements for the governance of “Protestant” Comprehensive Schools.

1.4 The National Trustee Forum

A National Trustee Forum (NTF) representing the Trustees of Community and Comprehensive schools has been established and has held its inaugural meeting in August 2007.

The Forum members are:

- i. Monsignor Jim Cassin representing the Episcopal Commission for Education
- ii. Dr. Ken Fennelly representing the Church of Ireland Board of Education

- iii. Br. Anthony Mark McDonnell representing the Association of Trustees of Catholic Schools
- iv. Mr. Pat O'Connor representing the Irish Vocational Education Association

The Education Act of 1998 defined a clear and important role for the patron/trustees of all schools. This role includes:

- Being the vested owners of all land and property associated with the school
- Being responsible for the definition and the preservation of the school ethos
- Being responsible for the appointment of the Board of Management in accordance with the schools Articles of Management
- Being responsible for the nomination of teaching staff selection committees for appointments and promotions.

The interrelationship between Trustees, Board of Management, the Principal and staff is crucial to the proper and effective governance of any school. Community and Comprehensive schools are governed by a unique form of joint Trusteeship. In Comprehensive schools this Trusteeship is exercised by the local Bishop and the Minister for Education and Science and in Community Schools by Religious Order(s) and/or the local Bishop and the local Vocational Education Committee. There is a clear need to develop protocols and procedures for the proper exercise of this joint Trusteeship.

In June of 2001 the ACCS Executive established a sub-committee to consider this matter. The work of this sub-committee led to the publication in March of 2004 of "*Guidelines on the Role of Trustees in Community Schools* ([link](#))". This valuable document contains within it a comprehensive summary of the tasks required of Trustees in discharging their duties and of the responsibilities of Boards of Managements in their relationships with their Trustees in Community Schools. The Articles of Management for Comprehensive Schools were, at that time, under review by the DES. This review is now complete and the guidelines will require appropriate revision to incorporate the Trusteeship of Comprehensive Schools.

One of the key recommendations of the Guidelines was the establishment of a National Trustee Forum to co-ordinate the views of Trustee interests in Community and Comprehensive schools and to communicate with the Department of Education and Science on their behalf. This forum has now been established and has held its inaugural meeting in ACCS Head Office. Its members are Monsignor Jim Cassin representing the Episcopal Commission for Education, Rev. Canon John McCullagh representing the Church of Ireland Board of Education, Sr. Mary O'Connor representing the Association of Trustees of Catholic Schools and Mr. Pat O'Connor representing the Irish Vocational Education Association. Monsignor Cassin has undertaken the role of Chairman of the forum for the coming year.

The initial tasks of the forum will include:

- The establishment of terms of reference and a modus operandi for the forum
- To define its relationship with ACCS
- The establishment of a database of Trustee interests in Community and Comprehensive schools

- The facilitation of a national meeting or Conference of Trustees from Community and Comprehensive schools

Although ACCS has been to the fore in facilitating its establishment and will provide it with secretarial and administrative services the National Trustee Forum is an independent body. It is neither part of, nor answerable to, ACCS. The NTF communicates directly to the ACCS executive by means of an agreed report following its meetings. It deals with issues pertaining to Trusteeship in Community and Comprehensive schools and is the body with which the DES will consult in relation to such issues. ACCS will be kept informed of developments and concerns as they occur.