

1.0 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 –

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 (see Appendix 1) is the legal instrument which governs the establishment and management of a Community School. It consists of three sections.

- (a) MODEL LEASE FOR A COMMUNITY SCHOOL
- (b) 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.
- (c) 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.

1.3 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.

Guidelines on the Role of Trustees in Community Schools have been prepared by ACCS and published in March of 2004. Copies of these guidelines should be made available to Trustees and to their representatives on Boards of Management.

1.4 Instrument and Articles of Management for Comprehensive Schools

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.