



Review of the Deed of Trust for Community Schools

Progress Report for NTF 2011
12 October 2011

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Department of Education and Skills



Review Group Members

Comprises the Department and:

- Fr Michael Drumm, Catholic Schools Partnership
- Ms Eilis Humphreys, ATCS,(Le Chéile)
- Mr. Seán Ashe, IVEA
- Mr. Ciarán Flynn, ACCS
- Dr. Ken Fennelly, Church of Ireland Board of Education



Caveats

- **Work is ongoing**
- **Inappropriate to open up discussion on detail of work to date or comment on views expressed by the individual parties involved**
- **Feedback from today's discussion may be taken into account by the relevant members in further work**



Terms of Reference

To consider changes that may be required in the Deed to take account of:

- changes in legislation
- the use of public private partnerships
- the need to ensure the efficient and effective use of resources.



Terms of Reference (contd.)

- Recommend changes that may be appropriate and the basis for same
- Provide revised text in relation to any changes proposed.



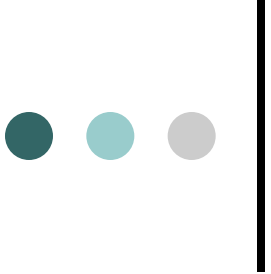
Significant developments ..

- Legislation – Education Act 1998, Education Welfare Act 2000 etc.
- New property model – PPP
- Policy changes
- Employment changes



Lease

- Provides for lease of property from Minister to the “original trustees”
- Sets out the conditions of the lease
- Provides for alteration by agreement of the parties



First Schedule –Instrument of Management

- Constitution of Board
- Term of office
- Appointment of Chair and Secretary
- Conflict of Interest
- Removal of Board members
- Meetings and Minutes



Second Schedule – Articles of Management

- Object of the school
- Finance
- Premises and Equipment
- Selection and appointment of teaching and non-teaching staff
- Organisation and Curriculum
- State Indemnity



Approach to date

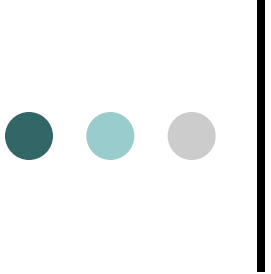
- Initial focus on First and Second Schedule
- Lease and property issues considered separately
- Consideration of future structure of the Deed



First Schedule


Art 2 ...“The board shall be responsible for the government and direction of the school subject to the provisions of the First and second schedule hereof”

- Board appointed by joint patrons
- Board also subject to the Education Acts and other relevant legislation



Art 3.... Board composition and election/nomination

- Order nominees / religious patron nominees
- Parents
 - children attending and **resident** in the area
 - at least one mother v. one male parent and one female parent



Art 3... Board composition and election/nomination

- Teacher members elected from permanent wholetime teachers – update to reflect current range of teacher contracts
- Timing of elections and commencement of term of office
- CEO on the Board / CEO as Secretary



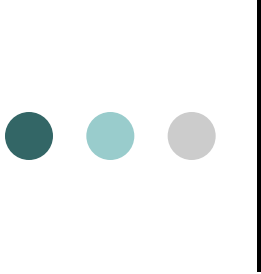
Art 5 .

- Member shall have no financial interest in the school property, be paid for services as a member or interested in supply of work or goods to or for the purposes of the school.
-
- Expand to cover wider conflict of interest issues
 - Provide for declaration of interest, remove him/herself from proceedings



Art 6... Determination of membership

- Removal of member by nominator
- Removal of member under section 16 of the Education Act



Arts 7 – 10.... Meetings

Art 11... Minutes

- Rescinding resolutions, quorum, regularity of meetings, convening of meetings
- All minutes currently sent to the Department

All minutes sent to the patrons and minutes sent to the Department if requested.



Second Schedule

- Art 2 states the object of the school

How can “characteristic spirit” be referenced ?

Refer to the Board’s duty to uphold and be accountable to the patron for so upholding the characteristic spirit (section 15 (2)(d) of the 1998 Act)



Finance

- General requirements for best practice
- Compliance with DES financial and administrative guidelines/directions
- Reflect current arrangements while proofing against future changes



Premises and Equipment

- Board responsible for upkeep and maintenance of premises
- Purchase of equipment and other articles for school
- Repairs and alterations
- Use of school for community purposes



Appointment of teachers

- Update to comprehend all relevant appointments
- Refer to need to comply with relevant legislation and procedures
- Reflect change from Inspector to independent educationalist on Selection Committee
- Ensure 3 person Committee has a nominee from each patron group



Organisation and Curriculum

- Current relevance of Advisory Committee. Should this be replaced by School Plan ?
- Update for Education Welfare Act 2000 (code of behaviour and expulsion/suspension of pupils)



Religious Worship and Instruction

- Board must ensure there is religious worship and religious instruction for pupils (except for those who request otherwise)
- Must be in accordance with the rites, practices and teaching of the pupil's religious denomination
- Referral to the competent religious authority of any questions in respect of instruction or worship
- Provide Religious Instruction of the order of 2 hours per week



Religious Worship and Instruction

Discussion deferred pending
consultation by relevant members with
catholic patrons/trustees



Lease

- Provisions of the lease itself need relatively minor amendment.
- How can PPP schools be accommodated ?
- Bigger Question – Should governance of the school rely on the property lease?



Next steps

- Further consider the Lease and options for PPP schools
- Consider outstanding provisions of Second Schedule
- Report with recommendations