

BOARDS OF MANAGEMENT OF NATIONAL SCHOOLS

Constitution of Boards and Rules of Procedure



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Contents

1.	General	3
2.	Definitions	4
3.	Constitution of Boards of Management	5
4.	Procedure for the election and nomination of members of Boards of Management	6
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	7
6.	Non eligibility	7
7.	Term of office, dismissal of Board or members, cessation of membership	7
8.	Confidentiality	9
9.	Board communications/transparency	10
10.	The Chairperson	10
11.	The Secretary	11
12.	The Treasurer	12
13.	Procedure for Board meetings	13
14.	Responsibilities of the Board to the Patron, the Trustees and the Department	15
15.	Disclosure of interest/integrity of Board proceedings	15
16.	Correspondence	16
17.	Access to the school	17
18.	Use of the school premises	17
19.	Finance	17
20.	Appointment procedures for teachers / Special Needs Assistance (SNAs)	21
21.	Appointment of all employees of the Board of Management	21
22.	Salary return (Rule 17 of the Rules for National Schools)	21
23.	On-Line Claim System (O.L.C.S.) for Primary Schools	22

Appendices

APPENDIX A

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

APPENDIX B

Procedures for the nomination/election of a parent(s) for appointment by the Patron as parent representative(s) on the Board

APPENDIX C

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

APPENDIX D

1. Appointment procedures for teachers
2. Advertisements
3. Selection Board
4. Assessment of applications/shortlisting
5. Interviews
6. Notification of applicants
7. Appointments as Principal Teacher or as Teacher in convent and monastery schools
8. Appointment of temporary teachers

Appendix E

1. Appointment Procedures for Special Needs Assistants

Appendix F

1. Declaration of Patron on the establishment of Board of Management

Constitution of Boards and Rules of Procedure

1. General

National Schools operate under the Education Act, 1998, other relevant legislation and the Rules for National Schools, currently applicable, which are made by the Minister for Education and Science.

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 and
 - (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) The **Patron** is the person or body of persons recognised as such by the Minister for Education and Science as defined by Section 8 of the Education Act, 1998. The Patron may manage the school personally or may nominate a suitable person or body of persons to act as manager. Subject to the provisions of Section 16 of the Education Act, 1998, the Patron may at any time resume the direct management of the school or may nominate another manager.
- (b) The **Trustees** are the persons nominated by the Patron as trustees of the school. They are parties to the lease of the school premises. 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 and Monastery schools, while the Bishop is the Patron, ownership rests with the Congregational Trustees.

The role of trustee does not encroach on the rights and duties of a school's patron.

- (c) The **Board of Management/Manager** is the body of persons or the person appointed by the Patron and recognised by the Minister as defined by Section 14 of the Education Act, 1998.
- (d) **“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.
- (e) **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:
 - (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). (Note: To ensure the widest possible representation, where practicable, parents should be from separate families and bear no relationship to any other member of the board),
 - (iii) The Principal Teacher (or Acting Principal Teacher) of the school.
 - (iv) One other teacher on the staff of the school, elected by vote of the teaching staff, including 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.
- (b) For schools having a recognised staff of one teacher:
 - (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. (Note: To ensure the widest possible representation, where practicable, parents should bear no relationship to any other member of the staff or board),

- (iv) One extra member proposed by those nominees, described at (i) - (iii) above, acting in accordance with the process set out at Appendix C.

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

- (a) In accordance with Section 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.
- (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) The Patron shall communicate the name of the Chairperson to the Minister, **and confirm to the Minister by written declaration attached - Appendix F** that the appointment of the members conforms to the procedures and requirements set out in this document. Where there is a change in Chairperson during the term of office of a board, the Patron should notify the Minister accordingly.
- (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.

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 nominate 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 for a period of up to six months in accordance with Section 16 of the Education Act 1998, at the end of which time, if the issue is not resolved, the Minister may intervene directly or indirectly to that end.

6. Non eligibility

- (a) A person, other than the Principal Teacher or, where it arises, the elected teacher-representative, who is employed 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) 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, or
 - (iii) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction, or
 - (iv) has been placed on the Sex Offender's register by order of a court.

7. Term of office, dismissal of Board or members, cessation of membership

- (a) **Term of office, dismissal**
 - (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 (Rule 14).
- (iv) In accordance with the Education Act, 1998 (Section 17), the Minister for Education and Science may require that patrons make arrangements for the dissolution of a Board and the appointment and election of a new Board where the Board has failed to fulfil its responsibilities.
- (v) 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 and the reasons therefor and shall afford such member or Board the opportunity to make representations to the Patron on the matter.
- (vi) 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.
- (vii) Where the Patron removes a member of a Board the resulting vacancy shall be filled in accordance with the provisions of (c) below.

(b) Cessation of membership

Where a member (including the Chairperson):

- (i) is adjudged a bankrupt, or
- (ii) under the protection or procedure of a court, has made a composition or arrangement with creditors, or
- (iii) is sentenced to a term of imprisonment, or placed on the Sex Offender's Register by a court of competent jurisdiction or
- (iv) 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.

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.

(c) Vacancies

(i) Where a member of a Board:

dies, or

resigns by giving written notice to the Chairperson, 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 vacating member's term.

(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 arises, the matter should 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.

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 advises boards to “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, teachers and the school community, and the manner and terms in which it should be conveyed. Issues which must remain confidential to board members should be clearly identified and members 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) regarding confidentiality need not necessarily conflict with the operation of such a policy; 8 above is 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 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 might also give due consideration to the possibility of perceived conflicts of interest in holding the position of Chairperson.
- (c) The Principal or elected teacher representative 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, the Board shall elect a Chairperson to preside at that meeting. The Patron shall appoint an Acting Chairperson where the circumstances require it (i.e. due to the longterm 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 (in the case of teaching staff Rule 18 (2) of the Rules for National Schools refers).
- (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 (Rule 17 of the Rules for National Schools refers).
- (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

In circumstances where the Principal Teacher acts as Secretary to the Board of Management and is in receipt of an allowance to act as Secretary to that Board, the requirement for a Recording Secretary will not apply. Duties of Principal Teachers acting as Secretary to Boards of Management are outlined in Circular 0079/2007.

However, in the circumstances where the Principal Teacher of a school does not 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) It shall be the duty of the Recording Secretary to:
 - (i) Keep 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 of Education and Science.
 - (ii) Set the agenda for meetings in consultation with the Chairperson of the Board and the Principal.
 - (iii) Record in the minutes decisions reached at meetings including the numbers of those voting for or against a motion.

12. The Treasurer (see also 19)

- (a) The Board shall elect a Treasurer from amongst its members. The Treasurer should be familiar with the requirements of Section 18 of the Education Act, 1998.
- (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 request, from Primary Administration Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath and is also available on the Department's website at www.education.ie.
- (c) All monies received shall be lodged in the school bank account(s). All payments shall be made by cheque or through secure on-line banking services. Transactions 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 representative bodies on the board, nominated by the board for this purpose. 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 records are kept in respect of each on-line transaction.

There are a range of payment methods available to boards including cheque, direct debit, bank giro, credit transfer etc. Boards should discuss the most cost effective payment methods with their bankers.

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.

- (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 representatives of 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 the Rules for National Schools, agreed procedures and relevant legislation shall be complied with, to be inserted in the minutes of the Board and, until such are completed he/she shall not be entitled to act as a member of the Board.
- (ii) Where necessary, 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) Subject to (c) (iii) above, a Board may act notwithstanding one or more than one vacancy among its members.
- (v) The proceedings of the Board shall not be invalidated by reason of any defect in the appointment or qualifications of any member thereof.

(vi) 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 or casting vote. The numbers of those voting for and against a motion shall be recorded.

(vii) 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 representatives of the Patron, the Trustees and the Department of Education and Science.

(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 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.

Such reports should include all details of on-line transactions.

15. Disclosure of interest/integrity of Board proceedings

- (a) A member of a Board, including the Chairperson, who has any interest in any company or concern with which the Board proposes to make any contract, or any interest in any contract which the Board proposes to make, shall disclose to the Board the fact of the interest and the nature thereof and shall take no part in any deliberation of the Board relating to the contract, and the disclosure shall be recorded in the minutes of the Board.
- (b) 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 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.
- (c) Where any member of the Board is related to any person (e.g. a pupil or teacher) who may be the subject of or have a direct involvement in a matter which is before the Board for consideration, that Board member shall 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 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.

- (d) 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.
- (e) 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.
- (f) 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.

16. Correspondence

- (a) The Chairperson shall act as correspondent for the Board with the Department of Education and Science and other agents. The Chairperson may however, nominate the Principal Teacher to act as correspondent in his/her absence, where necessary.
- (b) No member of the Board shall make or cause to be made representations to the Minister or to the Department 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.

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 have the prior approval of the Minister for Education and Science.

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 of Education and Science.
- (iii) Boards must comply with current building and planning regulations.

- (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, Department of Education and Science.
- (v) The Patron may designate the Chairperson or a member of the Board to act on behalf of the Trustees in dealing with the Department of Education and Science in regard to capital expenses. Such designation must be made in writing.

(b) Capitation

- (i) Capitation grants shall be used to meet operating costs such as heating, cleaning, lighting, purchase of teaching materials and maintenance of school premises and grounds.
- (ii) Each Board shall arrange, in consultation with the Principal Teacher, for the allocation of a sum of money annually from the capitation grant for the provision of classroom requisites.

(c) Grant Payments

All State grants from the Department shall be used only for the purpose for which they are provided.

The Department issues a schedule of anticipated grant payments at the beginning of each school year and subsequent statements at regular intervals confirming the grant payments which have issued over the course of the school year. These statements issue to the Chairperson and Principal of each school and should be retained carefully for reference for accounting and budgeting purposes. A copy of these statements should also be made available to each member of the Board of Management and to the Parents' Association.

(d) 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 for Education & Science 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 and Employer's Liability insurance but are not required to take out buildings cover. Buildings will be covered by State indemnity.

The Lease will be put into place on a phased basis, starting with schools that are commencing operation in a premises owned by the Minister in the 2007/8 school year. Thereafter, Leases will be put in place for schools already operating in Ministerially-owned premises. It is intended to have Leases put in place for all such schools as soon as practicable. However, up to and until such time as the Lease is executed between the Minister and the relevant Patron, schools operating in Ministerially-owned premises are obliged to have adequate buildings cover in place, along with Public Liability and Employer's Liability insurance.

(iv) The insurance policy shall be available for inspection by interested parties.

(e) 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 request, from Primary Administration Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath and is also available on the Department's website at www.education.ie 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 to the school community, the Patron, Trustees and on request 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 of Education and Science 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** Treasurer. However, the Chairperson may nominate a board member to act as signatory in his/her absence as outlined at 12(c) above.

For schools availing of on-line banking see Section 12 (c) above.

(f) 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) Fundraising in the name of the school must have the prior consent of the Board of Management. A Parents' Association should consult with the Board about fundraising for the school or school projects. The approval of the Board is needed before these funds are 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 be lodged to the school account.

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, including the vetting of employees which currently apply in relation to appointments.

22. Salary return (Rule 17 of the Rules for National Schools)

The school return furnished in connection with the claims for payment of salaries must be examined and checked by the Chairperson, and the certificate printed on the return must be signed by the Chairperson, without alteration, as a condition of payment of salaries.

When the payment of salary to the teacher would be delayed owing to the inability of the Chairperson to sign the school return, the return must be certified by a member of the Board, other than a teacher-member, nominated by the Board for this purpose.

The Board shall notify the Department as far in advance as possible on the appropriate form of all proposed changes of teachers.

23 On-Line Claim System (O.L.C.S.) for Primary Schools

The Department introduced an On Line Claim System referred to as O.L.C.S. from the 16th March, 2007. All primary schools will be using it in the near future.

The system is a major new development for the recording of leave, the payment of casual and non-casual teachers (substitutes) and substitute special needs assistants. It is a web-based system which enables schools to input details of the absences of teachers and special needs assistants and the claims for the payment of casual and non-casual teachers and substitute special needs assistants on line using a P.C. in the school. The data inputted in the school is transferred by web to a central OLCS database. The data is subsequently transferred from the OLCS database to the Department payrolls on a daily basis.

The OLCS system replaces the substitute teacher salary claim form which had to be input manually and posted to the Department. It also replaces the quarterly return forms used to record absences of teachers and special needs assistants.

The details regarding teacher absences are summarised in Circular 32/2007. This Circular should be checked when recording leave on O.L.C.S. Details regarding the absences of special needs assistants are outlined in Circular Pay SNA 18/04.

Security:

To maintain the integrity of the OLCS system it is important that Boards of Management ensure that the necessary control and security measures are complied with. The designated user and approver of the system should be advised to keep the passwords secure at all times and not to pass them to other members of staff. If the user or approver must leave the P.C unattended s/he should logout of O.L.C.S. The data user and approver should always ensure that all details of the teachers and special needs assistants are input correctly to the system. In particular, they should check that bank account details are input correctly.

Appendix A

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

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 representative 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 authorised teaching staff, including the Principal Teacher. For this purpose teaching staff shall be taken to include those serving in a 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
 - casual/non casual (substitute) teachers;
 - teachers on career break;
 - teachers on secondment;
 - teachers on service overseas and
 - teachers on study leave of periods of 6 months or more.
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 representative 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 representative, 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 vacancy.

Appendix B

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

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

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

Data Protection Act

When circulating details of nominees put forward for appointment of parent representatives on a board, the Patron's representative and Parents' Association should exercise vigilance and be aware of their obligations arising from the Data Protection Act, 1988 and 2003 and the need to ensure full compliance with the Act in relation to the collection, use and disclosure of any processed personal data. As the responsibility for interpreting and observing the Act rests with each individual school, institution or education body, these bodies should familiarise themselves fully with the provisions of the Act.

The Act is designed to protect the privacy of individuals with regard to automated 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).

There is a choice of two procedures which can apply, as set out at options 1 and 2.

Note: 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.

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
 - (i) indicate that at the meeting nominations will be sought from parents for persons to stand for election as parent representatives on the Board
 - (ii) clarify whether there will be a ballot at the meeting to elect the representatives or whether the ballot will be conducted subsequently as a postal ballot
 - (iii) 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 take 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. The result of the ballot shall be notified to the parents and to the Patron's representative.
10. 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.

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 seek 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.
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.

9. 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.
10. 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.

Vacancies among parent representatives

When a vacancy occurs among parent representatives, the Board of Management having consulted with the parents' association may recommend to the Patron either

- (i) 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
- (ii) the Board of Management may recommend a by-election to replace the parent representative.

Appendix C

(This process shall apply *mutatis mutandis* for the selection of 1 extra member in the case of Boards of schools with 1 teacher)

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

1. The Patron's representative shall convene a meeting of the two nominees of the Patron, the two elected parent representatives, the elected teacher representative 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.

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 fourteen 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 fourteen days to an absolute maximum of twenty-one 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:

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) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.
- (v) 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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending 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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

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.
- (ii) Persons nominated shall possess skills complementary to the Board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the Board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

5. The Patron's representative of the outgoing Board 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 of the outgoing Board of Management 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

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 Departments of Education & Science & Finance.

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. Appointment procedures for teachers

(i) 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 and are subject to the prior approval of the Patron.

- (ii) Boards are reminded of :-
- a) obligations under the Education Act 1998 and Employment Legislation including the Protection of Employees (Fixed-Term) Work Act 2003 and Protection of Employees (Part-Time) Work Act, 2001.
 - b) requirements set out in the Rules for National Schools and Department circulars concerning the Diocesan and other approved redeployment panels.
 - c) requirements in regard to qualifications of teachers, i.e., Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school regardless of the duration of the vacancy. If no suitable qualified teacher applies and an untrained person is appointed, the Board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of an untrained person.
 - d) Requirement to comply with the Constitution for Boards and Rules of Procedure.
- (iii) The following procedures are to be followed in all cases of the appointment of teachers unless, in special circumstances, the Minister decides otherwise.

Advertisements

Procedures for appointment of Teachers (Section 1) and Principals (Section 2).

Section 1: Appointment of a Teacher

- (i) Vacancies shall be notified to all teaching staff of the school and shall be advertised in at least one national daily newspaper. From 01/01/2008, Boards of Management will have the option of advertising on a limited number of specified websites used for education recruitment. Further details of web-based advertising will be outlined in a forthcoming circular. The advertisement shall invite applications with curriculum vitae from eligible male and female teachers to be submitted by a specified date to the Chairperson of the Board of Management.
- (ii) The advertisement **shall** state:-
 - the name, address, roll number and patronage of the school
 - the number of teaching posts (including Principal)
 - the nature of the vacancy (i.e. whether a teaching post or a Principalship)
 - the status of the vacancy (i.e. whether permanent fixed-term/temporary or substitute teacher)
 - the latest date for receipt of completed applications, which shall not be earlier than two weeks after the last date of publication of the advertisement

- date of commencement of employment in the teaching post
- that a curriculum vitae must be submitted with the application
- whether additional references, reports or other documentary information are required e.g., evidence of registration with Teaching Council and compliance with current vetting requirements

(iii) The advertisement **may** also state:

- The nature of the duties which, initially, may be allocated to the post (e.g. learning support resource teacher, resource teacher, etc.). It should be noted that duties included in the advertisement may be subject to change.
- Whether or not a list of suitable applicants may be set up from which future vacancies may be filled, however permanent vacancies may not be filled from a panel established following interviews for a fixed term post (*valid for the four month period from the date of the advertisement. This particular list may only be compiled if it has been referred to in the advertisement*).
- Whether a stamped addressed envelope is required for the return of documentation.
- That applicants should mark envelope “Application”.
- The advertisement should indicate if standard application form (Principal) is to be used (i.e. CPSMA standard form).

(iv) 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.

(v) 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 – 2004, i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race & member of the Travelling Community, with the exception of Section 37 of the Employment Equality Act regarding the protection of a schools ethos.

(vi) There shall be no unreasonable delay between the insertion of the advertisement and the filling of the post.

Section 2 Appointment of Principal teacher

1. A Board of Management advertising a Principal Teacher vacancy is required to either
 - a) Place the full advertisement in a national newspaper in accordance with the current procedures outlined at **Section 1** above

and/or

- b) Place the advertisement on www.publicjobs.ie and place a short notice in a national newspaper indicating that the post is advertised on the www.publicjobs.ie website. From 01/01/2008, Boards of Management will have the option of advertising on a limited number of specified websites used for education recruitment. Further details of web-based advertising will be outlined in a forthcoming circular.

and

- c) To notify all of the teaching staff in the school of the vacancy (including staff on approved absences i.e. career break, secondment etc.)
- 1.1 The advertisement whether set out entirely in a national newspaper or placed on websites per Section 1. b) above must include all of the data relevant to a teaching post (See 1 (ii) above), i.e. school name, address, patron, number of teaching posts (including principal) in the school, effective date for filling of post, curriculum vitae to be submitted, whether additional references, reports or other documents are required, closing date for applications and the address to which applications should be sent. The closing date for receipt of applications cannot be earlier than two weeks after the date of publication of the advert. See sample advertisement below.
- 1.2 Where the Board of Management decides to advertise a Principal teacher post on the public service website www.publicjobs.ie, it should submit the advertisement directly to the Public Appointments Service and allow 5 days if e-mailing the details of the advertisement or 14 days if posting. The contact number at the Public Appointments Service is Tel. 01 8587504; **E-mail:** info@publicjobs.ie.
Postal address: Chapter House, 26-30 Upper Abbey Street, Dublin 1.

The date of placement of the short newspaper advertisement should coincide with the first date that the principal post is advertised on the www.publicjobs.ie website.

A circular will follow detailing the procedures to be followed for additional web-based advertising.

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

Sample 1: Website advertisement www.publicjobs.ie

The screenshot shows a web browser window displaying a job advertisement on the publicjobs.ie website. The browser's address bar shows the URL: http://regov/jobs_2.1/JobDetails_eng.asp?JobID=1803&hdnGJD=8&hdnJobID=1400. The website header includes the publicjobs.ie logo and a navigation menu with links such as 'Login', 'Current Vacancies', 'My Personal Page', 'My Profile and Registration', 'My Applications', 'General Information', 'Terms and Conditions', 'Site Requirements', 'Contact Us', and 'Log Off'. The main content area is titled 'About the Job' and features the following details:

- Job Title:** School Principal
- Employing Department/Authority:** Board of Management, Joyce's National School
- Employing Department/Authority Website:** www.jns.ie
- Location:** Sandycove, County Dublin
- Job Description:** The Position of School Principal in Joyce's National School (Roll no 12345) will become available on 1st September, 2005. The School is a five teacher school, including the Principal post. The School is under the patronage of _____ in the diocese of _____.
- Closing Date for Applications:** 31/05/2005

Additional text in the advertisement includes: "Please contact Barry Vaughan at barry.vaughan@jns.ie, 01 898 7777 to seek an application form for this position. Please remember to include your CV and references from your employers along with your application. Application must reach Barry Vaughan, Joyce's National School, Sandycove, Co. Dublin before 5:30 pm on 31 May 2005. The Board of Management of Joyce's National School is committed to a policy of equal opportunity." A statement at the bottom reads: "The Commissioners are committed to a policy of equal opportunity." A 'Back' button is visible at the bottom of the advertisement content.

Sample 2: Website advertisement www.educationposts.ie

The screenshot shows a website interface for job advertisements. At the top, it says 'www.educationposts.ie' with the tagline 'all the best education vacancies in Ireland together on one site'. Below this is a navigation menu for 'Employee's area' including links for home, search for vacancies, message board, enquiries about qualifications, log-in/register for various services, and email the webmaster. The main content area is titled 'Primary level' and 'Search for vacancies'. It includes links for 'Back', 'E-mail this page to a colleague', and 'Print advert (printer friendly!)'. The advertisement details are as follows:

Type of Vacancy: Principal Teacher		Status of Post: Permanent
Application closing Date: 19/09/07		Commencement date: A.S.A.P.
School Name: Any Scoil NS Roll Number: 00000P Contact Numbers: 021 3010101 021 2020202 Fax: 021 3030303 E-mail: anyscoilns@eircom.net Postal Address: The Chairperson c/o Newtown New Anyplace County: Cork Website: http://www.anyscoil.ie	Type of school: Co-Educational School structure: Vertical School category: Mainstream with Special Class(es) Current enrolment: 150 Total number of staff: 15 School's Patronage: Catholic	You may submit the application by: <ul style="list-style-type: none"> • Post • E-mail Telephone enquiries welcome! Application Requirements: <ul style="list-style-type: none"> • Standard Application Form for Principalship (click here to download) • Curriculum Vitae • Referees • Passport Size Photo • Inspector's Reports

At the bottom of the page, it says 'Copyright © IPPN 2004-2007. Web site development J. Kersten'.

Please note that the name of the school, website address and contact details provided above are fictitious and are included for illustrative purposes only.

Sample: Short advertisement sample for national newspaper.
 Principal teacher required from 1 September, 2007 for St. Mary's NS, Cork RN: 12345X
 See www.publicjobs.ie. See www.InsertNameofWebsiteHere.ie

Sample Advertisements

In the samples used in this section, the latest date on which the advertisement could appear in the newspaper would be 17 May 2007 i.e. the closing date of 1 June 2007 for receipt of applications is 14 days after the last date of publication.

Sample 1

PRIMARY TEACHER (Permanent) required for 1 September next at **ST. PAUL'S NS (Roll No.)** Dublin, under the Patronage of the Catholic Archbishop of the Dublin Diocese (**16 Teacher School**). Applications with curriculum vitae and references to Chairperson, Board of Management **no later than 1 June 2007**. Envelope should be marked "Application". Nature of duties of the post are subject to change. *A list of suitable applicants may be set up from which future vacancies may be filled within a four-month period from the date of this advertisement.* Enclose SAE for return of documents.

Sample 2

PRIMARY TEACHER Permanent with initial duties as learning support resource teacher required for 1 September next at **EARL STREET NS, (Roll No.) under the patronage of Educate Together. (7 Teacher School)**. Applications with curriculum vitae and references to Chairperson Board of Management **no later than 1 June 2007**. Envelope should be marked "Application". Nature of duties of the post are subject to change. *A list of suitable applicants may be set up from which future vacancies may be filled within a four month period from the date of this advertisement.* Enclose SAE for return of documents.

3. Selection Board

A. Principal Teachers

- (i) A Selection Board shall be constituted and shall comprise the 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. At least one of the members shall be a woman and at least one a man.
- (ii) The Selection Board shall meet as soon as is practicable and shall, in the first instance establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

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
 - teaching experience and reports on competence
 - other relevant experience
 - references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate the Board shall check his/her references.
- (iii) Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications and of the interviews shall be kept by the Chairperson of the Board of Management for a minimum period of one year.

- (iv) Circular 2/02 sets out the criteria for the assessment of eligibility of applicants for Principal teacher.

- (v) The terms of section 15 (b) on disclosure of interest shall apply to all members of the Selection Board, i.e., 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 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. 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.
- (vi) If the Chairperson or other member of the Selection Board stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.
- (vii) Failure to disclose any relationship material to the selection may invalidate the process.

B. Teachers

- (i) A Selection Board shall be constituted and shall comprise the 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. At least one of the members shall be a woman and at least one a man.
- (ii) 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 Principal designate shall fill the position of Principal on the Selection Board.

The Selection Board shall meet as soon as is practicable and shall establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

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
- teaching experience and reports on competence
- other relevant experience

references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate the Board shall check his/her references

Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications and of the interviews shall be kept by the Chairperson of the Board of Management for a minimum period of one year.

- (iii) The terms of Section 15 (b) on disclosure of interest shall apply to all members of the Selection Board. (see A (v) above)
- (iv) If any member of the Selection Board, including the Chairperson, stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.
- (v) Failure to disclose any relationship material to the selection may invalidate the process.

4. Assessment of applications/shortlisting

- (i) The Chairperson of the Board of Management shall submit all completed application forms to the Selection Board.
- (ii) Established criteria of the Board shall take account of the provisions of the Employment Equality Act, 1998 and the Code of Practice of the Equality Authority.
- (iii) 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 – 2004, i.e., gender, marital status, family status, sexual orientation, religion, age, disability, race & member of the Travelling Community, with the exception of Section 37 of the Employment Equality Act regarding the protection of a school's ethos.

5. Interviews

- (i) 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
- (ii) Each applicant called for interview shall be given at least seven clear days' written notice and a specific interview time outside school hours. Each applicant called for interview shall be supplied with details of the established criteria for the post when issued with written notice of interview.
- (iii) Calls to interview should normally be issued within three clear weeks of the latest date for receipt of applications
- (iv) 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.
- (v) All questions at interviews shall relate to the requirements of the particular post and of the Rules for National Schools.
- (vi) No question shall be asked nor information sought in any form from a candidate which might be construed as being discriminatory on grounds of gender or marital status, e.g. questions in regard to sporting interests and skills which would favour men rather than women applicants or vice versa.
- (vii) 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.

- (viii) Each assessor is required to complete his or her own individual marking sheet and return it to the Chairperson of the Selection Board following the interviews. These sheets may subsequently be made available to candidates on request.
- (ix) Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management, nominating the applicant whom it considers suitable for appointment.
- (x) A list in order of merit of other candidates who are also deemed suitable shall be retained by the Selection Board for use in the event of the post not being filled by that nominee.
- (xi) The Board of Management shall appoint the teacher so nominated unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board. When offering the successful applicant employment the Board should ensure that the applicant is vetted. School authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of appointment.
- (xii) The Chairperson shall seek the approval of the Patron for the appointment.

6. Notification of applicants

- (i) Having received approval in accordance with 5 (xii), the Board shall notify the teacher of his/her appointment. The successful candidate should be advised that the offer is subject to the sanction of the Minister, registration with the Teaching Council, and vetting clearance.
- (ii) As soon as the Board of Management has received notification of the teacher's acceptance of the post, all unsuccessful candidates shall be notified. Both the successful candidate and the Chairperson shall complete the relevant appointment form and forward it to the Primary Payments Section of the Department of Education and Science. 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, the Minister for Education and Science will sanction the appointment.
- (iii) On receipt of the sanction referred to at (ii) above the Board shall then enter into the appropriate agreement with the teacher.
- (iv) **Records of the criteria for assessment of applicants and of the interviews shall be kept for a minimum period of one year by the Chairperson of the Board of Management.**

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

- (i) 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 qualified for the post in question.
- (ii) If the authorities of the Order consider that a lay person should be appointed the procedure set out at 2 - 6 of this Appendix shall be followed.
- (iii) Where a Religious Order has been guaranteed a certain number of posts in a re-organised 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 qualified for the posts in question.

8. Appointment of fixed term (temporary) teachers

Employment Legislation:

1. Under the Terms of Employment (Information) Act, 1994 & 2001 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).
2. 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. If an employer is renewing a fixed term contract, the fixed term employee must be informed in writing by the employer of the objective ground justifying the renewal of the fixed term contract and the failure to offer a contract of indefinite duration.
3. The appointment of fixed term (temporary) teachers shall be a matter for the Board of Management subject to the approval of the Minister.

4. Those teachers engaged for their first fixed-term contract should receive their written terms of employment within two months of the date of their appointment. The terms and conditions should be signed by the employee and the employer. The employee should receive a copy of the document and the employer is to retain a copy on file.
5. Each statement of terms must contain the objective conditions determining the context whether it is: arriving at a specific date, completing a specific task, or the occurrence of a specific event.
6. 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 at the latest by the date of renewal.
7. In cases of anticipated vacancies of more than 26 weeks duration the positions should be advertised and filled through a formal recruitment process using the same procedures and criteria as for permanent vacancies.
8. Where a teacher is granted temporary leave i.e. career break, secondment, study leave etc., it shall be the responsibility of the employing authority to employ a temporary replacement for the period of the temporary absence. Any replacement shall be employed on the agreed terms and conditions of employment for fixed term teachers.
9. There is a requirement to recruit suitably qualified persons for all vacancies regardless of duration. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, an unqualified person may be recruited pending the recruitment of a qualified teacher which provision must be inserted in the terms of appointment issued to the unqualified person.
10. Where a fully qualified 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.

9. Terms of employment for Fixed-term (temporary) teachers

(i) General

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. 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.

(ii) Notification of permanent vacancies to Fixed-Term teachers

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 “*maybe provided by means of a general announcement at a suitable place or undertaking or establishment*”.

Appendix E

Circular SNA 03/03

DEPARTMENT OF EDUCATION AND SCIENCE

PAYROLL DIVISION

TO BOARDS OF MANAGEMENT, PRINCIPALS AND SPECIAL NEEDS ASSISTANTS IN PRIMARY SCHOOLS

**Appointment Procedures for Special Needs Assistants
(Updated August 2007)**

1. Introduction:

- 1.1 The Minister for Education and Science wishes to inform management authorities that this Circular – SNA 03/03 has been updated in August, 2007 and now sets out revised appointment procedures for Special Needs Assistants in primary schools.
- 1.2 Boards of Management, in accordance with the guidelines 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.
- 1.3 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. Advertising a Special Needs Assistant Post:

- 2.1 A Special Needs Assistant post must be advertised in a local newspaper. The advertisement shall invite applications from eligible persons to be submitted by a specified date to the Chairperson of the Board of Management.
- 2.2 Subject to any exceptions permitted by the Employment Equality Acts, 1998 and 2004 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.

3. Details that must be included in the advertisement:

- i. The name and address of the school.
- ii. The date of commencement of the post.
- iii. State if the post is full time or part time and the number of part time hours.
- iv. A general description of the duties of the post.
- v. The latest date for receipt of application.
- vi. State that a curriculum vitae must be submitted with the application.
- vii. State that references or the names and addresses of referees are required.
- viii. State that a list of suitable applicants may be set up from which future vacancies may be filled (valid for the duration of the school-year).

4. Selection Board for Appointment of Special Needs Assistants:

- 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 If any member of the Selection Board, including the Chairperson, stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.

5. Functions of the Selection Board:

- 5.1 The Selection Board, prior to interviewing the candidates shall establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. Established criteria of the Board shall take account of the Employment Equality Acts, 1998 and 2004 and the Code of Practice of the Equality Authority.
- 5.2 The Selection Board shall meet within a reasonable period after the closing date for receipt of applications to determine those applicants to be called for interview.
- 5.3 The Chairperson of the Selection Board shall keep a record of the criteria used.

6. Interviews:

- 6.1 While the Selection Board may decide to limit the number of applicants called for interview, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.
- 6.2 The Selection Board must adhere to the agreed criteria for the assessment of applicants.
- 6.3 The Chairperson of the Selection Board must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.
- 6.4 When interviewing applicants, particular caution must be taken to ensure that no questions, comments or statements might be construed as discriminatory e.g. on grounds of gender or marital status.

7. Appointing the Successful Candidate:

- 7.1 Schools are reminded that the minimum qualification necessary for appointment as a Special Needs Assistant is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate/Junior Certificate or the Day Vocational Certificate Examination or in an examination of equivalent standard.
- 7.2 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.
- 7.3 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, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board.
- 7.4 The Board of Management shall also retain the list of candidates deemed suitable for appointment. This 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.

- 7.5 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 as a result of the interview process i.e. the Special Needs Assistant who was ranked highest following the interview process should be given the higher seniority rating. Please refer to **Circular 0059/2006 – Seniority of Special Needs Assistants** which is available on the Department’s website at www.education.ie under Education Personnel/Special Needs Assistants.

8. Medical Certification:

- 8.1 The Board shall obtain from the successful candidate, prior to appointment, a certificate of medical fitness that s/he is fit to undertake the duties of the post. A sample form is attached **at the end of this document**.
- 8.2 While the medical practitioner shall be nominated by the Board of Management, any costs incurred shall be borne by the successful candidate.

9. References:

- 9.1 Before notifying the successful candidate the Board of Management shall check his/her references.

10. Vetting:

- 10.1 It is the responsibility of the Board of Management to ensure that any proposed new appointee as Special Needs Assistant is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer appointment.
- 10.2 Please refer to **Circular 0094/2006 – ‘New arrangements for the vetting of teaching and non-teaching staff’** which is available on the Department’s website at www.education.ie under Education Personnel/Special Needs Assistants.

11. Contracts of Employment

11.1 New appointees must be offered a contract of employment in accordance with the terms outlined in **Circular SNA 15/05 – ‘Contract of Employment for Special Needs Assistants’** which is available on the Department’s website www.education.ie under Education Personnel/Special Needs Assistants.

12. Notification of the appointment to the Department of Education and Science:

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 Science,
Cornamaddy,
Athlone,
Co Westmeath.

13. Queries

If you have any query in relation to this circular please e-mail your query to sna_pay@education.gov.ie or telephone 090 648 4136.

Certificate of fitness to commence employment as a Special Needs Assistant

To be completed by a Medical Practitioner nominated by the Board of Management.

Surname: _____

Forename: _____

I certify that I have examined the above named and found that s/he is fit to undertake duties as a Special Needs Assistant.

Signed: _____

Date: _____

Stamp or Seal

Appendix F

Patron's Declaration

County: _____

Roll No: _____

Name and Address of School: _____

I confirm that I have appointed _____ as
Chairperson of the Board of Management of the above named school.

with effect from _____
(Date).

I also confirm that all 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 and the
Education Act, 1998.

Signed: _____ (Patron's signature)

Date: _____

Please note that where there is a change in the position of Chairperson of the Board, the
Patron shall notify the Minister for Education & Science of that change as soon as the
vacancy has been filled.

NOTE: A copy of this form should be completed and returned to Primary Administration
2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath.

