

Points to note in formation of new Boards of Management

General

This is only a summary document of some of the main points in regard to the formation of new Boards of Management.

Each step in Appendices A, B and C must be followed.

1. The term of office of all Boards of Management (BoM) shall expire on 30th November 2011. Each new BoM shall assume office from December 1st 2011.
2. Please refer to the *Constitution of Boards & Rules of Procedure 2011* document (the Constitution document) and Circular 64/2011. The Constitution document contains the rules that apply to BoMs and the procedures for the election of new BoMs which are contained in Appendices A, B and C. The Circular sets out the timeframe for the formation of the new BoM, this timetable is set out below.
3. The Patron is responsible for initiating the steps necessary for the establishment of a BoM 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 of the Constitution document. The Patron selects the person of his choice to be his representative – this may or may not be the existing chairperson. (page 14 of the Constitution document)
4. The entire process can take up to 9 weeks maximum, but can be completed earlier depending on the particular option chosen for election of the parents' nominees or where the selection proceeds without recourse to an election (i.e. where the maximum number of nominees does not exceed the number of places)
5. The Patron corresponds with his representative outlining the fact that he is appointing him/her to be his representative for the purpose of putting the new BoM in place
6. It should be noted that BoM members are now referred to as “nominees” not “representatives”

Eligibility to be on a BoM

7.
 - Except in special circumstances with the approval in writing of the Ministerno member of the BoM 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 or her services as a member of the BoM... (page 14 of the Constitution document)
 - A person, other than the Principal Teacher/ the elected teacher nominee, who is employed by the BoM and/or for the purposes of the school **may not** be appointed to nor be a member of the BoM. (page 15 of the Constitution document)
 - A person **shall not** be eligible to be a member of a BoM if that person:

- within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction, or
- has been placed on the Sex Offenders Register by order of a court.

(Page 15 of the Constitution document)

➤ In addition a person shall not be eligible to be a member of a BoM if that person:

- is an undischarged bankrupt, or
- within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors,

except where it is not otherwise possible to constitute the BoM. In such circumstances this fact, prior to appointment shall be declared to the other BoM members and the Patron. (Page 15 of the Constitution document)

Patron's Nominees

8. The Patron nominates his two nominees-this can be done at any time prior to the process for the selection of the community nominee(s).

Teacher nominee

9. For schools with a recognised staff of more than one teacher, the teacher nominee is elected/nominated in accordance with **Appendix A** (page 31 of the Constitution document). [In schools having a recognised staff of one teacher (i.e. the only teacher in the school is the Principal), s/he is on the BoM (pages 12 &13 Constitution document)]. **Appendix A** should be brought to the attention of the teaching staff. A staff meeting is held to select the teacher nominee. At least 10 days' notice of the meeting must be given to each person entitled to vote. If there is only one nomination the person nominated is deemed elected. If there is more than one nomination a secret ballot is held at the meeting and the results of the ballot shall be notified to the staff and the Patron's Representative.

- Only a serving teacher may nominate, vote or be nominated. A serving teacher is a teacher serving in a school in a permanent capacity or in a fixed-term capacity where the term of appointment is six months or greater. A teacher nominee who ceases to be a serving teacher shall cease to be a member of the BoM. Teachers on career break, secondment or service overseas are not serving teachers. In addition teachers (including substitutes) whose term of appointment is less than six months are not serving teacher unless it is not otherwise possible to nominate/elect a serving teacher (other than the Principal) to the BoM. (see pages 12, 13 and **Appendix A** in the Constitution document)
- Where a leave of absence (statutory or non-statutory) of the teacher nominee extends beyond a continuous period of 24 weeks the teacher nominee shall cease to be a member of the BoM. This may have implications for a teacher who is nominated to a BoM who goes on leave before 01/12/2011 i.e. the BoM would have an immediate vacancy if the leave is for a continuous period of 24 weeks after 01/12/2011. (page 16 in the Constitution document). Such a teacher is still entitled to nominate and vote.

- In the case of a two teacher school, the classroom teacher automatically becomes the nominee unless it is a base school in which case the procedures in **Appendix A** are used.
- In relation to the two teacher members on BoMs for Convent and Monastery schools- if the Principal Teacher is a religious, the elected teacher member shall be a lay person and if the Principal Teacher is a lay person, it is recommended that the elected teacher member shall be religious

Parent nominee(s)

10. The procedures in **Appendix B** (pages 32 to 34 of the Constitution document) are used for the election of the parent(s) nominee(s). For schools having a recognised staff of one teacher, one parent is elected, for schools with a recognised staff of more than one teacher, two parents are elected (one being a mother, the other a father). There is a choice of two different election procedures i.e. Options 1 and 2. The decision regarding which option to use shall be determined in consultation with the parent nominees on the outgoing BoM and any parents' association in the school. Only one of the options can be applied. The chosen option must be followed in its entirety.

- To ensure the widest possible representation, **where practicable**, parents elected to the BoM should be from separate families and bear no relationship to any other member of the BoM
- To ensure the widest possible representation, **where practicable**, parents of children enrolled in the school should not be nominated or elected to the BoM other than in accordance with **Appendix B** (i.e. the procedure for electing parent nominee(s))
- When circulating details of nominees etc. it is necessary to comply with Data Protection legislation i.e. names and details should not be circulated without prior consent.
- 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 BoM expires. Such a parent may remain on the BoM until the end of the BoM's term of office provided this period does not exceed five months in total.

Community Nominee(s)

11. The Patron's representative must within 7 days of the election of the teacher nominee (where applicable) and the parent nominee(s) convene a meeting of the two nominees of the Patron, the elected parent nominee(s), the teacher nominee (where applicable) and the Principal. This meeting is for the selection from the community of two nominees for appointment to the BoM. **Appendix C** (page 35 to 37 of the Constitution document) sets out the procedures for the selection of these two members (one in the case of a 1 teacher school).

- To ensure the widest possible representation, **where practicable**, the two selected members from the community should be independent of the other categories of persons on the BoM
- person's nominated would not normally be parents of pupils attending the school

Notification to Patron

12. The Patron's representative forwards the names of all the nominees to the Patron for appointment.

13. The Patron shall then formally appoint the BoM.

14. The Patron shall appoint one of the members so appointed as Chairperson of the BoM.

- The authority of the Chairperson shall derive from such appointment.
- In appointing the Chairperson, 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, shall also give due consideration to the possibility of perceived conflicts of interest in holding the position of Chairperson and shall have regard to the individual's capacity to undertake the duties of the role.
- The Principal or elected teacher nominee 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 BoM member.

Notification to the Minister

15. In all cases, the Patron shall submit to the Department the fully completed declaration (a template is at **Appendix F**) in relation to the appointment of the BoM.
16. The total period provided for notification of the composition of the BoM to the Patron, acceptance by the Patron and notification to the Minister shall not exceed 10 days
17. Except where the Minister communicates to the contrary, within 10 days of receipt of the declaration (**Appendix F**), the BoM will be deemed to have been recognised by the Minister and shall assume office forthwith.

First meeting of the BoM

18. The first meeting of the BoM must be held within one calendar month of the date of recognition of the BoM by the Minister.
 - Every member of the BoM shall, at or before the first meeting of the BoM , sign a declaration of acceptance of membership of the BoM and an undertaking that he/she will adhere to the rules pertaining to his/her duties as per the 'Constitution of Boards and Rules of Procedure 2011' and all other relevant rules, regulations, legislation and Departmental circulars relating to the membership and operation of Boards and, until such declaration is completed he/she shall not be entitled to act as a member of the BoM. A template of this declaration is provided at **Appendix G** of the Constitution document.
 - In circumstances where the Principal Teacher of a school does not opt to take up the allowance payable for acting as Secretary to a BoM the BoM shall elect a Recording Secretary from amongst its members.
 - The BoM shall elect a Treasurer from amongst its members. The Principal or the teacher nominee to the BoM shall not be the Treasurer.
 - The Constitution document states (at page 18) "*It is important to note that Board members are not delegates of their electorates. They have no obligation to either report back to their electors or to take instruction from them on how to vote at Board meetings. Such reporting may well be a breach of confidentiality requirements. It is a matter for each Board to decide what may be reported and by whom and, in this respect, it is advisable that personnel, financial and personal matters should be treated as strictly confidential*".

APPENDIX to Circular 64/2011-(Timetable)

The following is the timeframe for the election of the Board members.

(Any reference to days should be taken to mean calendar days, including weekends)

- a 14 day period for the Patron's representative to consult the Parents' Association regarding the method of election of parent nominee(s), prepare lists (if not by meeting), invite and obtain nominations.

- a 7 day period to arrange elections of parent nominee(s) (i.e. information on candidates for inclusion on ballot papers, preparation of ballot paper and issue of same).

- a 7 day period (maximum) for latest return of parents' votes and public count of same.

- a 7 day period to convene 6 persons nominated/elected.

- 10 days to reach agreement and to nominate substitutes (in the event that one or both of the two community nominees decline to act).

- a further 7 days, but only where the two persons initially selected decline or where there is not unanimous agreement – See Appendix C of the *Constitution of Boards and Rules of Procedure 2011*.

- a 10 day period to provide for immediate notification to the Patron of the nominees to the Board and for the Patron to, in turn, submit the Patron's declaration (contained at Appendix F of the *Constitution of Boards and Rules of Procedure 2011*) to the Department of Education and Skills.