



Boards of Management & Education and Training Boards

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All Community and Comprehensive Schools and Colleges and the great majority of Voluntary Secondary Schools now have Boards of Management under requirements set out in the Education Act, 1998. Catholic Voluntary Secondary Schools with Boards operate in accordance with the Articles of Management for Catholic Secondary Schools negotiated by ASTI and the Catholic Managers. Community Schools, Comprehensive Schools and Community Colleges operate under the Deeds of Trust for such schools.

The ASTI believes that the establishment of Boards of Management represents the introduction of democracy and participation in the management of second level schools and is a real and genuine expression of partnership at a local level. The introduction of a Board of Management in an already existing school will help to ensure the future of that school and the employment security of its staff. The Board of Management structure ensures an element of continuity and security for teachers at a time when religious orders are considering withdrawal or are actually withdrawing from their involvement in secondary education. The ASTI welcomes the growth in the number of schools with boards and encourages its members to play an active and positive role in their relationship with these boards.

Community Schools, since their foundation, have had Boards of Management, but in the Voluntary Secondary sector it was only after long and protracted negotiations had taken place that the original agreement on Boards of Management was reached. The ASTI had sought equal representation for Parents, Staff and Trustees. In 1985 agreement was negotiated on the composition of Boards of Management, the re-establishment of Home-School links and the introduction of a Redeployment Scheme.

The Articles of Management document agreed in 1985 and the operation of boards since then, have been examined by the ASTI and the Managerial Authorities, was revised in 1989 and, more recently, in 2003.

COMPOSITION OF BOARDS OF MANAGEMENT

VOLUNTARY SECONDARY SECTOR

The Board of Management consists of eight persons appointed by the Trustees. Four members are nominated by the Trustees. Two parents / legal guardians of children currently in the school are elected by the parents / legal guardians. Two teachers are elected by all the current pro-rata contracted, non-casual part-time, job-sharing and current full-time teachers on the staff of the school on the date of the election. The elected teachers should have at least one year of registered service in the school and should be lay members of the staff. The term of office for each member of the board is three years.

COMMUNITY SCHOOLS

The Board of Management of a community school consists of 10 members. Three members are nominated by the religious authority. Three are nominees of the local county Vocational Educational Committee/ Education and Training Boards. Two parents of pupils in the school and who are resident in the area are elected. Two teacher nominees are elected by all the teachers in the school.

COMPREHENSIVE SCHOOLS

“Catholic” Comprehensive Schools

A Deed of Trust has been agreed for those comprehensive schools which are under the trusteeship of the Catholic Bishops. Composition of the Board is two nominees of the Diocese, one nominee of the VEC/ Education and Training Boards, the Chief Executive Officer of the VEC/ Education and Training Boards, two nominees of the parents and two nominees of the teachers. These eight members may co-opt a ninth member to the Board. The term of office is five years.

Comprehensive Schools under the trusteeship of the Church of Ireland

A working Deed of Trust is in operation. The composition of the Board is six nominees of the Trustees, one Chief Executive Officer, two parents and two teachers. The term of office is five years.

COMMUNITY COLLEGES

These schools are owned by the Vocational Education Committee/ Education and Training Boards and are usually managed by a Board of Management which is a sub-committee of the VEC/ Education and Training Boards. The composition of these boards is a matter for local negotiation. A “Designated” Community College will usually have three nominees of the religious trustees, three nominees of the VEC/ Education and Training Boards, two teachers and two parents with the option of co-opting a tenth member. Each community college is part of the local VEC/ Education and Training Boards and board decisions have to be ratified by the VEC/ Education and Training Boards itself.

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EDUCATION AND TRAINING BOARDS

The Education and Training Boards Act has been signed by the President and commences on July 1st 2013. The Act provides for the establishment of 16 new education and training boards to replace the soon to be dissolved VECs. The ETBs will have significantly greater functions than VECs and will also take on the current training functions of FAS when the 16 FAS training centres are transferred to the ETBs.

IVEA is also about to change its name to ETBI—Education and Training Boards Ireland. The name change has been agreed and will shortly be formally launched. ETBI is defined in the ETB Bill as “Education and Training Boards Ireland” means the association established to collectively represent education and training boards and promote their interests, which is recognised by the Minister for the purposes of this Act.” Section 10(5) of the Bill provides that the Minister may request Education and Training Boards Ireland to--

- (a) make representations on behalf of an education and training board in respect of its functions,
 - (b) conduct surveys in respect of information sought by the Minister in respect of the performance of functions by education and training boards, and
 - (c) give such assistance to an education and training board as the Minister considers necessary for the effective discharge of its functions. (6)
- In this section “youth work” has the same meaning as it has in the Youth Work Act 2001.

The SOLAS Bill has already been before the Dáil Select Committee and is progressing to Report Stage. The Bill will dissolve FAS and replace with SOLAS which will have strategic oversight and funding functions. FAS training delivery is transferring to ETBs as indicated above.

MAIN ASPECTS OF THE REFORM

16 education and training boards (ETBs) replace 33 vocational education committees (VECs).

The new ETBs will include 21 members comprising 12 local authority representatives, 2 staff representatives, 2 parents' representative and 5 members from bodies representing community/ business interests. The existing VEC members remain on until the next local elections.

One community/ business interest representative must be drawn from business, industry and employers; one must be drawn from learners' representative bodies and one must be representative of bodies connected to school management or leadership.

ETBs will be required to publish strategy statements (similar to education plans which VECs produce).

ETBs will have a streamlined annual planning process.

The Minister is empowered to require an ETB to establish a school or other education or training institution.

An ETB will be enabled to operate in the area ETB when directed to do so by the Minister.

Please Note: In view of the introduction of Education and Training Boards any circular letters issued by the Department of Education & Skills and Industrial Relations procedures i.e. Grievance, complaint procedures etc., may be subject to change or amendment through further discussions and agreement of current terms and conditions of employment.

For further information on the Education and Training Boards Act 2013 please consult www.irishstatutebook.ie

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Vocational Education Committee [33 Existing VEC Structures]	Education and Training Board [16 Amalgamated Structures]
City of Dublin Vocational Education	Committee City of Dublin Education and Training Board
County Donegal Vocational Education Committee	Donegal Education and Training Board
County Kerry Vocational Education Committee	Kerry Education and Training Board
City of Cork Vocational Education Committee County Cork Vocational Education Committee	Cork Education and Training Board
City of Galway Vocational Education Committee County Galway Vocational Education Committee County Roscommon Vocational Education Committee	Galway and Roscommon Education and Training Board
City of Limerick Vocational Education Committee County Limerick Vocational Education Committee County Clare Vocational Education Committee	Limerick and Clare Education and Training Board
County Cavan Vocational Education Committee County Monaghan Vocational Education Committee	Cavan and Monaghan Education and Training Board
County Dublin Vocational Education Committee Dun Laoghaire Vocational Education Committee	Dublin and Dun Laoghaire Education and Training Board
County Kildare Vocational Education Committee County Wicklow Vocational Education Committee	Kildare and Wicklow Education and Training Board
County Kilkenny Vocational Education Committee County Carlow Vocational Education Committee	Kilkenny and Carlow Education and Training Board
County Laois Vocational Education Committee County Offaly Vocational Education Committee	Laois and Offaly Education and Training Board
County Longford Vocational Education Committee County Westmeath Vocational Education Committee	Longford and Westmeath Education and Training Board
County Louth Vocational Education Committee County Meath Vocational Education Committee	Louth and Meath Education and Training Board
County Mayo Vocational Education Committee County Sligo Vocational Education Committee County Leitrim Vocational Education Committee	Mayo, Sligo and Leitrim Education and Training Board
Tipperary North Riding Vocational Education Committee Tipperary South Riding Vocational Education Committee	Tipperary Education and Training Board
City of Waterford Vocational Education Committee County Waterford Vocational Education Committee County Wexford Vocational Education Committee	Waterford and Wexford Education and Training Board

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THE SCHOOL PRINCIPAL AND THE BOARD

The Principal of the school is entitled to attend and speak at Board meetings but is not entitled to vote. The Principal should report to Board meetings, keeping it up-to-date on school activities.

(i) Academic Organisation:

The Principal is responsible for the day-to-day running of and internal business of the school. She / he oversees the academic organisation of the school, e.g. timetabling, staff allocation, class organisation, curriculum organisation, employment of and allocation of duties to non-teaching staff.

(ii) Discipline:

The Principal is responsible for pupil discipline within the school. A decision on the short-term suspension of a pupil may be made by the Principal. Such decisions should be reported to the Board at its next meeting.

(iii) Communication:

All necessary communication with the Department of Education and Skills should be undertaken by the Principal. The Principal should also maintain communications with the parents of pupils attending the school.

(iv) Leave:

While applications for leave must be submitted to the Board, the Principal may, due to the circumstances, grant personal leave to a teacher for five school days in a school year for any reason which he / she may consider sufficient, e.g. weddings, funerals, etc.

ELECTION OF TEACHER REPRESENTATIVES

The Articles of Management and the Deeds of Trust provide for the election of two teacher representatives to the Board of Management.

(a) Voluntary Secondary Schools:

As the teaching staff in voluntary secondary schools are almost all ASTI members it is expected that this will be reflected in the election of ASTI members as teachers' representatives and equally in determining the manner of election. This does not conflict with the Articles of Management and the ASTI insists on the right of its members to pre-select their own candidates for the positions on the Board (see election procedure below).

(b) Community and Comprehensive Schools:

The executive committees of the ASTI and the TUI have agreed to co-operate in the election of teacher representatives to Boards of Management in Community and Comprehensive Schools.

JOINT ASTI – TUI AGREEMENT REGARDING ELECTION OF TEACHER REPRESENTATIVES ON BOARD OF MANAGEMENT IN COMMUNITY AND COMPREHENSIVE SCHOOLS

The Executive committees of the ASTI and the TUI have agreed to co-operate in the election of teacher representatives to Boards of Management in community and comprehensive schools. Where both unions have at least 25% each of total teaching staff in the school, each union shall hold its own internal election to nominate one candidate for subsequent election to the Board of Management. Both Unions will then support their own and the other unions candidate at the staff elections.

Total union membership includes all eligible union members working in the school at the time of the election.

Each union's candidate will be nominated for the Board of Management elections. Members of both the ASTI and the TUI will vote for both union candidates only.

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Both Unions are agreed that where there are more than two candidates (i.e. where a non-Union or “unofficial” candidate is nominated) the Unions should seek to have the staff election conducted by means of a ballot paper with all candidates listed. The simplest voting method in such circumstances is one where all candidates bar two are crossed out.

In cases where, despite this agreement, more than two candidates are nominated to the Board of Management, all members of both TUI and ASTI shall vote in accordance with the terms of this agreement.

In schools where one union has less than 25% of the total teaching staff, the majority union, at its own meeting, shall determine the two candidates to be nominated as teacher representatives to the Board. Members of the minority union shall not, in these circumstances, nominate any teacher for election to the Board of Management.

Nothing in this agreement prevents members of either union agreeing to one representative per union.

The ASTI and TUI have agreed to review the operation of this arrangement at the end of the current three year election period.

Newly established schools: first Board of Management in newly established schools. It is recommended there should be a representative of either union on the Board of Management.

Agreed between ASTI and TUI in 2004.

ELECTION PROCEDURE

The following election procedure must be adhered to in both Voluntary Secondary Schools and Community and Comprehensive Schools and Community Colleges.

(a) ASTI MEETING:

1. The School Steward will call an ASTI meeting for the purpose of selecting ASTI candidates* for the positions of staff representatives on the Board of Management.
2. One week's notice of the date, time, venue and purpose of this meeting must be given to all ASTI members currently on the staff of the school. This notice should also be given to staff members who are on leave of absence from the school and who have retained ASTI membership.
3. The meeting will normally be chaired by the School Steward unless the steward is a candidate in which case another member should be selected to chair the meeting.
4. Nominations of teachers who are ASTI members and who are current pro-rata contracted, non-casual part-time, job-sharing and full-time teachers on the staff will be accepted.
5. Nominees must be formally proposed and seconded.
6. In the event of only two members* being proposed the chairperson shall formally declare these members elected as official ASTI candidates for election as staff representatives on the Board of Management.
7. In the event of there being more than two* nominations a secret ballot must then take place.
8. By agreement at the meeting two members shall be appointed to act as tellers.
9. Each member present, regardless of membership category, is entitled to vote and shall be given a single ballot paper.
10. Members may vote for only one or two* candidates from amongst those nominated.
11. Ballot papers shall be collected and counted immediately by the tellers.
12. The result of the ballot, including the number of votes received by each candidate, shall be announced by the chairperson.
13. The *two candidates with the highest number of votes shall be deemed to be the official ASTI candidates for the Board of

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Management election.

14. In the event of a tied ballot in which two* candidates fail to get more votes than the other candidates a second ballot shall be held.
15. In the event of a second tied ballot the matter shall be decided by lot.
16. Members who are not present at this meeting should be informed by the School Steward as to the identity of the two successful candidates.

(b) FULL STAFF MEETING:

17. The staff meeting will be convened by the Chairperson of the Board of Management / Manager or Principal on his / her behalf and will include all the current pro-rata contracted, non-casual part-time, job-sharing and full-time teachers on the staff .
18. Nominations will be invited at this meeting for the positions of teacher representatives on the Board of Management.
19. Arrangements should be made by the School Steward to have the two* official ASTI candidates formally proposed and seconded. They should be supported in the election by all ASTI members present.
20. Other nominations may be invited and any non ASTI member on the staff may exercise his/her right to nominate a teacher or be nominated for the position of teacher representative.
21. ASTI members should not propose, second or vote for any candidate other than the official ASTI candidates.*
22. Standing Committee has deemed it to be conduct injurious to the welfare of the Association and the interests of its members for
 - (i) members, other than one of the two* official ASTI candidates to stand for election as Teacher Representatives on the Board of Management
 - and
 - (ii) for members to propose or second anyone other than one of the two *official A.S.T.I. candidates for election to the Board of Management.

* In Voluntary Secondary Schools two ASTI candidates are chosen. In Community and Comprehensive Schools one or two candidates may be chosen as per TUI/ASTI agreement.

Note: The Articles of Management require that the elected teachers shall have at least one year of registered service in the school except in the case of a new or amalgamated school.

FUNCTIONS OF THE TEACHER REPRESENTATIVE

Teacher representatives are full members of the Board of Management. While the primary purpose of these representatives must be to represent staff interests they should concern themselves with and fully participate in all the discussions and decision-making of the Board. As well as safeguarding the interests of staff and giving professional advice they should play a positive role in the overall development and promotion of the school.

SPECIFIC FUNCTIONS

- ♦ To promote the welfare of the school.
- ♦ To develop policies that will assist pupils and staff.
- ♦ To seek to ensure the acceptance and implementation of trade union practices.
- ♦ To promote ASTI policy with regard to such items as interviews, selection boards, posts of responsibility, class sizes and the employment

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of part-time teachers.

- ♦ To seek to ensure that existing agreements and arrangements with the ASTI are honoured.
- ♦ To further the teachers' interests and advise them of the decisions of the Board especially in regard to matters which may affect their conditions of employment or livelihood.
- ♦ To consult with the staff and to initiate changes in school policy requested by staff.
- ♦ To use an appropriate method of "reporting back" in order to ensure that members are kept fully informed.
- ♦ To protect the interests of the staff in the running and management of the school.
- ♦ To insist on formal consultation with the ASTI where changes which would affect the staff are being proposed.
- ♦ To ensure that no criticism of an individual teacher takes place without notice from the Principal to that teacher.
- ♦ To be fully involved in all Board sub-committees including selection committees.

GUIDELINES FOR TEACHER REPRESENTATIVES

(I) GENERAL:

The teacher representatives should involve themselves fully in the decision-making processes of the Board. The teacher brings to the Board a professional expertise and knowledge which has a sound basis in the reality of the classroom. While acting as a full member of the Board the teacher representatives should always see themselves as representing the staff perspective on issues under consideration. At times it may be necessary to request that the minutes of the meeting record their position on a particular matter.

It is important that the teacher representatives are fully aware of the representative nature of their Board involvement. Boards of Management represent a move towards democracy in education and offer teachers an excellent opportunity to influence the managerial policy of the school.

(II) PREPARATION FOR MEETING:

Adequate preparation should be made prior to each Board meeting. Documentation should be carefully studied; agenda examined; implications of any impending proposals should be clearly thought out; relevant agreements and regulations should be examined. The views of staff should be sought on issues likely to affect them. The two teacher representatives should consult with each other prior to the meeting.

(III) AGENDA:

The Secretary draws up the agenda in consultation with the Chairperson and the agenda should be issued with the notice of the meeting, i.e. not less than seven clear days prior to the meeting. Requests for the inclusion of any additional items on the agenda must reach the Secretary a minimum of three days before the meeting. Board members should be clear about the procedure for inclusion of items on the agenda and should use this procedure when necessary.

(IV) FINANCIAL ACCOUNTS:

Financial reports should be treated with great care and attention. Board members should develop for themselves the minimum skills required for the analysis of financial documents, balance sheets, budget projections, income and expenditure reports and bank statements. The Board is responsible for all business carried out in connection with or on account of the school. Each Board member should see it as his / her responsibility to ensure that proper books for the entering of the accounts of the school are maintained and that full and complete financial reports are given to the Board. A forward budget should be compiled and an annual report submitted to the Trustees. The ASTI has produced Financial Guidelines for Boards of Management in both Voluntary Secondary Schools and Community Schools.

(V) SUB-COMMITTEES:

The Board must set up a Sub-Committee on Finance consisting of the Principal and two Board members. The Board may invite additional members with financial expertise to membership of this sub-committee. Teacher representatives with their experience of the

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spending requirements of the school should be actively involved in this area.

The Board may set up other sub-committees of its own members and may delegate powers to such sub-committees. The Board is responsible for the setting up by the Principal of an Advisory Board of Studies to be elected by and from the full-time teaching staff.

(VI) TAKING DECISIONS:

Boards of Management sometimes take decisions with far-reaching effects, influencing the education of the pupils and the livelihood of the staff. Prior to an important decision being taken it is essential that the issue under discussion is clearly defined. The Board should be clear on

- (a) why this decision is being taken?
- (b) what exactly is the decision intended to achieve?
- (c) what further information is required?
- (d) who will be affected by the decision, either directly or indirectly?
- (e) when must the decision be taken and implemented?
- (f) where does responsibility for implementing the decision rest?
- (g) what would be the likely effect if no decision was taken?

(VII) PROCEDURE AT MEETING:

Each Board should devise a procedure / standing orders for the orderly running of its meetings. This procedure should be respected and any deviation should be pointed out.

(VIII) CRITICISM OF TEACHERS:

Teacher representatives should take particular note of Article 18 (Catholic Voluntary Secondary Schools) which states that "No criticism of an individual teacher shall take place at Board meetings without notice from the Principal to that teacher (and / or the School Steward)". This article applies also to items of correspondence. It is in the interests of natural justice that a teacher be afforded an opportunity to prepare a response prior to any discussion at Board level. The teacher must be afforded an opportunity to be present and hear and / or be represented at the Board before the matter at issue is concluded. The same principle of natural justice applies in all schools.

(IX) CONFIDENTIALITY:

The business of the Board should be conducted in private and no disclosure of the business should be made without the authority of the Board. Items of a confidential nature such as financial contracts or appointments, where the individuals concerned have not been informed, should not be discussed outside the Board meeting. It is recommended that items which are "confidential" should be so identified by the Board. An agreed report on meetings should be given to the interested parties.

(X) COMMUNICATION WITH STAFF:

For the representative nature of the Board to be meaningful it is essential that good communications exist between the Board and the Staff. A report should be given to the full staff as soon as possible following each Board meeting. The Board representatives should inform the staff when a Board meeting is due and should discuss the agenda with them in advance. These procedures will help to improve the relationship between the staff and the Board and will foster an atmosphere of mutual understanding. ASTI members may decide that a meeting of ASTI members is also necessary.

(XI) CONFLICT OF INTEREST:

Members must disclose any personal / financial interest in matters under discussion. They should not participate in discussions or vote on any matter in which they, or any company of which the member is a director or partner, may have an interest. A teacher member of the Board who intends to compete for a Principalship or Deputy Principalship should declare such an interest when the process of appointing the Principal or Deputy Principal is in progress.

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CIRCULAR 0024/2013



TO: THE MANAGERIAL AUTHORITIES OF RECOGNISED PRIMARY, SECONDARY, COMMUNITY, AND COMPREHENSIVE SCHOOLS

OPERATIONAL GUIDELINES FOR BOARDS OF MANAGEMENT AND STAFF DESIGNATED TO OPERATE THE ON LINE CLAIMS SYSTEM IN RECOGNISED PRIMARY AND POST PRIMARY SCHOOLS

1. Introduction:

The purpose of this Circular is to update school management authorities and staff on the procedures and recommendations regarding the operation of the On Line Claims System (OLCS).

The procedures and recommendations outlined shall be implemented at all times.

2. Security Procedures:

Persons authorised to use OLCS must:

(a) keep their User ID, password, email address and other information secure at all times and not disclose them to anybody including other members of staff.

(b) not reveal passwords to a third party.

(c) logout of OLCS before leaving a computer unattended.

(d) not authorise any computer programme to remember their security details. The Esinet site is a secure site and as a security measure, if the OLCS application has not been used for more than thirty minutes, it will automatically log the user out of the system. If login details are lost or forgotten it will be necessary to authenticate the details provided when first registered on OLCS when requesting new login details.

3. Role of Boards of Management:

Boards of Management:

(a) have a responsibility to ensure that at school level the integrity of the system is maintained at all times.

(b) should formally approve the roles of personnel involved in the On-line Claims System.

(c) must ensure on an ongoing basis that under no circumstances should the same person in a school undertake the role of Data Entry and Approver.

(d) should ensure that supporting documentation in relation to the data input on OLCS is retained securely in the school with the relevant personnel records i.e. medical certificates, attendance at in-service/in-career courses and applications forms for Board approved leave. A short report should be read into the minutes of every Board of Management meeting listing the names of all substitutes and part-time teachers for whom claims have been made on the OLCS system since the last board meeting.

4. OLCS Roles: There are four distinct roles assigned to personnel at school level to operate OLCS.

These roles are as follows:

(a) Data Entry

The role of the person with responsibility for Data Entry is to input the data i.e. input the details of absences of staff members, claims for casual and non casual staff members and other details to the system. The role of the Data Entry person is a distinct role and under no circumstances should the same person undertake a dual role on OLCS. The Data Entry person should not be a person employed as a special needs assistant in the school.

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(b) First Approver

The role of the First Approver is to verify that the data input by the Data Entry person is correct and to approve the data. The Approver should always ensure that:

- (i) details and in particular the bank account details of teachers and special needs assistants are input correctly to the system.
- (ii) a copy of the Staff Member Set up Form is signed by the staff member and a copy retained by the school in the staff member's personnel file.
- (iii) the terms of Department Circulars relating to vetting, teacher registration, membership of single pension scheme etc are being complied with when claims are being made.
- (iv) supporting documentation e.g. medical certificates and application forms for leave absences etc. have been obtained from the staff member and approved by the Board of Management where necessary prior to recording the leave details on OLCS.
- (v) all absences are recorded on OLCS whether substitutable or not.

(c) Second Approver

The role of the second Approver is to approve the leave/claims in respect of the first Approver's absences and can also approve data entered by the Data Entry person.

(d) Local Administrator

The Local Administrator is an additional role assigned to the first approver in the school and his/her role is to re-assign data entry roles within the school and to set up new data entry users.

To set up a new approver the "Approver Change Request Form" should be downloaded from the Landing Page on OLCS, completed and posted to the Department of Education and Skills. The new user ID and password is then issued to the Approver by return of post.

5. Resetting of passwords:

An automated system is now available that enables school users to reset their own passwords. It is important that school users record their email address when logging in to use the automated system. This email address should only be used by the registered user.

6. Reports

There is a facility on OLCS to print reports. If a staff member requires details of their absences the relevant report should be generated, printed and given to the staff member. A report on all absences recorded on the OLCS should be supplied to each staff member at intervals recommended by the Board of Management of the school but at least one report should be produced in each school term. Each staff member should sign the absence report and a copy to be retained in the school.

7. Audit Trail

As with all computerised systems an audit trail of records and the dates and times of transactions are maintained on the system. The Department is obliged to refer to An Garda Síochána, any fraudulent claims for payment in respect of Substitution or Part-time hours or any falsified records with regard to leave of absence. In these circumstances it will be a matter for An Garda Síochána to determine what action, if any, should be taken and consequently may result in a criminal prosecution.

This Circular can be accessed on the Department's website under **www.education.ie Home - Education Staff - OLCS.**

Padraig Maloney, Payroll Division. May 2013.

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Arrangements for the Election of Parent and Staff Representatives to VECs (2012)

Circular 0030/2012

Dear Chief Executive Officer,

The purpose of the Circular Letter is to provide an outline of the arrangements provided for in the SI 924 Composition of Vocational Education Committee Regulations 2004 and to provide clarification in relation to certain issues of general application. The Circular Letter will be made available on the Department's website (www.education.ie).

This document should be read in conjunction with SI 924, which provides a breakdown in detail of all aspects of the election process.

1. Election of Members representing Eligible Parents and Eligible Staff to VECs

1.1 The 2001 Act provides for the appointment of members to a VEC as a result of election by the relevant Local Authorities, parents of students, who are under 18 years of age and VEC staff.

1.2 The 2001 Act also provides that both sexes shall be represented on a VEC in such proportions as are specified in the Regulations and also provides for the establishment of separate male and female panels of candidates.

2. Returning Officer

2.1 For purposes of conducting elections in accordance with Section 7 of the Act, the Minister will appoint a Returning Officer in each VEC. Returning Officers may appoint one or more persons to act as Deputy Returning Officers and may delegate to any such Deputy any of the functions of the Returning Officer that may be specified in the appointment. The Returning Officer may revoke such an appointment, at any time.

2.2 The Returning Officer for purposes of elections in each VEC will be the Chief Executive Officer for that VEC.

2.3 The expenses of the Returning Officer will be a matter for the VEC. Such reasonable expenses will be taken into account by the Department for purposes of the VEC's modified scheme.

2.4 Pursuant to Section 7 of the 2001 Act, a Returning Officer is responsible for the conduct of the elections and his or her decisions on all matters arising are final.

3. Electoral Process Calendar

3.1 A calendar of dates for purposes of the conduct of elections is at Appendices 1 & 2 to this Circular Letter.

4. Members elected by Parents

4.1 Two (2) VEC members, male and female, shall be elected by parents of any student who has not reached the age of 18 years on 28th September 2012, and who is registered as a student at a recognised school or centre for education (see 6 below) established or maintained by the VEC.

4.2 A parent is as defined in Section 2 of the Education Act 1998 i.e. "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.

4.3 A student is as defined in Section 2 of the Education Act 1998 i.e. "student" in relation to a school, means a person enrolled at the school and in relation to a centre for education means a person registered as a student in that centre.

4.4 A nominee, who need not be a parent, may be placed on a panel of candidates provided their nomination paper has been signed by not less than 5 parents of students registered in accordance with paragraph 4.1 above.

4.5 In accordance with the 2001 VE Act, separate male and female panels of candidates shall be established.

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5. Members elected by VEC Staff

5.1 Pursuant to Section 7 of the 2001 Act, two (2) VEC members, one (1) male and one (1) female, shall be elected by eligible VEC staff members. An “eligible staff member” is a person who, on the 28th September 2012, is employed as a member of staff by the VEC and whose remuneration in respect of that employment is paid by the VEC.

5.2 For clarification purposes, an eligible staff member applies to:

- (a) Staff who are on a contract of service on 28th September 2012. Such categories of staff would include permanent, wholetime and pro-rata part time staff.
- (b) Staff who do not have a contract of service on 28th September 2012, but who gave service on that date and for which service remuneration is payable. Such categories of staff would include hourly paid part-time staff.

5.3 A nominee, who need not be a staff member, may be placed on a panel of candidates provided their nomination paper has been signed by not less than 5 staff members registered in accordance with paragraph 5.1 above.

5.4 In accordance with the Act, separate male and female panels of candidates shall be established.

6. Recognised schools and Centres for Education

Recognised schools and designated Centres for Education established or maintained by the VEC are as defined in Section 2 of the Education Act, 1998.

In that regard, The Minister for Education and Skills, in exercise of the power conferred on him under section 10(4) of the Education Act 1998 (No. 51 of 1998), has designated the places specified in appendix 5 to this Circular Letter to be Centres for Education for the purposes of the election of staff and parent representatives to the VECs.

7. Electoral Rolls

7.1 Provisional electoral constituency rolls comprising of eligible staff member electors and eligible parent member electors, with addresses, shall be prepared for purposes of the staff members and parent members elections.

7.2 Each eligible elector (parent and staff) should be assigned a number when entered on the appropriate roll.

7.3 The provisional electoral rolls should be made available in VEC schools and centres for education, as the Returning Officer considers appropriate, by Tuesday 9th October 2012 (Schedule 1 of SI 924 refers).

7.4 In addition, a notice should be displayed in each VEC school and centre for education, as the Returning Officer considers appropriate, to the effect that any eligible staff member and any eligible parent member who wishes to take part in the forthcoming election and whose name is not included on the provisional electoral roll, should apply in writing to the Returning Officer to have his or her name entered on the electoral roll. Amendments to the rolls should be made in the prescribed forms (Schedule 1 of SI 924 refers) up to 12 noon on Friday 12th October 2012.

7.5 Final registers of parent and staff electors to be made available by the Returning Officer on Monday 15th October 2012.

7.6 An elector may vote only in respect of the candidates nominated in the constituency in which the elector is entered on the Electoral Roll.

8. Publication of Notice of Elections

Notice of the elections should be posted in each VEC School and centre for education, as the Returning Officer considers appropriate. This notice should make available to electors details of the electoral process (see Appendix 5 to this Circular Letter).

9. Notice to Eligible Parents and Eligible Staff

Letters should also be made available to eligible parents and eligible staff, see draft outlined at Appendix 4 to this Circular Letter.

10. General provisions regarding agents.

10.1 Each nominee for the election may appoint one or more agents and the name of a person so appointed shall be notified to the Returning

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Officer in writing by the nominee not less than 5 days before the 19th October 2012, on which date the ruling on the validity of nomination papers shall take place (i.e. 14th October 2012).

10.2 An agent whose appointment is notified in writing to a Returning Officer under paragraph (1) may be present on behalf of the nominee at the ruling on nominations, the sealing of the ballot box or ballot boxes and the counting of votes for the election.

10.3 An agent shall, if so required, produce the written consent of the nominee to his or her appointment as their agent for inspection by the Returning Officer or by any person authorised to act on behalf of a Returning Officer.

11. Nomination of Candidates

The following eligibility criteria apply:

11.1 A person shall not be nominated as a candidate for election or have his or her nomination withdrawn, without his or her written consent.

11.2 Each candidate must be nominated by means of a separate nomination form (Schedules 2 and 3 of SI 924 refer).

11.3 Each candidate's nomination paper must be signed by not less than 5 eligible electors, whose names are entered on the electoral roll for the constituency for which the candidate is nominated and who have not signed the nomination paper of another nominee.

11.4 The nomination form for each of the parent and staff elections must be completed by the nominee and nominators in the presence of the Returning Officer. The nominee and nominators must produce suitable identification i.e. driving licence etc. The period determined for receipt of nomination papers is, as follows:

Thursday 18th October 2012: 10am to 9pm. (parent elections only)

Thursday 18th October 2012: 2pm to 4.30 pm. (staff elections only)

The Returning Officer in a VEC which encompasses a geographically large area should give consideration to designating more than one location for the receipt of nominations. In such cases, a Deputy Returning Officer should be appointed to facilitate the receipt of nominations in any alternative location.

11.5 Candidates may withdraw nominations, in writing, before 12 noon, Wednesday 24th October 2012.

11.6 A nominee shall not be entitled to have his or her name entered on a ballot paper for more than one VEC.

11.7 Each completed nomination form for the parent and staff elections should be recorded by date and time and assigned a unique number, as appropriate, when submitted. This number will determine the order of receipt of nominations.

12. Ruling on validity of each nomination paper

12.1 The Returning Officer will rule on the validity of each nomination paper in the following period:

Friday 19th October 2012: 2pm to 4pm.

12.2 A nominee and the nominee's agent, if any, shall be entitled to be present at the ruling on the validity of nominations and no other person shall be entitled to attend except with the permission of the Returning Officer.

12.3 Each nomination paper ruled on as valid shall be endorsed sequentially with a unique number by the returning officer and this number shall determine the order of receipt of valid nominations.

12.4 Nominations may be deemed invalid where the Returning Officer determines that the nomination form has not been filled properly in accordance with the rules and procedures e.g. where a nomination has been signed by less than 5 electors.

12.5 A nominee may before 12 noon, Wednesday 24th October 2012 withdraw his or her nomination, by giving to the Returning Officer a written notice of withdrawal, signed by the nominee.

12.6 Final listing of candidates will be made available on the afternoon of 24th October 2012.

12.7 The ruling of the Returning Officer to be final in all cases.

13. Publication of Nominations

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13.1 A listing of candidates should as soon as practicable after ruling on the validity of nomination papers and not later than 25th October 2012, be brought to the attention of electors in each VEC school and centre for education and by other means as the Returning Officer considers appropriate, including school and VEC websites.

13.2 The notice should be made available for each electoral constituency and should contain the name and address of each candidate validly nominated, and the names of the electors who nominated each candidate for the constituency for which the candidate is nominated.

14. Election of Members

14.1 Where in any VEC the number of duly nominated candidates exceeds the number of members to be elected for each constituency and panel, a poll shall be taken by the Returning Officer.

15. Date of Poll

15.1 In the event of a poll, the poll shall be undertaken between 9am and 9pm on 9th November 2012.

16. Polling Stations

16.1 Polling stations will be located in VEC schools.

16.2 Where a school polling station is not within reasonable distance, a polling station may be located in a centre for education, where there are student enrolments of at least 50 students, who have not reached the age of 18 years on 28th September 2012.

17. Polling Cards

17.1 The Returning Officer shall as soon as practicable after the final date for confirmation of nominations in respect of each poll, but not later than 5th November 2012, send by post to every elector at his or her address, or as the Returning Officer considers appropriate, a polling card to include details such as the polling date, the elector's polling centre and polling number.

17.2. The Returning Officer shall prepare a statement in respect of each constituency electoral poll showing the total number of polling cards sent to electors under paragraph (1) in respect of each electoral constituency.

18. Ballot Papers

18.1 The Returning Officer shall prepare ballot papers for each constituency of electors in which a poll is to be taken (Schedule 4 of SI 924 refers) setting out the names of the candidates alphabetically in the order of their surnames.

19. The official mark

19.1. Every ballot paper shall be marked with an official mark which shall be either embossed or perforated so as to be visible on both sides of the paper.

19.2 The Returning Officer shall ensure that the official mark is kept secret prior to the issue of the ballot papers.

20. Ballot box

20.1 The Returning Officer shall provide a ballot box or ballot boxes for the reception of the ballot papers returned by the electors.

20.2 Electors must produce suitable identification i.e. driving licence etc

20.3 Every ballot box referred to in paragraph (1) shall be sealed by the Returning Officer at the time fixed for the opening of the poll.

20.4 The returning officer shall after 9pm on polling day seal the ballot box or ballot boxes so that no further papers can be inserted and shall make provision for the safe custody of the box or boxes.

21. Time and place for counting of votes

21.1. The counting of votes shall commence at 9am on Saturday, 10th November 2012.

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21.2 Each Returning Officer shall take due precautions for the security of the ballot papers and other documents relating to the polls in any intervening period.

21.3 The Returning Officer shall appoint a place at which the votes will be counted and shall give each candidate notice of the time and place at which he or she will proceed to open the ballot boxes.

21.4 For administrative reasons, it is advised that where possible the Centre used for purposes of the Local Authority election count should be utilised.

22. Attendance at the opening of the ballot box or ballot boxes and the counting of votes

22.1 At the opening of the ballot box or ballot boxes and the counting of votes, no person other than candidates, the Returning Officer, the Returning Officer's assistants and the candidates' nominated agents may be present, except with the permission of the Returning Officer.

22.2 The Returning Officer shall give those present all such reasonable facilities for observing the proceedings at the opening of the ballot box or ballot boxes and the counting of votes and all information in that respect, consistent with the orderly conduct of the proceedings and the performance of the Returning Officer's duties and functions.

23. Conduct of the counting of votes

23.1 A Returning Officer shall for each poll cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be determined by the Returning Officer as invalid and shall, in accordance with directions, ascertain and record the number of votes given to each candidate.

23.2 In counting the votes for each poll the Returning Officer shall credit the candidates at the election with votes in accordance with directions.

23.3 Candidates or their agents shall not handle ballot papers during the counting of votes.

23.4 Schedule 5 to SI 924 sets out in detail the rules relating to the counting of votes.

24. Return of persons elected.

24.1 The Returning Officer shall, as soon as practicable, give to every candidate elected written notice of his or her election and shall furnish the relevant local authority, as appropriate, and the Vocational Education Committee with a list of the candidates certified by the Returning Officer to have been duly elected for each electoral constituency and panel.

25. Powers of Returning Officer.

25.1 Any question arising with regard to the eligibility of an elector or candidate, the validity of a nomination or ballot paper, or otherwise in connection with the election, shall be determined by the Returning Officer.

25.2 All voting papers received by the Returning Officer shall be retained by him or her for not less than 12 months after the completion of the election.

26. Circulation

26.1 This Circular Letter should be circulated in the normal way.

27. Queries

27.1 Any queries regarding the implementation of this Circular Letter should be addressed to the undersigned, Martin O'Brien. (Tel: 090 6484232, Martin_OBrien@education.gov.ie) or Mike Power. (Tel: 090 6484233, Michael_Power@education.gov.ie).

Matthew Ryan Principal Officer.

September 2012

Please see circular letter for Appendices

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