



etb

Bord Oideachais agus Oiliúna
Chill Dara agus Chill Mhantáin
Kildare and Wicklow
Education and Training Board

A Meeting of Kildare & Wicklow Education & Training Board was held in the Council Chamber on Monday 1st April 2019, Commencing at 10.30 a.m.

Present: Mr Noel Merrick Chairperson, Cllr Brendan Weld,
Cllr. Rëada Cronin, Cllr. Fiona McLoughlin-Healy, Cllr. Daragh Fitzpatrick, Cllr. Tommy Annesley, Mr John McDonagh, Cllr Jennifer Whitmore, Cllr Aoife Breslin, Cllr Naoise O’Cearuil, Dr Elizabeth O’Gorman, Mr John Hurley, Ms Deirdre Coghlan Murray.

In attendance: Dr Deirdre Keyes
Dr Rory O’Toole
Mr Joe Kelly
Ms Caitriona Murphy
Ms M. Dillon
Ms Catherine Doran
Ms Mary Kemmy
Ms Rose Murray

Apologies: Cllr Nicola Lawless
Cllr Teresa Murray
Cllr Jim Ruttle
Ms Finula Haran
Ms Lorraine Hennessy

AGENDA

1. Chairperson’s Welcome
2. Votes of Sympathy
3. Conflicts of Interest
4. Finance
 - 4.1 Finance Committee: Chairperson’s Reports, 16, 17 18 **(for noting)**
 - 4.2 Draft Annual Financial Statements (Incorporating the Statement of Internal Control 2018) **(for adoption)**
 - 4.3 KWETB Service Plan 2019 **(for adoption)**
 - 4.4 KWETB Annual Report 2016 **(for adoption)**
 - 4.5 KWETB Annual Report 2017 **(for adoption)**
 - 4.6 Finance Committee Annual Report 2018 **(for noting)**
5. Minutes -November 13th 2018, 27th November 2018, and January 15th 2019 **(for adoption)**
6. Matters Arising
7. Chairpersons Business
 - 7.1 Ministerial Direction (for noting)

- 7.2 Audit Committee Selection Process
- 8. KWETB Corporate Governance Programme – Status Update (**for noting**)
- 9. Legal Bill
 - 9.1 Resolution around 2017 Legal Advice
 - 9.2 Recoverability of Legal Bill
- Break**
- Other items time allowing and /or for subsequent meeting**
- 10. Chief Executive
 - 10.1 PAC Opening Statement and Submission
 - 10.2 Response to PAC March 2019
 - 10.3 KWETB Leases March 2019
 - 10.4 LSSU – DES Instructions to ETB re Land
- 11. Reports to the Board
 - 11.1 FET Report
 - KWETB – FET Premises and Programmes
 - 11.2 DOS Report
 - School Board of Management Minutes (for noting)
 - School Policies (for noting)
 - Section 29 Appeals
 - Section 29 Appeals Report
 - 11.3 OSD
 - OSD Report
 - Property Register
- 12. Department Circular Letters (for noting) – from previous meetings
- 13. Policies
 - Corporate Services Polices - Draft KWETB Anti-Fraud Policy
 - KWETB Enhanced Protected Disclosures Policy
- 14. Establishment of Committees and Nominations to Boards of Management
 - 14.1 Nominations to the Youth Work Committee - Comhairlí nominations –
 - Nominated from Kildare Comhairle - Clodagh O’ Leary & Dylan Hayes
 - Nominated Wicklow Comhairle - Tristan McCall & Jade O’Hagan
 - 14.2 KWETB Nominees to the Board of Management of Brannoxtown Community National School.
 - 14.3 Replacement for Mr Joe Behan on Board of Management of St Kilians Community School, Bray
 - 14.4 In Committee meeting to adopt minutes of earlier meetings held in committee
- 15. Member’s review of Code or Practice
- 16. A.O.B.

Minute No. ETB-01-04-19

No. 1 Agenda
Chairpersons Welcome

The Chair addressed the meeting. He welcomed the Stenographer and explained the rules of engagement concerning the recording of the meeting.

He advised the main priority issues for the meeting were the adoption of the Annual Financial Statement for 2018 and the Statement of Internal Control for 2018.

For the record the Chair stated that he received apologies from all but one of those who were absent from the meeting of 26th March which did not achieve a quorum. The outstanding apology was left as a message on his mobile phone by a member who had to turn back due to a family emergency. The message was not accessed until after the meeting.

The Chair stated his concern about statements in the broadcast media in respect of himself

and his responses at the Public Accounts Committee.

Minute No. ETB-02-04-19

No. 2 Agenda
Votes of Sympathy

Cllr Tommy Annesley on the recent death of his Father John Annesley, R.I.P.

Minute No. ETB-03-04-19

No. 3 Agenda
Conflict of Interest

In response to a query from Cllr Fiona McLoughlin Healy the Chair clarified that no member had stated after the meeting of 26th March that they would not attend any more Board meetings.

Re: Conflict of Interest:

Ms. Deirdre Coghlan Murray wished to put the following on the record,.

In relation to conflicts of interest, any conflicts of interest or perceived conflicts of interest were declared at each Finance Committee meeting. Contracts over €25,000 are examined at each meeting. In terms of conflicts of interest Ms. Coghlan Murray declares an interest in a company which has provided temporary staffing to KWETB over the last number of years. Should there be an issue or should the Committee want to discuss that, then Ms Coghlan Murray offers to actually leave the room while the discussion takes place. She does not take part in those discussions. There has always been complete transparency.

Minute No. ETB-04-04-19

No. 4 Finance

4.1 Finance Committee: Chairperson's Reports, 16, 17 18 (for noting)

Ms Deirdre Coughlan Murray, Chair of the Finance Committee read the Finance Committee Report No. 18 to the members which was made available on Minutepad to members prior to meeting.

She also drew attention to items of particular interest in reports number 16 and 17.

In terms of Statement of Internal Control, the Finance Committee read in detail the Statement of Internal Control 2018, suggesting the details of further issues in relation to procurement of legal services. This was in response to requests received from the Audit and Risk Committee and to review this information. With confirmation from the Chairperson of the Audit and Risk Committee, that they are satisfied that the system of internal controls they had reviewed including these amendments are fit for purpose and their endorsement of the Statement of Internal Control, the Finance Committee recommended it for approval by the KWETB Board and for signing by the Chairperson. The 2018 draft Financial Statement, the 2018 Financial Statement of accounts were reviewed in full, with the assistance of Catherine Doran and Linda Wynne.

The Finance Committee asked for and received confirmation that there were no significant alterations to the Financial Statement for 2018, relative to the review of the 2018 Service Plan

in December and January by the Finance Committee. Based on this the Finance Committee has proper income and expenditure and the state of affairs of the KWETB and recommend that the KWETB Board accept the draft and Financial Statement for 2018.

The new Code of Practice for the Governance of ETBs has come into place for 2019 for KWETB boards. The Finance Committee reviewed the new Code of Practice and has identified some contradiction between Section 4 of the code which related to the Finance Committee and Appendix 4 in this section. The section says that each approved minutes should be submitted to the board and Appendix 14 section under minutes says copies of minutes should be kept securely in the KWETB's administrative office and generally be made only to members of the Finance Committee. The Finance Committee is asking the Chairperson to write to the Department to seek clarification of this.

In relation to the Annual Report from the Finance Committee to the Board, the Finance Committee reviewed the Annual Report to the Board, including the self-evaluation of the Finance Committee using appendix 16C from the Code of Practice. The report provides a summary of all Finance Committee meetings held in 2018 as well as recommendations to enhance the future effectiveness of the Finance Committee. The reports were provided to the members prior to the Board meeting via Minutepad and at the meeting Ms Coghlan Murray highlighted issues she wished to raise.

- The examination of the Service Plan for 2019.
- Current audits being undertaken i.e. Youthreach, Procurement.

Cllr Fiona McLoughlin Healy stressed that she was unsure from the report what the conflicts of interest were and how they were managed. The report should include how the conflict of interest is managed.

Questions were raised in relation to property and leases. The CE confirmed that the Property register with the relevant details was uploaded to Minutepad prior to the meeting.

4.2 Draft Annual Financial Statements (Incorporating the Statement of Internal Control 2018) (for adoption)

The Finance Officer took the members through the Financial Statements and the Statement of Internal Control which had been examined in details by the Finance Committee.

She explained the format of the accounts and the activities and pay costs as represented on page 6. KWETB has 2,572 employees costing over 85.4 million in 2018. Receipts for 2018 came to a total of 135 million, which is up 4.5 million on 2017. Payments were down slightly from 131 million to 128 million and you can see that capital is the area that is most decreasing. She mentioned the revenue deficit which goes back to 2012. With DES giving spending limits but not actually matching this with receipts.

The dividend from IPB and capital reserve money of almost €450,000. Discussion at national level is taking place as to how this would be treated in the accounts and how it would be spent.

She noted the significance of Page 22 with new notes that relate to requirements for the new Code of Governance.

With regards to travel and subsistence paid to Board members and employees, there was no international travel in 2018

Board members expenses, this has been read for the past few years as in payments to Board

members for interviews, Section 29, statutory meetings, and board of management. The board of management is a new entry this year and the number of meetings attended by each member along with the CE's travel and expenses.

Capital commitments, 6.2 main capital commitments at the end of 2018,

There were no significant legal proceedings under contingencies that occurred after the 31/12/18.

Property pages, containing details of the leases.

KWETB's registered charity number is provided.

Connected persons - transactions with connected persons amounting to 125,000, in 2018 have been entered.

Following contributions by various members Cllr Fiona McLoughlin Healy proposed, seconded by Ms Deirdre Coghlan Murray that related party transaction be included in the accounts for 2016. This was subject to the C&AG agreeing to amend the accounts.

The Statement of Internal Controls form part of the accounts. They went before the Audit and Risk Committee. The Chair of the Audit & Risk Committee then wrote to the Chair of the Finance Committee. The Finance Committee examined the Statement of Internal Controls in detail and is proposing that they be agreed and adopted. Ms Deirdre Coghlan Murray read the letter from the Acting Chair of the Audit and Risk Committee recommending acceptance of the Statement of Internal Control.

Cllr Fiona McLoughlin Healy responded to the letter stating that it was inaccurate on some points. She wished to put it on record that she had spoken to the Comptroller and Auditor General about her concerns that two members who have put it on record to the Chair of the Board and to the Chair of the Audit and Risk Committee that they did not sign off on the Statement of Internal Controls.

It was pointed out that of the three remaining members present when the vote was taken that two voted in favour of the acceptance of the Statement of Internal Control and one against. The Statement of Internal Control was passed on this basis.

Ms Deirdre Coghlan Murray said that it was important to state that, the timelines that the Finance Committee and the Audit and Risk Committee were up against were very significant. She met with Sean McCann in advance of the Finance Committee meeting to clarify with him that the Audit and Risk Committee had actually reviewed the Statement of Internal Control and that she was in receipt of a letter from him. She also wanted clarification on amendments that the Audit and Risk Committee had made to the Statement of Internal Control in relation to legal frameworks which were included in the current Statement of Internal Control.

Cllr Daragh Fitzpatrick addressed the meeting and clarified the following –

He attended a six-hour Audit and Risk Committee meeting. He stated that having an external minute taker may have helped. It was decided that there would not be an external minute taker and a member of the Audit and Risk Committee would take the minutes. Cllr Fiona McLoughlin Healy took the minutes until she departed. I don't usually write things down but her parting comment was, "You can pass/agree what you like, I will not be party to, I am going home."

The meeting was not over when Cllr McLoughlin-Healy left the meeting and discussion continued on the Statement of Internal Control.

When we were finished, in the interest of KWETB and the audit process going forward, I proposed the acceptance of the Statement of Internal Control. Sean McCann seconded my proposal and it was passed by a vote of two to one in favour. Sean McCann took the minutes for the remainder of the meeting following the departure of Cllr McLoughlin Healy.

As only notes existed and no minutes as they had not been approved by the Audit and Risk Committee Cllr McLoughlin Healy objected to the notes being referred to as minutes by Cllr Fitzpatrick. Cllr Fitzpatrick reiterated what he had already said that his account was a true reflection of what had taken place at the meeting. He agreed that Cllr Edward Timmons had questions and that clarification was to come but the passing of the Statement of Internal Control was not dependent on these clarifications. The issue raised and passed by the Chair of the Audit and Risk Committee to the Chair of the board was noncompliance in relation to legal services.

Following discussion on whether or not the accounts could be submitted as drafts without the Statement of Internal Control, it was decided that the CE would make a phone call to check the facts.

Mr Joe Kelly, Director of OSD, pointed out that the internal controls that are in place at the present time are comprehensive and are very robust, compared to anything that was in place in the past. He requested members keep in mind that these internal controls are never completed, they are never 100% perfect, because they are continuously being enhanced and updated. Keep in mind it's not written in stone and where we identify a risk or encounter an issue that is not covered by the internal controls we will add them.

Ms Deirdre Coghlan Murray, stressed the importance of the fact that the Finance Committee read through the Statement of Internal Control in full detail and did not rely solely upon the letter from the Chair of the Audit and Risk Committee. The Finance Committee says that is fine, we went through it in a lot of detail and asked questions as we went through to clarify for our information that we were also comfortable with the Statement of Internal Control.

The CE, on her return, she stated that from the point of view of the governance, it is the Chief Executive that corresponds with the Controller General's office and seeks direction from them and is obliged under the ETB Act to do that. She respectively suggested that the integrity of that relationship is maintained. She made the point very strongly.

The Office of Comptroller and Auditor General informed that KWETB can approve the Financial Statements and submit the Statement of Internal Control as is. KWETB can add in a cover note stating that there are still some questions that the Audit and Risk Committee wish to address in the context of the Statement of Internal Control. What is being stated here is that the Board believe they can stand over the Financial Statements for the purpose of the C&AG coming in and auditing. The same in relation to our Statement of Internal Control, but with the proviso to revisit with the Audit Committee and have further questions answered or additions to the Statement of Internal Control.

Proposed by Cllr Naoise O'Cearúil, seconded by Cllr Tommy Annesley that the Accounts and Statement of Internal Controls be adopted and accompanied by a cover note from the CE stating that they are subject to further questions from Audit and Risk Committee. A vote was taken with 11 for and 2 against.

4.3 KWETB Service Plan 2019 (for adoption) – *Deferred to next meeting.*

4.4 KWETB Annual Report 2016 (for adoption)

The Annual service plan 2019 and the Annual report 2016 were presented by Aine O Sullivan who stated that both reports met the legislative requirements.

Proposed by Mr John McDonagh, seconded by Dr Elizabeth O’Gorman and agreed by the meeting .

4.5 KWETB Annual Report 2017 (for adoption)

Proposed by Dr Elizabeth O’Gorman, seconded by Mr John McDonagh and agreed by the meeting

The meeting Concluded

4.6 Finance Committee Annual Report 2018 (for noting) -

Minute No. ETB-05-04-19

**No. 5 Agenda
Minutes**

Minutes November 13th 2018 **(for adoption)**

Minutes November 27th 2018 **(for adoption)**

Minutes January 15th 2019 **(for adoption)**

Minute No. ETB-06-04-19

**No. 6 Agenda
Matters Arising**

Minute No. ETB-07-04-19

**No. 7 Agenda
Chairpersons Business**

7.1 Ministerial Direction (for noting)

7.2 Audit Committee Selection Process

Minute No. ETB-08-04-19

**No. 8 Agenda
KWETB Corporate Governance Programme**

KWETB Corporate Governance Programme – Status Update (for noting)

No. 9 Agenda Legal Bill
--

9.1 Resolution around 2017 Legal Advice

9.2 Recoverability of Legal Bill

Break

Other items time allowing and /or for subsequent meeting

10. Chief Executive

10.1 PAC Opening Statement and Submission

10.2 Response to PAC March 2019

10.3 KWETB Leases March 2019

10.4 LSSU – DES Instructions to ETB re Land

11. Reports to the Board

11.1 FET Report

KWETB – FET Premises and Programmes

11.2 DOS Report

School Board of Management Minutes (for noting)

School Policies (for noting)

Section 29 Appeals

Section 29 Appeals Report

11.3 OSD

OSD Report

Property Register

12. Department Circular Letters (for noting) – from previous meetings

13. Policies

Corporate Services Polices - Draft KWETB Anti-Fraud Policy

- KWETB Enhanced Protected Disclosures Policy

14. Establishment of Committees and Nominations to Boards of Management

14.1 Nominations to the Youth Work Committee - Comhairlí nominations –

Nominated from Kildare Comhairle - Clodagh O’ Leary & Dylan Hayes

Nominated Wicklow Comhairle - Tristan McCall & Jade O’Hagan

14.2 KWETB Nominees to the Board of Management of Brannoxtown Community National School.

14.3 Replacement for Mr Joe Behan on Board of Management of St Kilians Community School, Bray

14.4 In Committee meeting to adopt minutes of earlier meetings held in committee

15. Member’s review of Code or Practice

16. A.O.B.

Vote of Sympathy was taken with all members standing

Signed: Mullagh Meirice Date: 14/6/19
(Chairperson)

NEXT MEETING

DATE: Tuesday 14th May, 2019

VENUE: Council Chamber, Wicklow County Council

TIME: 10.00 am