



etb

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

*A Special Meeting of Kildare & Wicklow Education & Training Board was held in
The Glenview Hotel, Delgany, Co Wicklow, on 27th November 2018 Commencing at 10.30am*

Present: Mr Noel Merrick Chairperson, Cllr. Rëada Cronin, Cllr. Fiona McLoughlin-Healy, Cllr. Teresa Murray, Cllr. Daragh Fitzpatrick, Cllr. Tommy Annesley, Mr John McDonagh, Ms Finula Haran, Cllr Jennifer Whitmore, Cllr Nicola Lawless, Cllr Aoife Breslin, Mr John Hurley, Dr Elizabeth O’Gorman, 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 Eileen Cullen
Ms Catherine Byrne
Ms Rose Murray
Ms Mary Kemmy

Apology: Cllr Brendan Weld
Cllr Naoise O’Cearúil
Cllr Jim Ruttle
Cllr Edward Timmins
Ms Lorraine Hennessy

AGENDA

1. Chairpersons Welcome
2. Consideration of DES proposal to co-locate NWET second level school with enhanced FE provision on BIFE Campus
3. Dr Thorn Action Plan – update
(i) Updates on Audits
4. Reports to the Board
 - a. Further Education & Training (FET)
 - **FET Report**
 - b. Schools Division –
 - **DOS Report**
 - **List of Board of Management Minutes**

- c. OSD –
 - (i) Finance
System of Internal Controls
 - (ii) H.R. / I.R
 - (iii) Buildings / Corporate Services
 - **Building Report**
 - **KWETB Property Status Report**
 - **Proposed Site Layout Plan - Maynooth**
- 5. Risk Management
- 6. Correspondence
 - (i) Department Circular Letters for Adoption
 - (ii) Other Correspondence and Updates
Notice of completion of Term of Office as Chair of KWETB Audit Committee
 - (iii) ETBI Correspondence
- 7. Motions for Approval
- 8. Policies for Adoption
 - (i) School Division Policies
 - **Colaiste Lorcaín Castledermot – CCTV Systems Policy**
 - **Colaiste Lorcaín Castledermot – Risk Assessment**
 - **Colaiste Lorcaín Castledermot – Student Code of Behaviour**
 - (ii) H.R. Policies
 - (iii) Corporate Services Policies
 - (iv) Finance Policies
 - (v) F.E.T. Policies
- 9. Establishment of Committees & Nominations to Boards of Management
 - 1. Appointment of Chair of Audit Committee**
 - 2. Boards of Management of designated schools**
 - 3. 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**
- 10. Matters deferred from previous meetings
 - **KWETB to nominate 3 persons to serve on board of management of Coláiste Chiarian, Leixlip (term of current board ending 31st July 2018)**
 - **Replacement for Mr Joe Behan on board of management of St Killians Community School, Bray**
 - **In Committee meeting to adopt minutes of earlier meetings held in committee**
- 11. Members review of Code of Practice
- 12. (i) Resolution regarding 2017 Legal Advice
(ii) Recoverability of Legal Advice Bill
- 13. A.O.B.

Minute No. ETB 11(2) -01-18

No. 1 Agenda

1. Chairpersons Welcome

The Chair welcomed all to the meeting in the Glenview Hotel.

Cllr Fiona McLoughlin Healy requested suspension of standing orders on the grounds she was concerned about the boards movement towards hotels for meetings. She stated they are not set up for public meetings that the location were contrary to our standing orders. She stated we are not properly constituted as a board because we did not agree to meet in Glenview hotel today. She stated that under standing orders our location for meeting was Kildare County Council.

She stated she had asked how much the hotels have costed and how much the food is costing and that the Chair refused to answer those questions.

Noel Merrick stated he was not answerable to an individual member

Cllr Fiona McLoughlin Healy stated the Chair was making a unilateral decision to change the location mandated under standing orders.

Noel Merrick stated that if the motion passed everyone would have to go home and we would be a laughing stock.

Cllr Nicola Lawless stated she was uncomfortable with the meetings in hotel rooms and stated she was happy to second Cllr McLoughlin Healy's motion that the meeting was improperly constituted.

The Chair stated it was not in order to vote on the motions

Cllr McLoughlin Healy apologised to everyone present but stated she wanted it on record that we only started using hotels after the investigation started. She wanted it on record that at least some members of the board were uncomfortable with that practice

John McDonagh stated that that it was not factually true that hotels started to be used after the investigation started

Cllr Teresa Murray stated she wanted to correct the statement also. She stated that we had had meetings outside of council chambers on other occasions in the past. She stated it was more convenient for those present to be here today than to cross the mountains to a meeting. She stated she backed the Chairs decision to hold the meeting in the Glenview today

Finula Haran wanted to know if we were concerned about tax-payers money how much it would cost to abandon the meeting.

After a discussion between members regarding the venue and the cost to the taxpayer if the meeting was adjourned, the Chair called for a vote on Cllr Mc Loughlin Healy's request to suspend Standing Orders.

The Vote was taken with 3 for and 11 against.

The Chair advised the meeting would continue.

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No. 2 Agenda

2. Consideration of DES proposal to co-locate North Wicklow Educate Together (NWET) second level school with enhanced Further Education (FE) provision on BIFE Campus.

The CE addressed the meeting and advised she and the Chair had met with DES officials on Wednesday 21st November in Tullamore.

The CE summarised the current position.

- Board approval for this property has not been given and it is still under consideration.
- The Dept was now proposing a technical study of the site to see how co-location would work.
- Department had declined an invitation from the CE to attend a meeting with the Board but had agreed a meeting with the CE and the Chair.
- The Chair had written to all Board members requesting a list of questions they wanted put to the Department Officials at this meeting.
- Following on from the previous Board meeting the CE also clarified that the email of 27th March 2017 from the previous CE to the DES indicating approval was now uploaded to Minutepad.
- It was confirmed in late June by DES to NWET that it was envisaged that the BIFE site would be used for the co-location. (Letter on Minutepad.)
- It was in early 2018 that the difficulty with the Board approval was noted by the executive and raised with the DES.

The CE also reminded the Board that at the previous meeting we had not look in detail at the business case for the proposal and whether or not it could meet the Further Education and Training needs of KWETB. She noted that the FET team would make a presentation to the Board.

The Chair reported on the meeting with Department attended by Department Officials. The Chair clarified that the Department proposal was to appoint a design team and that a technical survey be carried out and a decision be made as to whether or not the campus would accommodate both BIFE and NWET. The Chair proposed that a decision be deferred pending the technical report.

The members raised issues

- Lack of documentation around the issue
- Traffic management
- The actual size of the site (c. 12 acres) and the optimum size.

The CE then read the letter received from the Department on the 27th November into the record

** See Appendix 1

Cllr Réada Cronin spoke making the following point:

- **KWETB are patrons of BIFE. The previous CE misled the Department and the Board needs to dig deeper/investigate as to why the Department took the previous CE's word and if the Department were very remiss in their responsibilities. She acknowledged NWET needs to find a home but the Board's loyalty should be to BIFI.**

Cllr Nicola Lawless spoke making the following points:

She was disappointed that the Dept could not attend the Board meeting. It has left KWETB and Educate Together at odds with each other. She welcomed the study but questioned why it had taken so long to make the decision to do a technical study. She offered to support NWET but agreed with Cllr Cronin that an investigation needs to be carried out. She questioned the work of the previous CE asking if other "deals" have been done that the Board are not aware of. She asked for the timeline for the technical study saying that it is important that it does not become long and protracted.

Cllr Teresa Murray enquired as to the owner of the BIFE site and why the technical study had not been carried out previously. If this process began in 2016 why has nothing been done to date.

The Chair advised that some analysis has taken place.

Cllr Murray questioned what architect was involved in the initial analysis and what architect is going to be involved in the preparation of the new technical study.

Cllr Jennifer Whitmore spoke making the following points:

The Dept have pitted two organisations against one and other. She stated that this was unacceptable and expressed her displeasure at the whole situation. She noted that the Dept were still communicating with the previous CE even though they were aware of the audit investigation. She stated that she was tired of the KWETB Board being held accountable.

Mr John Hurley spoke of the importance of including all services provided by KWETB in the Bray area in any technical study.

Dr Elizabeth O'Go.rman stressed the importance of keeping the focus on moving forward. She advised the members that they had taken a vote at the last meeting to make a decision at today's meeting. She felt members have enough information to go ahead and make the decision on the day.

Cllr Fiona McLoughlin Healy spoke making the following points:

She questioned the procedures for disposal of land saying they were fatally flawed. KWETB stakeholders are BIFE and she would not be happy to accept any technical survey without consulting with BIFE. She would share the same questions as Cllr Murray concerning the architect and it would need to be an independent architect involved in the new technical study.

Ms Finula Haran stated she agrees that an investigation into the "deal" should be conducted. The Board need clarity and agreement is needed on what has been asked of the Board.

Ms Caitriona Murphy, Director of Further Education, informed the Board of the FET strategy, the relationship with SOLAS and the SOLAS Strategic Agreement for 2021. Caitriona to add

Cllr Daragh Fitzpatrick requested clarification of lease of Block E, Bray Civic Centre which is a 30 year lease with no break clause. It was clarified that it does contain option to purchase.

Ms Caitriona Murphy, Director of Further Education, brought the members through all leases in the Bray area under FET, their cost and their current status (Document uploaded to minutedpad).

The CE informed that Board that she is trying to get clarity regarding Block E. She also advised KWETB will be reimbursed for Putland Road. KWETB is the lease holder but have no students in the building.

Cllr Teresa Murray stated that she had seen the site at BIFE. Having listened to Caitriona's report she felt the Board were in a position to make a decision straight away.

She proposed the following:

On full consideration of the information made available to them as of this date the Board of KWETB reject the proposal of the assignment of land on the BIFE Campus for the co-location of a second level school.

Proposed by Cllr Teresa Murray and seconded by Ms Finula Haran and agreed by the meeting.

The Chair stated that if the Board decides not to go forward with the technical study we do not know what resources the Dept will put into BIFI. The Dept did speak about the SOLAS funding that would be incremental.

The CE pointed out that funding for Block E came from the schools capital budget. She advised that the rent agreements were all part of the redevelopment proposal and that KWETB could be financially exposed if the re-development does not go ahead.

Cllr Teresa Murray raised the question of SOLAS funding to KWETB. Caitriona Murphy clarified that funding is not guaranteed and would have to be applied for over time.

CE advised the Board she had received a second letter that morning regarding temporary accommodation for NWET at the old Colaiste Ráithin Site and read the letter to the meeting

Cllr Fiona McLoughlin Healy proposed the following:

In the absence of any prior agreement with the Board of KWETB this Board urges the DES to fulfil its duty to North Wicklow Educate Together to provide its students and staff with the accommodation that they urgently require.

Proposed by Cllr Fiona McLoughlin Healy, seconded by Cllr Jennifer Whitmore and agreed by the meeting.

*Some discussion took place regarding a review/investigation into the circumstances surrounding the proposal and Cllr Réada Cronin proposed the following:
The Board calls on the Minister to conduct a review into the circumstances surrounding the agreement that KWETB would accommodate North Wicklow Educate Together on the BIFE site came to be made.
Proposed by Cllr Réada Cronin, seconded by Cllr Nicola Lawless and agreed by the meeting.*

It was noted that the Board had no objection to discussing temporary accommodation for NWET on the old Coláiste Ráithin site.

The meeting adjourned for a small break

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No. 3 Agenda

After a small break the meeting reconvened

3. (i) Dr Thorn Action Plan – Update

Mr Joe Kelly, Director of OSD presented to KWETB Governance Programme to the Board. He stated that he believed the plan to be very robust and that the action items build up a very strong governance framework. The project team meet every week and the governance team meet once a month. He advised that the Board will have full access. A tentative date of 14th December had been set to present the Governance Programme to the Dept.

The Chair sought approval to move forward to submit the Governance Programme as outlined to the Dept on the 14th December. The Board approved.

Cllr Fiona McLoughlin Healy asked had there been any changes since the Director of OSD spoke about the prescribed levels of signing authority. She stated under the stated Code of Governance KWETB are obliged as a board to know levels and they have not yet approved the draft. Director of OSD stated that he would bring it to the Board meeting of January 2019.

The Director of OSD reported as follows – The Risk Management Policy is in place. The Corporate Risk Management register and the Schools Risk Management Register are complete. The Risk Management Registers for FET will be complete in 2019.

Cllr Jennifer Whitmore requested that a process be put in place to deal with members requests for information and it is treated as a standard process where it is given at the next meeting.

The KWETB Corporate Governance Programme –the Chair and Vice Chair confirmed that they have checked in response to the Thorn Report and that all areas are covered in the Governance Plan.

3. (ii) The Chairperson of the Audit Committee

The Chair explained that the Board must appoint an interim Chair to the Audit Committee. The Audit Committee at its meeting that morning recommended Mr John Greely as replacement for the previous Chair, Mr Tony Lenehan. Noel Merrick read John Greely's qualifications for the post to the members. It was agreed that the permanent post would be advertised in the media and interviews arranged. The interview board would consist of Mr Merrick, Ms McLoughlin Healy and Mr Greely if not applying.

It was proposed by Mr Noel Merrick, seconded by Mr John Mc Donagh and agreed that Mr John Greely be appointed interim Chair while waiting for permanent Chair. Objections of Cllr Fiona McLoughlin Healy and Cllr Jennifer Whitmore were noted.

3. (iii) Statement of Internal Controls

The Statement of Internal Controls (SIC) which had been uploaded to Minutepad were discussed. The Board had accepted previous version of SIC which had also gone to the Audit Committee.

Catherine Doran, Finance Officer brought the members through the changes which were approved by the Audit Committee at its meeting earlier in the day.

System of Internal Controls – proposed by Mr John McDonagh, seconded by Cllr Tommy Annesley and agreed. Cllr McLoughlin Healy wanted it noted that she abstained.

Cllr Fiona Mc Loughlin Healy requested and it was agreed that where actions were taken by the executive that it was reflected as such in the SIC.

Cllr McLoughlin Healy then asked about the previous practice of Board members being present at the opening of tenders. The Corporate Services Manager clarified that this was no longer the case under the new Sectoral Procurement Policy. She explained that the opening of tenders was as per the new policy.

3 (iv) Primary School being placed on the site in Maynooth Education Campus

The Chair spoke regarding a primary school being placed on the site in Maynooth Education Campus.

It was proposed by Cllr Teresa Murray, seconded by Mr John Hurley and agreed the temporary accommodation for a primary school be place on the Maynooth Education Campus.

3. (v) Updates on Audits

The CE noted the following to the Board as had been uploaded onto Minutepad for the previous meeting.

1. Section 7 final Draft report received on October 26th – Final figures / response underway
2. Notice of IAU Audit on procurement, commencing December 3rd. Initial meeting held on November 8th.
3. C&AG 2016/7 audit of accounts underway since beginning of November

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No. 4 Agenda

4. Reports to the Board

4.1 Further Education & Training (FET)

FET Report- *Deferred*

4.2 Schools Division –

DOS Report - *Deferred*

List of Board of Management minutes

4.3 OSD –

(i) Finance

(ii) H.R. / I.R

(iii) Buildings / Corporate Services

Building Report

KWETB Property Status Report

Proposed Site Layout Plan - Maynooth

Minute No. ETB 11(2) -05-18

No. 5 Agenda

5. Risk Management

Minute No. ETB 11(2) -06-18

No. 6 Agenda

6. Correspondence

(i) Department Circular Letters for Adoption

Circular Letters – already uploaded to Minutepad (containing links to Dept Website)

Deferred

(ii) Other Correspondence and Updates

Notice of Completion of Term of Office as Chair of KWETB Audit Committee

(iii) ETBI Correspondence

Minute No. ETB 11(2) -07-18

No. 7 Agenda

7. Motions for Approval

Minute No. ETB 11(2) -08-18

No. 8 Agenda

Policies for Adoption

(i) School Division Policies

Colaiste Lorcaín Castledermot – CCTV Systems Policy - *Deferred*

Colaiste Lorcaín Castledermot – Risk Assessment - *Deferred*

Colaiste Lorcaín Castledermot – Student Code of Behaviour - *Deferred*

(ii) H.R. Policies

(iii) Corporate Services Policies

(iv) Finance Policies

(v) F.E.T. Policies

Minute No. ETB 11(2) -09-18

No. 9 Agenda

9. Establishment of Committees & Nominations to Boards of Management

(i) Appointment of Chair of Audit Committee

It was proposed by Mr Noel Merrick, seconded by Mr John Mc Donagh and agreed that Mr John Greely be appointed interim Chair while waiting for permanent Chair.

Objections of Cllr Fiona McLoughlin Healy and Cllr Jennifer Whitmore were noted.

(iii) Boards of Management of designated schools

It was proposed, seconded and agreed that the nominations of KWETB Board representatives on Boards of Management of designated schools be extended until the end of term of the Board.

(iii) 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 - *Deferred*

Minute No. ETB 11(2) -10-18

No. 10 Agenda

10. Matters deferred from previous meetings

Minute No. ETB 11(2) -11-18

No. 11 Agenda

11. Members review of Code of Practice

Minute No. ETB 11(2) -12-18

No. 12 Agenda

12 (i) Resolution regarding 2017 Legal Advice

(ii) Recoverability of Legal Advice Bill

Minute No. ETB 11(2) -13-18

No. 13 Agenda

13. AOB

Signed: Niall McMeiri Date: 14/6/2019.
(Chairperson)

NEXT MEETING

DATE: Tuesday 15th January 2019

VENUE: Council Chamber, Aras Chill Dara

TIME: 10.30 am

***** Appendix 1**

An Roinn Oidcachais agus Scilcanna Department of Education and Skills

Dr Deirdre Keyes
Chief Executive, KWETB
Kildare and Wicklow Education and Training Board Level5
Aras Chill Dara Devoy Park Naas
Co. Kildare

26 November 2018.

Proposed development at Bray Institute of Further Education (BIFE)

Dear Deirdre



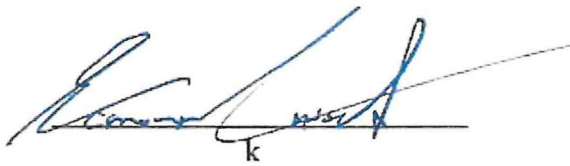
I refer to previous discussions and our recent meeting in relation to the scope for the BIFE site to be used for providing enhanced accommodation for Bray Institute of Further

Education and also providing a new 1,000 pupil school for North Wicklow Educate Together Secondary School (NWETSS).

The Department is aware of the concerns raised in relation to this matter and as a way forward, is proposing that a decision on the permanent accommodation solutions are not made at this stage pending the development of a campus master plan. The intention is that this master plan which would involve a technical study and assessment of the site, would more clearly specify how the future accommodation needs of BIFE and NWETSS could be met on the site. The Department is anxious to work with Kildare and Wicklow ETB in relation to initiating the campus master plan and can liaise with you further regarding the detailed planning for this.

Should you required any clarification relating to the above, please feel free to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Eamonn Cusac', with a small 'k' written below the signature.

Eamonn Cusac Principal Officer.