



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
Aras Chill Dara on Tuesday 8th May, 2018, Commencing at 10.30 a.m.*

Present: Mr Noel Merrick Chairperson, Cllr. Ràada Cronin, Cllr. Fiona McLoughlin-Healy, Cllr. Teresa Murray, Cllr. Daragh Fitzpatrick, Cllr. Naoise Ó'Ceairúil, Cllr. Tommy Annesley, Mr John McDonagh, Ms Finula Haran, Ms Deirdre Coghlan Murray, Cllr Nicola Lawless, Cllr Aoife Breslin, Mr John Hurley, Cllr Edward Timmins, Mr Joe Behan, Dr Elizabeth O'Gorman.

In attendance: Dr Rory O'Toole
Mr Joe Kelly
Ms Caitriona Murphy
Ms M. Dillon
Ms Catherine Doran
Ms Eileen Cullen
Ms Brenda Lynch
Ms Áine O'Sullivan
Ms Mary Kemmy
Ms Rose Murray

Apology: Cllr Brendan Weld
Cllr Jennifer Whitmore
Ms Lorraine Hennessy

AGENDA

1. Chairperson's Welcome –
2. Proposed new Chief Executive
3. Votes of Sympathy
4. Declarations of Conflict of Interest
5. Minutes
6. Matters Arising
7. Reports to the Board

- **Chief Executive**
- **Further Education & Training**
- **OSD**
 - OSD Report to KWETB Meeting May 2018*
 - **Finance**
 - **Buildings / Corporate Services**
- *Corporate Services Building Report*
 - **H.R. / I.R**

- **Schools Division**
 - Schools Report to KWETB Meeting May 2018
- *Board of Management minutes to May meeting*

8. Correspondence

- (i) **Department Circular Letters for Adoption**
 - *HR Circular Letters for adoption*
- (ii) **Other Correspondence and Updates**
- (iii) **ETBI Correspondence**

9. Motions for Approval

10. Policies

- (i) **School Policies**
 - *Coláiste Bhríde Carnew - Attendance Policy*
 - *Coláiste Bhríde Carnew - Anti- Bullying Policy*
 - *Pipers' Hill, Naas - Admission Policy*
 - *Greystones CNS - Child Safeguarding Statement*
 - *Greystones CNS - Child Safeguarding Risk Assessment*
 - *Coláiste Chraobh Abhann - Child Safeguarding Statement & Risk Assessment*
 - *Coláiste Chraobh Abhann - Statement of Strategy for School Attendance*
- (ii) **H.R. Policies**
- (iii) **Corporate Services Policies**
 - *Draft KWETB Risk Management Policy*
 - *KWETB CCTV Policy*
 - *KWETB Data Breach Policy*
 - *KWETB Data Protection Policy*
- (iv) **Finance Policies**
- (v) **F.E.T. Policies**

11. Establishment of Committees & Nominations to Boards of Management

- *Nomination of Mr John Hurley to Board of Management of Maynooth Post Primary school as replacement for Cllr Bernard Caldwell who has resigned from the Board.*

- *Nomination of Ms Brenda Lynch, to the Mid-East Region Homelessness Forum*
- *Nomination of KWETB member required to the KWETB Youth Committee*
- *Nomination required to Wicklow County Childcare Committee as replacement for Ms Mary Mooty.*

12. Report of KWETB Sub Group – Payment of Legal Bill

13. Matters deferred from previous meetings

- 1. Details of ETBI Conference 2018 – Killashee Hotel Naas, 26th – 27th September 2018.*
- 2. Obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) in relation to the Tobacco Industry.*
- 3. In Committee meeting to adopt minutes of earlier meetings held in committee*
- 4. Coláiste Lorcáin, Castledermot - Teaching and Learning Policy*
- 5. Coláiste Lorcáin, Castledermot - Child Safeguarding Statement*
- 6. Board of Management Minutes (from March meeting) – List uploaded*

14. A.O.B

Minute No. ETB 05-01-18

No. 1 Agenda
Chairpersons Welcome

The Chair welcomed all to the meeting.

1. It was suggested that the July meeting be cancelled and the Board meet in June instead. It was agreed that the next meeting be held on Tuesday 19th 2018 in Wicklow.

Minute No. ETB05 -02--18

No. 2 Agenda
Proposed New Chief Executive

The Chair advised the Board of appointment of new Chief Executive, Ms Deirdre Keyes currently Director of Schools with Dublin-Dun Laoghaire ETB.

1. Appointment proposed by Cllr Daragh Fitzpatrick, seconded by Cllr Naoise O’Cearuil and agreed by the meeting.

Cllr Fiona McLoughlin Healy looked for clarification concerning a previous request regarding details of the contract and Code of Conduct signed by previous CE. She requested a report for the next meeting.

2. Noted

Minute No. ETB 05-03-18

**No. 3 Agenda
Votes of Sympathy**

Ms Deirdre Keogh, ETBI, on the death of her father, Andy Keogh, R.I.P
Jean Dunne, Wicklow Admin Office on the death of her brother, John Dunne, R.I.P.
Rose Murray, Naas Admin Office on the death of her father James Molloy, R.I.P.

Minute No. ETB 05-04-18

**No. 4 Agenda
Declarations of Conflict of Interest**

No Conflicts of Interest declared.

Minute No. ETB 05-05-18

**No. 5 Agenda
Minutes**

It was agreed by the meeting that the following amendments be included in the minutes.

Proposed amendment to the March 2018 meeting to read: In relation to 2 above a document which was submitted as a series of amendments to the minutes of 9th January by Cllr. McLoughlin Healy some hours prior to the meeting of 5th February was accepted by members as a document to be appended to the minutes of the 9th January. The CE stated that the document would not form part of the official minutes and would be appended as a separate document.

1. Proposed by Mr Noel Merrick, seconded by Mr John McDonagh and agreed by the meeting

Amendment 2 (proposed by Cllr Fiona McLoughlin Healy)

Cllr McLoughlin Healy's proposed amendments to the minutes of the discussion held at the January meeting in relation to the payment of the legal fees were agreed by the Board to be an accurate account of the discussion. The Board agreed that the account of the discussion be appended to the minutes

2. Proposed by Cllr Fiona McLoughlin Healy seconded by Mr John Hurley and agreed by the meeting.

Amendment 3 (proposed by Cllr Fiona McLoughlin Healy)

Item 4.5: amend by addition of the word "ideally" to read: It was agreed by the meeting that future amendments to minutes be forwarded to the Chair ideally at least 4 days before the meeting.

3. Proposed by Cllr Fiona McLoughlin Healy, seconded by Cllr Reada Cronin and agreed by the meeting.

The Minutes of the KWETB Meeting held on 27th March, 2018, which were previously circulated on Minutepad, were taken as read, approved and were signed.

4. Proposed by Ms Deirdre Coughlan Murray, seconded by Mr John McDonagh and agreed by the meeting.

Cllr Fiona McLoughlin Healy wanted her concerns regarding the accuracy of the minutes noted.

Minute No. ETB 05-06-18

**No. 6 Agenda
Matters Arising**

The Chair gave an update on the Thorn Report. He advised of a May 2nd meeting with Department officials he attended with Acting CE Rory O'Toole. He advised that the report is currently with the Minister. Members of the Board enquired about the action plan. Chair advised the action plan was part of the Thorn Report and as such we are unable to proceed with it until the report is published.

1. It was proposed by the Board that the Chair write to the Minister requesting a copy of the final Thorn Report and that its publication be expedited.

The Chair advised that the C &AG has met with Department officials and have forwarded seventy seven queries to the Acting CE requesting clarity on certain issues. Acting CE advised that the C &AG gave a closing date of 25th May and the executive are working to provide a detailed response to these queries.

Minute No. ETB 05-07-18

**No. 7 Agenda
Reports to the Board**

➤ **Chief Executive**

The Acting CE welcomed the appointment of the new Chief Executive.

The Acting CE gave the following brief update :

Coláiste Raithín: Negotiations are on-going. A further meeting is scheduled for next week. The CE is very hopeful that we will have access to the new school over the summer for occupation in the new school year.

Maynooth Campus: There have been a number of meetings, daily updates from the Clerk of Works and Architects regarding the building. There had been some slippage but completion date advised by the design team has not changed.

Further Education & Training (FET)

FET Report presented to May meeting (See Appendix 1)

Caitriona Murphy and Eileen Cullen brought the members through the FET report.

1. FET report proposed by Mr John Hurley, seconded by Ms Finula Haran and agreed by the meeting.

Ms Brenda Lynch, AEO, gave an update on FET issues.

Child Safeguarding: In the absence of individual BOMs for FE programmes, I will report instances of reports issued to TUSLA under the new Children First Act: Child Safeguarding Guidelines. We had 5 reports to TUSLA since March 2018 under the mandatory reporting guidelines.

North Kildare FET campus: We have prioritised a few locations for 2018 where there are specific buildings issues. Discussions are ongoing regarding a location in Celbridge for a campus for VTOS and part-time programmes. We will be issuing a request for EOI for premises for the North Kildare Youthreach service.

Arklow Youthreach student: A student in Arklow Youthreach has achieved a commendation in the national Career's Portal Career Skills Competition 2018. This is a great achievement for our Youthreach student to receive national recognition for their work experience. The Minister will present her with her award for Education and Skills soon. The Youthreach advocate and the centre coordinator are to be commended for the support they have given to this student and other students engaging in this competition.

Skills for Work Programme: This is a workforce development service we supply to employers who wish to upskill their staff. The national programme has won the National EU at Work Award 2017 and been nominated for the AONTAS Star Award for 2018. KWETB received national recognition for their service provision of this programme: a representative from one of our employers, Lily O'Brien's, was a guest speaker at the national ETBI FET conference earlier this year. Additionally, a learner from a current basic education programme in Naas FETC was a guest speaker at the Skills for Work celebration event hosted by DDLETB in May.

Defence Forces Recognition of Prior Learning Programme: This is a joint programme with 10 ETBs, QQI, ETBI and the Defence Forces, which maps the training and certification army personnel achieved during their careers to the NFQ. This is part of a larger QQI initiative, which will result in the formal recognition of informal and non-formal learning undertaken by adults, which validates these skills they have amassed in various areas of their lives.

Healthy Ireland Initiative Funding: KWETB is applying for 2018/2019 funding under this initiative following successful delivery of programmes in Co Wicklow FET centres rolled out under the 2017 initiative and funding received.

➤ *OSD Report to May meeting*

OSD Report was presented to the Board. (See Appendix 2)

Mr Joe Kelly gave an update on engagement with IPA and IPB and progress made so far on governance.

- *Finance*

Ms Catherine Doran brought the members through the Finance section of the OSD Report.

- *Corporate Services*

Corporate Services Building Report

Ms Mary Dillon brought the members through the Corporate Services section of the OSD Report.

The Corporate Services manager to give an update on Maudlins for the next meeting.

A discussion took place on tender opening panels and the process by which members are selected to sit on these panels. It was agreed that this be put forward as an agenda item for the Audit Committee.

- ***H.R. / I.R.***

2. OSD Report proposed by Dr Elizabeth O’Gorman, seconded by Cllr Teresa Murray and agreed by the meeting.

➤ ***Schools Division***

Director of Schools report to the May 2018 meeting

Aine O’Sullivan brought the members through the DOS report (See Appendix 3)

3. Director of Schools report proposed by Cllr Nicola Lawless, seconded by Mr John Hurley and agreed by the meeting.

Board of Management Minutes to May meeting

4. Board of Management minutes proposed by Cllr Naoise O’Cearuil, seconded by Mr John McDonagh and agreed by the meeting.

5. A discussion took place regarding difficulty in recruiting teaching staff. Aine O’Sullivan advised KWETB are now advertising earlier and are visiting universities. She also advised ETBI are lobbying the Department of Education and Skills to try and alleviate this problem. Aine O’Sullivan to email members a copy of the staff handbook before the next meeting.

Minute No. ETB 05-08-18

No. 8 Agenda Correspondence
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(a) Department Circular Letters for Adoption

Adjudication Process – Contracts of Indefinite Duration

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0030_2018.pdf

Secondment scheme for registered teachers in recognised primary and post primary schools

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0029_2018.pdf

Provision to allow for certain education and training sector staff to be retained in employment beyond their Compulsory Retirement Age of 65 years until they reach the age of eligibility for the Contributory State Pension

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0027_2018.pdf

Sick leave scheme for special needs assistants changes to the critical illness provisions (CIP) from 31st march, 2018

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0026_2018.pdf

Sick leave scheme for teachers changes to the critical illness provisions (CIP) from 31st March, 2018

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0025_2018.pdf

Revision of salaries in respect of certain staff (other than teachers and SNAs) employed by ETBs with effect from 1 April 2018

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0020_2018.pdf

Scheme for the awarding of incremental credit in recognition of previous equivalent or relevant experience for Youthreach resource persons and Youthreach co-ordinators

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0019_2018.pdf

1. Circular letters proposed by Mr John McDonagh, seconded by Cllr Naoise O’Cearuil and agreed by the meeting

(b) Other Correspondence & Updates

(c) ETBI Correspondence & Matters / Department & Agencies

Minute No. ETB 05-09-18

**No. 9 Agenda
Motions for Approval**

Minute No. ETB 05-10-18

**No. 10 Agenda
Policies for Adoption**

(i) School Policies

Coláiste Bhríde Carnew - Attendance Policy

Coláiste Bhríde Carnew - Anti Bullying Policy

Pipers Hill Naas - Admission Policy

Greystones CNS - Child Safeguarding Statement

Greystones CNS - Child Safeguarding Risk Assessment

Coláiste Chraobh Abhann - Child Safeguarding Statement & Risk Assessment

Coláiste Chraobh Abhann - Statement of Strategy for School Attendance

1. Above Policies proposed by Ms Deirdre Coghlan Murray, seconded by Cllr Nicola Lawless and agreed by the meeting.

(ii) H.R. Policies

(iii) Corporate Services Policies

Draft KWETB Risk Management Policy

2. It was agreed by the Board that the Draft KWETB Risk Management Policy be referred, in the first instance to the Audit Committee and put on the agenda for the next Board meeting.

KWETB CCTV Policy

KWETB Data Breach Policy

KWETB Data Protection Policy

3. Above Policies proposed by Mr John McDonagh, seconded by Mr John Hurley and agreed by the meeting.

It was noted by the meeting that the Data Protection Policy may change if legislation changes. If this is the case the amended policy will be brought to the next Board meeting.

- (iv) Finance Policies
- (v) F.E.T. Policies

Minute No. ETB 05-11-18

No. 11 Agenda

Establishment of Committees & Nominations to Boards of Management

- Nomination of Mr John Hurley to Board of Management of Maynooth Post Primary school as replacement for Cllr Bernard Caldwell who has resigned from the Board.

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

- Nomination of Ms Brenda Lynch, to the Mid-East Region Homelessness Forum

2. Proposed by Mr John McDonagh, seconded by Ms Finula Haran and agreed by the meeting.

- Nomination of KWETB member required to the KWETB Youth Committee

3. Proposed by Ms Finula Haran, seconded by Cllr Teresa Murray and agreed by the meeting that Réada Cronin be nominated to the KWETB Youth Committee.

- Nomination required to Wicklow County Childcare Committee as replacement for Ms Mary Mooty.

4. Agreed to defer to June meeting.

A discussion took place regarding nominations to Boards of Management. It was agreed by the Board to formulate a proposal for the next Kildare and Wicklow Education & Training Board as to the procedures for the filling of positions on Boards of Management.

5. Acting CE thanked all who sit on Boards of Management and will be happy to go with the proposal to look at a new system and take on board the recommendations of the Board.

Minute No. ETB 05-12-18

No. 12 Agenda

Report of KWETB Sub Group – Payment of Legal Bill

Mr John Hurley and Mr John McDonagh brought the members through the report from the committee who reviewed the payment of the legal bills. (*See Appendix 4*)

A discussion took place regarding the findings of the report.

John Hurley proposed that the Committee take feedback from members, formulate a proposal on the next steps required and report on same at the June meeting of the Board.

1. Proposed by Mr John Hurley, seconded by Ms Finula Haran and agreed by the meeting.

Minute No. ETB 05-13-18

No. 13 Agenda
Matters Deferred from Previous Meetings

7. *Details of ETBI Conference 2018 – Killashee Hotel Naas, 26th – 27th September 2018.*
 8. *Obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) in relation to the Tobacco Industry.*
 9. *In Committee meeting to adopt minutes of earlier meetings held in committee*
 10. *Coláiste Lorcáin, Castledermot - Teaching and Learning Policy*
 11. *Coláiste Lorcáin, Castledermot - Child Safeguarding Statement*
 12. *Board of Management Minutes (from March meeting) – List uploaded*
- 1.Deferred to the June 2018 meeting*

Minute No. ETB 05-14-18

No. 14 Agenda
A.O.B.

No other business.

Vote of Sympathy was taken with all members standing

Signed: _____ **Date:** _____
(Chairperson)

NEXT MEETING

DATE: Tuesday 19th June 2018

VENUE: Council Chamber, Wicklow County Council, with lunch afterwards in Marine House, FET Training Centre.

TIME: 10.30 am

Appendix 1

FET
Report

KWETB Board
Meeting Report May
2018

Report prepared by:

Caitriona Murphy, Director of Further
Education and Training

Report for ETB Meeting 30th April, 2018

Prepared by: Cairiona Murphy, Eileen Cullen, Catherine Byrne and Brenda Lynch.

Finance and Funding

- KWETB are still awaiting confirmation of the 2018 Budget from SOLAS.
- KWETB have commenced a 3-year Strategic Performance Agreement process with SOLAS which will reflect the FET ambitions, strategies and plans for KWETB, together with how we will contribute to national targets (outlined in detail in Match report). A follow up meeting will take place on 15th May 2018.

Children First Act 2015 – Child Safeguarding Statements

FET Centres are compliant with the Act. In relation to the Child Protection Oversight Report, five mandated reports were made to TUSLA since the March 2018 deadline for implementation of the new Child Safeguarding and Risk Assessment Guidelines of the Children First Act. These did not involve allegations against Centre personnel or result from alleged bullying behaviour between students. In four cases, the programme coordinator who is the Designate Liaison Person(DLP) submitted the report to TUSLA. In one case, a joint report was issued from the DLP and a mandated person (a member of staff).

Programme and Project Updates

Training Services

- Business Plan for Training Services is complete for 2018; it will be reviewed in July.
- New Contracted Training Framework has commenced.
- New Apprenticeships (ICT Software and ICT Network Engineer) are being progressed.
- A pilot for a Digital Hub in Naas is being progressed.
- Commis Chef Apprenticeship programme started on April 16th 2018. KWETB currently recruiting to start another in Bray in July and also in Kildare in September.
- KWETB working with Employer Retronix (for Intel), a real success story.
- Collaboration is ongoing with Naas Racecourse in terms of facilities for the delivery of hospitality training courses.
- KWETB very involved in the Regional Skills Forum and carrying out skills audits for Film and Manufacturing in order to access Innovation Fund.
- Training Services are progressing a Technology Enhanced Learning (TEL) Pilot Project for FET.
- Powerscourt Hotel Resort & Spa are in discussions with KWETB in relation to a Learning and Development Strategy.

Further Education and Training Centres

- KWETB are currently progressing with discussion on a property in north Kildare and may have to advertise again for expressions of interest for a Youthreach centre in Leixlip. This is a priority for 2018.
- KWETB plan to progress the development of the Electrical Apprenticeship in Naas after a number of meetings in relation to plans, fire safety and all other Health and Safety requirements (reference Building report).

Youthreach Arklow Student commendation

A student in Arklow Youthreach has been highly commended for her entry in the Careers Portal Career Skills Competition 2018. This competition promotes the importance of Career Skills in young people and encourages the value of career research giving students the chance to reflect on the skills they developed during their work-experience and how these skills can help them in their future career. The student was successful in this national competition with the support of the Arklow Youthreach co-ordinator Sharon Hughes and the Youthreach Advocate Angela Glynn.

Skills for Work

DDLETB-hosted Celebratory Event for the national Skills for Work Programme winning the EU Training at Work Award 2017 and also being shortlisted for the AONTAS Star Awards 2018. One of our KWETB Skills for Work participants spoke at the event about his personal positive experience of participating in the Skills for Work Communications Through Computers programme in the Naas Further Education and Training Centre.

Defence Forces Recognition of Prior Learning Project

The KWETB FET section, in conjunction with QQI, has embarked on a Recognition of Prior Learning (RPL) project with the Defence Forces Training Centre Headquarters at the Curragh Camp. The project has now commenced.

Quality and Qualifications Ireland (QQI)

KWETB completed and submitted its Executive Self Evaluation Report and Quality Improvement Plan to QQI at the end of January 2018 as part of the requirements of the re-engagement process with QQI. KWETB must submit all Quality Assurance arrangements to QQI by the 5th June and publish on the KWETB website. This is a legislative requirement. Work is currently on-going to prepare learner-friendly versions of these policies for the expected publication date.

European Social Fund (ESF) Reporting and eCohesion

The collation of non-financial indicator data regarding participants on programmes funded under the EU ESF Programme for Employment, Inclusion and Learning (PEIL) 2014-2018 is being finalised for the calendar year 2017. Programmes include Adult Literacy, Back to Education Initiative (BTEI), Youthreach, Community Training Centre (CTC), Bridging and Foundation, Specific Skills Training and Traineeships. Reports will be drawn from the Programme and Learner Support System for all programmes for 2017 and from Salespulse (Adult Literacy, BTEI and Youthreach) and Client Services System (CTC, Bridging and Foundation, Specific Skills Training and Traineeships.) Reporting for the years 2014 to 2016 inclusive will be completed through the Salespulse online database for Further Education and through the Client Services System for Training.

Healthy Ireland

Following a successful application by Alison Fox, Youth Officer, and Brenda Lynch, AEO, to the Wicklow Local Community Development Committee (LCDC) for funding for a Healthy Ireland project, Healthy Ireland Weeks were held across Further Education and Training Centres in March 2018 including Bray Youthreach, Wicklow FETC, Arklow FETC, Blessington FETC and Shelton Abbey Open Prison Education Centre. The focus of these weeks was on health promoting activities for students and staff in all centres. In addition, the Well Now programme, a ten-week wellness programme has commenced for adults with literacy issues in five centres across Wicklow including Bray Adult Learning Centre, Wicklow FETC, Arklow FETC, Blessington FETC and Baltinglass FETC. Training was delivered to tutors by the National Adult Literacy Agency (NALA) and was attended by

tutors from both Wicklow and Kildare. There are now plans to also deliver Well Now in the Kildare centres and it is hoped that follow-up applications will be made for further funding in Kildare and Wicklow in the next tranche of Healthy Ireland Funding commencing shortly.

2018 FET Service Plan

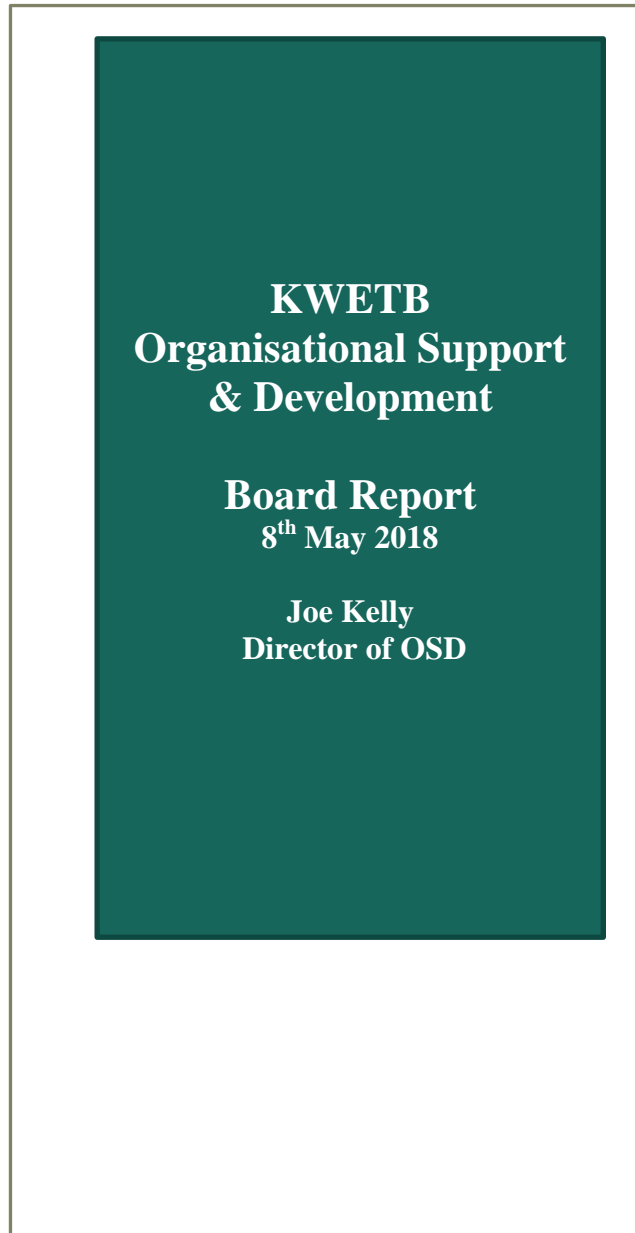
The KWETB FET Service Plan 2018 has been completed in the online Funding Allocation Request and Reporting (FARR) database.

Programmes	2018 Beneficiary Indicators	Programmes	2018 Beneficiary Indicators
Full-time Programmes		Part-time Programmes	
2016+ Apprenticeship	94	Adult Literacy	2002
Apprenticeship Phase 7	124	BTEI	2818
Apprenticeship Phase 2/4/6	16	ESOL	963
Bridging and Foundation	214	Evening Training	198
Community Training Centre	75	FET Co-operation Hours	2014
Local Training Initiative	183	ITABE	247
PLC	2633	Refugee Resettlement	120
Specialist Training Providers	145	Skills for Work	150
Specific Skills Training	727	Voluntary Literacy	130
Traineeship	345	Total Part-time	8642
VTOS	934		
Youthreach	456	Community Education	1536
Total Full-time	5946	Total Community Education	1536
OVERALL TOTAL 16,124			

Resource Matters

A lack of resources is very evident, in particular, in relation to the targets set out by SOLAS to be delivered by Training Services. The introduction of Moodle for Training Services is also required without the proper resources. In addition, KWETB are awaiting sanction for QA resources which are available in all other ETBs. The changes in the Programme Learner Support systems and the reporting mechanisms for ESE and eCohesion are challenging for FET. Also the introduction of Learning Management System (Moodle) in the various programmes is an added pressure on staff.

Appendix 2



OSD EXECUTIVE SUMMARY: Joe Kelly

Key Achievements:

- Draft Corporate Risk Register
- Draft Schools Risk Register
- Draft KWETB Risk Management Policy
- Scope of work with IPA re development of KWETB Governance Framework & capability
- Implementation of Communications Strategy re OSD Strategy
- Data Retention Schedule & Records Management Policy was rolled out to Administrative Offices, Schools and FET Centres.

Challenges/Concerns:

- Resourcing
- FoI Requests
- Sammon Examinership
- Coláiste Ráithín

Budget Summary to end of March 2018:

Type	Funder	Allocation	Expenditure	
			€	%
Non Pay (including Associated Main Scheme Grants)	DoES	7,334,166	2,682,092	37%
Pay	DoES	71,641,127	17,371,000	24%
Capital	DoES	36,437,271	5,031,494	14%
FET	SOLAS	28,130,000	8,115,980	28%
Youth Services	DCYA	2,054,000	309,882	15%
Agencies/SF	Various	8,200,000	2,391,063	29%
Total		153,796,564	35,990,678	24%

OSD Strategy Status Summary:

Work Package Series	Work Package	Status	Comments
Physical & Org Infrastructure	H&S	On track	On track
	Capital Projects Management	On track	On track
	Integrated ICT Strategy	Behind	Behind but manageable
	Document Management System	On track	On track
Financial Mgt System	Annual Accounts	On track	On track
	Service Plan	On track	On track
	Financial Mgt System & Process	On track	On track
	OSD Workforce Plan	On track	On track

Employee Engagement	Recruitment		On track
	Contracts of Employment		On track
	KWETB L&D Plan		Behind but manageable
Brand & Comms	Statutory Reporting		No replacement Lead
	Communication/PR Strategy		No replacement Lead
Governance, effectiveness & efficiency	Governance Best Practice		On track
	Procurement Process		On track
	Intranet		On track

CORPORATE SERVICES:	Dillon	Mary
<p><u>Corporate Governance:</u></p> <ul style="list-style-type: none"> • Draft Corporate Risk Register complete • Draft Corporate Risk Register complete • KWETB Risk Management Policy complete • Agreed scope of work with IPA re development of Governance capability <p><u>Procurement:</u></p> <ul style="list-style-type: none"> • Procurement policy was rolled out to Administrative Offices, Schools and FET Centres. • Under the old policy the Chair or Chair’s nominee attended the opening of tenders. • The Chair or Chair’s nominee did not have any function in the assessment of tenders as this was done by the Design Team leading the various projects. <p><u>Sceim Teanga</u></p> <ul style="list-style-type: none"> • The Sceim Teanga, which has been developed in conjunction with the DES, has now gone to the Minister for Approval. <p><u>Data Protection:</u></p> <ul style="list-style-type: none"> • Data Retention Schedule and Records Management Policy was rolled out to Administrative Offices, Schools and FET Centres. • Work continuing compliance for May 25th GDPR 		

Freedom of Information:

- The number and complexity of Freedom of Information requests has increased and is putting a real strain on resources.

Main Buildings/Capital Projects Summary:

(Please refer to separate Buildings/Capital report for an update on all current projects)

Location	Project	Status
Maynooth Education Campus	Maynooth Community College & replacement school for Maynooth Post Primary & PE Hall	The Maynooth site was closed for the CIF builders' holidays. During this time the Contractor announced, on Thursday 5 th April, that they were entering Examinership. The contractor opened the site as planned on 9 th April. The initial few days were slow. However, since this time the key subcontractors have returned to site and works are progressing well. We expect that the Precast structure will be completed in both schools over the next 3 weeks. We continue to monitor resources on site daily.
Coláiste Ráithín, Bray	New School, PPP project	The procurement process to complete the project is under way. There is no result yet.
St. Conleth's Community College, Naas	Standalone extension	Work is continuing site. The completion date is June 2018. Tenders for furniture and equipment have been assessed.
Blessington CC	Extension	The Schedule of Accommodation has been received from the Capital Appraisals Section of the DES. The file will now move to the Devolved Projects Section of DES who manage the roll out of the project to KWETB and sanction the move through the various stages of the project.
5 Athy CC	Extension	The Schedule of Accommodation has been received from the Capital Appraisals Section of the DES. The file will now move to the Devolved Projects Section of DES who manage the roll out of the project to KWETB and sanction the move through the various stages of the project.
6. Greystones CNS	New Build	The purchase of the site for the new school is now complete.

Policies:

- Work continues towards compliance with GDPRP.
- The following policies are required to meet compliance

1. Data Protection Policy
2. CCTV Policy
3. Data Breach Policy

Statutory Reporting:

- Annual Financial Statements 2017 submitted to the Comptroller and Auditor General on 29th March 2018. Comptroller and Auditor General have acknowledged receipt.
- Service Plan submitted to Department of Education and Science on 28th March 2018 and published on website. DES have acknowledged receipt.

FET Finance Reporting:

- FARR 4 (bid for funding) submitted to SOLAS on 26th March 2018. FET expenditure by programme detailed below:

FURTHER EDUCATION & TRAINING		Allocation 2018	Actual Spend to 31 March 2018	Percentage spent to date
Programme	Detail	€	€	€
VTOS		8,263,558	2,247,074	27.19
TOTAL YOUTHREACH		4,151,309	1,103,363	26.58
TOTAL PLC		239,013	7,353	3.08
TOTAL ADULT LITERACY		1,857,204	521,315	28.07
TOTAL ITABE		100,396	39,065	38.91
TOTAL COMMUNITY EDUCATION		544,986	144,685	26.55
TOTAL ADULT GUIDANCE		432,180	152,187	35.21
TOTAL BACK TO EDUCATION INITIATIVE (BTEI)		1,187,600	365,338	30.76
REFUGEE PROGRAMMES		217,850	32,471	14.91
SUB-TOTAL FURTHER EDUCATION		16,994,096	4,612,851	27.14
TOTAL BRIDGING/FOUNDATION		35,348	3,230	9.14
TOTAL COMMUNITY TRAINING CENTRES		1,000,000	281,009	28.10
TOTAL SKILLS TRAINING		1,260,000	747,850	59.35
TOTAL TRAINEESHIPS		2,450,000	387,235	15.81
TOTAL LTIs		2,200,000	520,349	23.65
TOTAL SPECIALIST TRAINING PROVIDERS		2,300,000	657,167	28.57
TOTAL APPRENTICESHIP		600,000	71,183	11.86
SUB-TOTAL TRAINING		9,845,348	2,668,023	27.10
Operational Costs	<i>Training Centre Pay Grants</i>	900,000	224,084	24.90
	<i>Other Operational Costs - Training</i>	700,000	345,443	49.35
	<i>Other Operational Costs - FE</i>	725,257	265,579	36.62
SUB-TOTAL OPERATIONAL COSTS		2,325,257	835,106	35.91
TOTAL FURTHER EDUCATION & TRAINING		29,164,701	8,115,980	27.83

Additional funding bid

620,000

Overall Bid Total**29,784,701**

General Finance

- Payroll Shared Services - contract not yet signed with Payroll Package supplier. KWETB continue to work with the PMO to prepare for move to Shared Services.
- E-invoicing Project – KWETB are one of three ETB's to be chosen to pilot e-invoicing project. The aim is to onboard 70 suppliers onto e-invoicing before the end of June 2018. Some extra resources were received for the project. Progress reports are sent to the PMO each week.

3. HUMAN RESOURCES:

Jayne

Hogarty

Workforce Planning:

- Recruitment:
Round 1 interviews commence on 25th April.
Round 2 advertisement of approx 100 vacancies goes live on 26th April
- Appointments
Administrative Officer (Acting) Caitriona Tuite
Clerical officers: Shauna Dunphy
Audrey Bermingham
Deirdre Wood
Commis Chef Instructor: Niall Murphy
Margaret Corcoran
Staff Officer (Acting): Marie Conroy
Youthreach Resource Person: Susan Fitzgerald
Stephanie Power
- Secondments
Mary Mooty (FET) to ETBI
- Resignations
Karen Brennan
- Retirements
Nóirín Ní Chonghaile, Príomhoide Tánaisteach, Coláiste Ráithin
- Posts of Responsibility
Rathangan – Assistant Principal: Nacola Nerney
Rathangan – Assistant Principal: Emma Butler
Rathangan – Assistant Principal: Niamh Kelly

HR Payroll:

ETBI, 26.04.2018, forwarded updates on BTEI Conversion: an updated version of the conversion toolkit and support material to assist ETBs in preparing the required salary and pension statements which must accompany the options as qualified teacher, unqualified teacher or adult educator.

Pensions:

DPERs Payroll Shared Services Centre (PSSC) the current paymaster for ETB pensions, is seeking assistance from all ETBs with updating pensioners information as the records held on pensioners does not appear to have been supplied or transferred on transfer to PMG or subsequently. KWETB currently has approx. 500 pensioners. County Councils were the paymaster for VEC pensions, the function transferred to the Paymaster General Office (PMG) of Department of Finance circa 2008 and in 2015 the function transferred to PSSC.

Reporting:

Nothing to report

Garda Vetting:

Wicklow Office garda vetting being processed in Kildare office until mid June due to National Vetting Bureau restriction on recently nominated Wicklow temporary Liaison Person not permitted to take up the role until 1 day training courseis completed in June. National Vetting Bureau approved this temporary arrangement.

Insurance:

Not applicable

Policy:

Nothing to report.

CIRCULAR LETTERS NOTIFIED SEPARATELY

See Appendix 3

Schools Report

**KWETB Board Meeting
Report May 2018**

Report prepared by: **Áine O' Sullivan: Acting Director of Schools**

March 2018

Director of Schools Summary Report

Key matters arising that are addressed within the School Report are:

1. **Announcement:** Ministers announcement of **42 new schools**, 20,000 new places for students, over next four years.
2. **Policy:** Letter from Minister of Education and Skills Richard Bruton T.D. Concerning **Schools Reconfiguration for Diversity Process.**
3. **Policy:** New Circular Letter regarding the provision of religious education in ETB Post Primary Schools (13/2018) and **Overarching Statement for ETBs in Relation to Circular Letter 13/2018**
4. **Protocol:** Process for **nomination of members to the KWETB School Boards of Management**
5. **Policy:** Implementation of Consultation for **New Leadership and Management model in Schools** (CL 3/2018)
6. **Policy:** **Director of Schools Forum in ETBI** – 21st March 2018/16th May 2018
7. **Operational:** **Schools Risk Register** Consultation Process and Register complete on the 1st May 2018.
8. **Operational:** **KWETB Principals Network Meeting 1st May** – key matters
9. **Highlights:** Facebook ...

1. **13th April Minister of Education announced over 42 New Schools (20,000 pupil places) to be built over next 4 years.** <https://www.education.ie/en/Press-Events/Press-Releases/2018-press-releases/PR18-04-13.html>. This announcement follows nationwide demographic exercises carried out by his Department into the current and future need for primary and post-primary school places across the country. A process will be run to establish parental preference for the patronage of that school. A key determinant of the successful patron, is the preferences of parents of pre-school children in the area. Patronage processes for schools due to open in 2019 will take place this year. The Minister also announced that a new online Patronage Process system is being developed. This new system will allow for more efficient collection and processing of parental preferences.

Primary	Secondary
Kildare:	Kildare
Leixlip (2019) 8 class rms	Enfield Kilcock (500) 2020
Maynooth (2019) 8 class rms	
Naas (2021) 8 class rms	
Wicklow	Wicklow
Kilcoole / Newtown Mount Kennedy (2019) 8 class rms	Wicklow Town (600) 2019
Bray / Woodbrook – Shanganagh (2021) 8 class rms	Kilcoole & Greystones (800) 2021

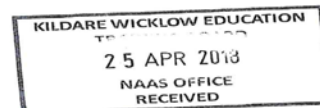
2. **23rd April 2018: Letter received from Minister for Education and Skills:**
copy on page following:



Oifig an Aire Oideachais agus Scileanna
Office of the Minister for Education and Skills

O. Souchon
C. Roly

Mr. Rory O'Toole,
Acting Chief Executive,
Kildare Wicklow Education and Training Board,
KWETB Administrative Offices,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare
W91 X77F



23 April 2018

Dear Mr. O'Toole,

I refer to the new Schools Reconfiguration for Diversity Process aimed at offering greater school choice for parents in line with the Programme for Government commitment to increase the number of multi-denominational and non-denominational schools to 400 by 2030 and to previous consultations with the Education and Training Boards sector in this regard.

I consider that the Schools Reconfiguration for Diversity Process is of major significance in shaping the future of education in Ireland and to providing a system which reflects the changing needs of families. Uniquely, the process will support the transfer of existing schools to multi/non-denominational patrons in response to the wishes of local families and is designed to build on the lessons learned from the patronage divesting process and substantially accelerate the delivery of greater patron choice across the country.

I have stated previously that, as statutory education authorities, I believe that ETBs are best placed to manage the *Identification Phase* of the process. I welcome the ETBs' central role in this regard and participation in the Working Group on the *Identification Phase* of the process. The draft survey to be conducted with pre-school parents with the assistance of the County Childcare Committees and accompanying documentation are currently being finalised and detailed information and updates for ETBs on the process will be made available through ETBI in the coming week.

In advance of the process commencing and the initial parental surveys being conducted as part of the pilot phase, I want to reiterate the priority I am attaching to progressing this process and to thank you for your assistance in this regard.

I look forward to the continued cooperation of your ETB in supporting this process of fundamental change in the structure of our education system required in response to the changing needs of our school-going population.

Yours sincerely,

Richard Bruton T.D.
Minister for Education and Skills



Sráid Maoilbhríde, Baile Átha Cliath 1, Éire
Moorpark Street, Dublin 4, Ireland

T: +353-1-889 2335
F: +353 1 889 8767

minister@education.gov.
www.education.ie

This is a significant development regarding the patronage assignment of schools. ETBI are actively supporting ETBs. Information and Training on Patronage Campaigns in ETBI session on the 1st May 2018. We are expecting more information week one in May. If additional information is received in the interim this will be updated on the day of the ETB meeting.

3. . Religious Instruction in Post Primary Schools and Overarching Statement for ETBs in Relation to Circular Letter 13/2018

Circular Letter 13/2018 was issued titled: **Religious instruction and worship in certain second level schools in the context of Article 44.2.4 of the Constitution of Ireland and Section 30 of the Education Act 1998.**

This Circular Letter is applicable to all KWETB Post Primary Schools including designated community colleges. The CL states that due to the changing context in Ireland regarding religious beliefs that the constitutional right not to attend religious instruction must be given effect through changed practices in schools. The key change is that those who do not want

instruction in line with the requirements of any particular religion must be timetabled for alternative tuition throughout the school year. Schools must proactively establish the wishes of parents in relation to opting out of religious worship or instruction and where the pupil is over 18 establish the pupil's wishes. Alternative subjects and options must be available to pupils.

Top Considerations:

a. KWETB need to establish the status of Circulars issued in the 1970s requiring all VEC schools to provide a minimum of 2 hours religion education to all students. It is important to note that this provision of 2 hours is not faith formation.

This is point of clarification required by all ETBs and KWETB have lodged a query with ETBI on this matter. ETBI are awaiting Department direction.

b. Timetabling and staffing concerns especially concerning implementation for 2018/19 school year – no lead in and information gaps.

c. Unions have issued directives for non-cooperation with the CL until matters have been clarified by the Department.

d. KWETB need to ensure where options for Religious Education drop that suitable alternative work can be arranged for teachers of religious instruction.

See https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0013_2018.pdf

This matter and the complexity of compliance was reviewed and discussed at Director of Schools Forum and the Chief Executives Forum

The following two recommendations were agreed at the ETBI CE Forum meeting on 28th March 2018:

1. Until such time as the Department responds to the key clarifications sought by ETBI, the ETBI CE Forum recommends that ETBs advise their schools to maintain the status-quo in relation to the provision of Religious Education and opting-out. Once these clarifications have been received, ETBI will communicate them to all ETBs.
2. The **ETBI CE** Forum recommends that each ETB develops a position in relation to Religious Education in their schools. A suggested narrative to be adapted to each individual ETB context has been developed which could support ETBs in this work. The narrative outlines the following:
 - ✓ ETB schools are multid denominational
 - ✓ The distinction between 'Religious Instruction' and 'Religious Education'
 - ✓ A rationale for the provision of Religious Education in our schools
 - ✓ The articles that allow for parents and children over 18 years old to opt-out of Religious Education

This narrative could be used by schools to enable them to articulate clearly what the current situation in relation to Religious Education.

The following overarching statement is recommended for issue to all KWETB schools: This was issued by ETBI on the 24th April 2018.

Overarching Statement for ETBs in Relation to Circular Letter 13/2018

KWETB schools are multid denominational State schools and as such recognise the importance of respect, equality and wellbeing for all students in an inclusive and supportive environment. Section 9 (c) of the Education Act (1998) states that schools shall “promote the moral, spiritual, social and personal development of students... having regard to the characteristic spirit of the school”.

Therefore, Religious Education is valued as a key subject in KWETB schools.

It is important to distinguish between the terms ‘*Religious Education*’ and ‘*Religious Instruction*’. *Religious Education* as a subject in post-primary schools is open to all pupils regardless of their commitment to any particular religion or worldview and seeks to contribute to the spiritual and moral development of all students. ETBs support the provision of the State Religious Education curriculum as developed by the NCCA as it:

- underpins the multid denominational and inclusive ethos of our schools
- contributes to the holistic development of students and underpins many of the learning intentions and objectives of both the Junior and Senior cycle curriculum.
- offers students the opportunity to engage with religious traditions and secular worldviews. It allows them to engage positively and respectfully with all of the students in the school community and outside in the pluralist society in which they will be future citizens.
- affords students the time for much needed reflection in a world that is becoming increasingly challenging and complex for them and therefore is essential to their overall wellbeing
- seeks to contribute to the spiritual and moral development of all our students

Religious instruction is a term used in Ireland to indicate instruction in accordance with the rites, practice and teaching of a particular religion or denomination for pupils of that faith tradition.

ETBs also recognise the right of parents, or students of over 18, attending state funded schools to withdraw from Religious Education. KWETB is cognisant of the sources from which these rights derive and as such why these rights must be respected by ETB schools.

Irish Constitution

Article 44.2.4 - guarantees that children attending publicly-funded schools may not be compelled to attend religious instruction classes.

Article 42.1 - recognises the inalienable rights of parents to provide for their children’s religious and moral education.

Education Act 1998 – Section 30

Section 30 (2)(e) – provides for a parent to withdraw their child from any subject being provided by a school, as part of the curriculum, that is contrary to the conscience of the parent or in the case of a student who has reached the age of 18 years, the student.

4..Process that has been engaged by KWETB for the nomination of Members to School Boards of Management: (from March Meeting)

Point of clarification:

The process outlined following are the steps followed when nominating members of KWETB Board to school boards of management.

- I. As secretary to the Board of Management, the school principal will notify the Director of Schools when/if a KWETB nominee to the Board of Management is required.
- II. The Director of Schools will ask for the matter to be included as an agenda item for a forthcoming meeting of the KWETB.
- III. *Nominees from KWETB will be sought to sit on the school Board of Management.***
- IV. If a member of the KWETB is unavailable to serve as a member of the Board of Management for the school, the Board of KWETB may request that the Board of Management seek suitable nominees from the community.
- V. The school principal/Secretary to the Board of Management and a KWETB member serving on the Board of Management will satisfy themselves as to the suitability of the proposed nominee.
- VI. The KWETB member serving on the Board of Management will propose the new nominee to the KWETB at a meeting of the Board.
- VII. All nominations will be required to be formally proposal, seconded and written into the record of the board meeting.

5. Leadership and Management in Post Primary Schools:

KWETB schools are actively engaging in the consultation process for the new leadership model in schools. This is a fundamental change in the culture and practice of middle management and leadership in our schools. KWETB is committed to a consistency of approach to the implementation of the new model across all our schools and the Principal Steering Group is supporting other principals in the application. Overall KWETB will be promoting over circa 80 staff members over the 2017/18 and 2018/19 school year. The Board of managements will have role in approval and the agreement the priority areas of responsibility under the four key

domains identified.

Domain 1: Leading Teaching and Learning

Domain 2: Managing the Organisation

Domain 3: Leading School Development

Domain 4: Developing Leadership Capacity

https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0003_2018.pdf

Please note that all final lists of roles and responsibilities for AP1 and AP2 posts must be ratified by school Boards of Management before they can be advertised and recruited.

6. Director of Schools Meeting in ETBI on the 21st March 2018 and 16th May 2018.

Key matters of interest that will be addressed at this forum:

- Compliance with Child First Act 2015 and matters arising
- Religion in Schools CL 13/18
- Reconfiguration process schools: Patronage.
- Continuous Professional Development
- Continuous Professional Development for leadership roles in schools AP1 And AP2
- Out of School Education Provision

References/Circular Letters for noting:**Circular Letters:**

CL 9/2017

CL 13/2018

CL 81/2017

CL 3/2018

Matters for Presentation at Meeting:

N/A

School Operational Matters**Date:
May 18****Key points to note****7. Schools Risk Register:****Two part Process on the 17th April and the 1st May**

Very positive engagement from all principals Post Primary and CNS.

Stephen Geary from IPB facilitated the sessions.

The Schools Risk Register will be a standing item on all Principal Network meetings with a quarterly report into the Audit Committee.

The final register will be presented at Audit Committee and then to the ETB Board.

8. Principal Network Meeting held on the 1st May

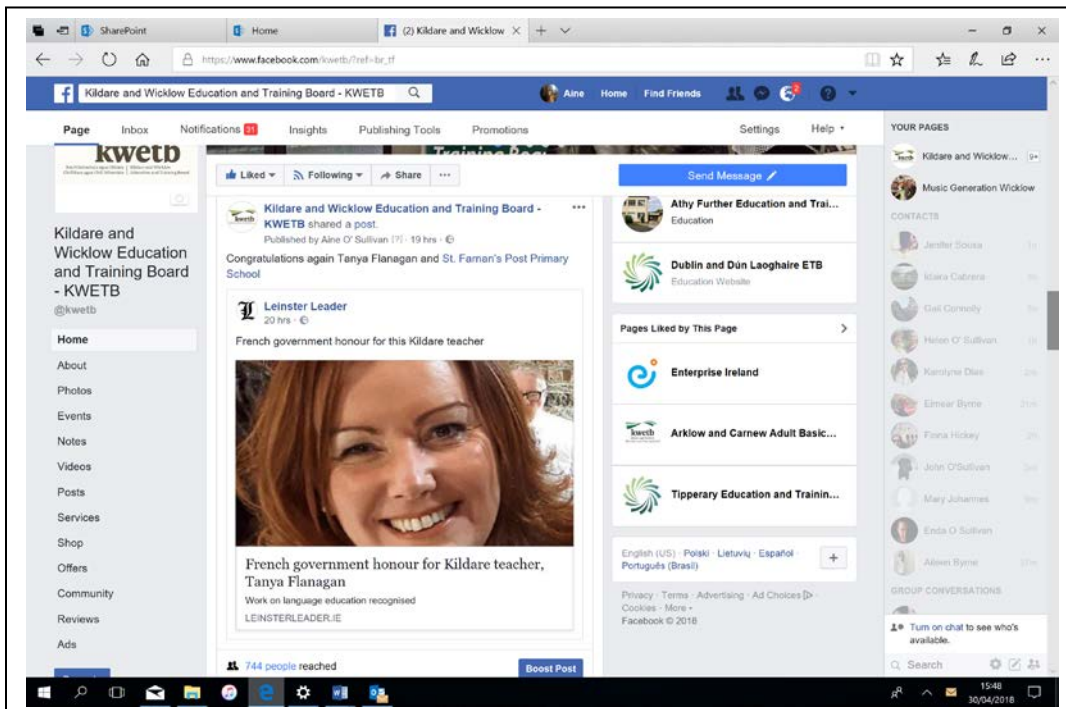
all items listed above were key topics of review in addition

- Staff Transfers complete for 18/19 school year. Recommendation on how to manage transfers for 19/20 to be discussed.

- Recruitment for Post Primary Teaching commenced concerning critical vacancies.

- Steering Group to give more consideration to the consultation process on PORs AP1 and AP2
- Operation of Child Protection Requirements matters arising.
- GDPR
- locations of meetings going forward
- Early School Leavers Survey

9. KWETB Facebook: https://www.facebook.com/kwetb/?ref=br_tf



Other Matters:

End of Report:

Finance for noting or adoption:

References/Circular Letters

N/A

Matters for Presentation at the Meeting:

N/A

KWETB Review of the Philip Lee Bill

Background

In Spring 2017, during the course of audit of the KWETB financial statement for 2015, the C&AG sought clarifications from the KWETB executive relating to a number of discrepancies. The C&AG was not satisfied with the information provided and, in July, alerted the Chairperson, Cllr. Jim Ruttle, Vice-Chair Cllr. Brendan Weld (as previous Chairperson) and Chair of the KWETB Audit Committee, Dr. Tony Lenehan, to a number of concerns. The C&AG also informed the Department of Education and Skills of its concerns and this ultimately resulted in the appointment of Dr. Richard Thorn to carry out an investigation in accordance with the Education and Training Boards Act 2013.

Based on the advice of the C&AG and the Department of Education and Skills, the Chair and Vice-Chair engaged Philip Lee Solicitors to provide legal advice. This service was no longer required once the Investigation was initiated as access to legal advice was available through the Irish Public Bodies Insurance cover.

Consequently, the KWETB incurred a bill of €2,398.99 from Philip Lee Solicitors for advice/services rendered. This bill was approved for payment by the KWETB executive on 24th December 2018 and paid in full on 5th January 2018.

At the KWETB Board meeting on 5th February 2018, the Board appointed a sub-committee to review:

- 1) the process of the engagement of Philip Lee services;
- 2) the circumstances of the payment of their bill; and
- 3) compliance with the Code of Practice for Education and Training Boards.

The sub-committee, comprising of Réada Cronin, John Hurley and John McDonagh, has interviewed various people and reviewed available documentation in order to establish the facts relating to the engagement and payment of Philip Lee Solicitors.

1) The Process of the Engagement of Philip Lee Services

13th July 2017

The Chair, Vice-Chair and Chair of the Audit Committee met with Colette Drinan, Director of Audit, Comptroller and Auditor General's Office and another C&AG official, at the request of the C&AG's office. At this meeting, the issues C&AG had encountered in their audit were outlined. In view of the seriousness of these matters, Colette Drinan stressed the absolute need for KWETB to have legal advisors in dealing with these matters.

14th July 2017

The Chair of the Audit Committee contacted Mary Dillon in the KWETB office to seek advice on procuring legal services from the Framework for Legal Services to Education and Training Boards.

The Chair and Vice-Chair requested a list of three firms of solicitors from the Framework, and a decision was made to engage Philip Lee by direct drawdown. This decision was made on the basis that Philip Lee had no previous involvement in any of the issues to be dealt with and were based in Dublin.

20th July 2017

The Chair, Vice-Chair and Chair of the Audit Committee met with solicitors from Philip Lee and initiated the provision of legal services by Philip Lee. No contract or letter of agreement was drawn up by KWETB representatives or Philip Lee.

25th July 2017

In a conference call with the Chair, Vice-Chair and Chair of the Audit Committee, Philip Lee advised that the Board be informed of the situation and an internal investigation into the matters raised by the C&AG be commenced, either by a sub-committee of the board or by the Audit Committee.

28th July 2017

Philip Lee issued letter of advice to Chair, Vice-Chair and Chair of the Audit Committee detailing their advice on how an investigation should be carried out and prepared a letter for the Chair to send out to the Board outlining the proposed course of action.

10th August 2017

At a meeting with the Chair, Vice-Chair and Chair of the Audit Committee, Philip Lee reiterated the advice previously provided.

11th August 2017

Philip Lee provided letters to the Chair to send to members of the Board of KWETB.

22nd August 2017

In telephone call and follow up email, Philip Lee reiterated the advice that the board be fully informed and that it would be important that the Chair be able to brief the DES of action taken by KWETB as the Board is legally charged with the management and control of KWETB and cannot be divested of that responsibility by the DES or anyone else.

1st September 2017

Philip Lee sent email to the Chair, Vice-Chair and Chair of the Audit Committee strongly reiterating the advice above.

7th September 2017

The Chair of the Audit Committee requested Philip Lee to cease reviewing additional correspondence/documents received from the CE on the 4th September and instructed that all original folders be returned to him.

14th September 2017

The Chair of the Audit Committee became concerned with the advice and cost associated with Philip Lee services and instructed Philip Lee via letter: “We are currently reviewing the issues and the guidelines/advice you proposed to us, and in the meantime, no further work is to be undertaken by Philip Lee on our behalf and no further costs are to be incurred on our behalf.” The letter was copied to the Chair and Vice–Chair. The Chair of the Audit Committee requested the Chair and Vice–Chair to discontinue using the services of Philip Lee Solicitors. The Chair of the Audit Committee had no further engagement with Philip Lee.

15th September 2017

The Chair and Vice-Chair met with the DES in the persons of Mr. Sean Ó Foghlú (Secretary General) and Mr. Hubert Loftus (Principal Officer of the ETB Financial & Administrative Personnel Section). At the meeting, the DES outlined their serious concerns regarding matters brought to their attention by the C&AG and confirmed that KWETB was required to take legal advice. The Chair raised the ongoing legal costs associated with dealing with these issues. The DES officials made it clear that, where public money of this magnitude was at stake, legal costs would not be an issue and that the KWETB Board needed to have legal advice. At the meeting, the Chair was issued a letter informing KWETB of the Minister’s intention to appoint an investigator.

18th September 2017

In an email to the Chair, Vice-Chair and Chair of the Audit Committee, Philip Lee noted that they “should be concerned by the tone and content of the letter”, that “no action had been taken by the board” and further, “that, as of the date of the DES letter, the board was not even aware of the matter”.

19th September 2017

The KWETB Board meeting to be held in committee could not take place.

20th – 26th September 2017

Philip Lee outlined the list of correspondence to be made available to members of the Board at the upcoming Board meeting and prepared protocols and declarations of confidentiality.

27th September 2017

The Board is informed of matters raised by the C&AG and of the Minister’s intention to appoint an investigator. Restricted access was provided to correspondence under the supervision of Philip Lee.

1st October 2017

The CE submitted letter of retirement, effective as of 31st December 2017.

3rd October 2017

The Chair and Vice-Chair met with Philip Lee to discuss next steps and were advised that the KWETB Board take action to investigate the matters raised.

4th October 2017

The Minister for Education and Skills appointed Dr. Richard Thorn to carry out an investigation into the performance by KWETB of its functions, particularly in relation to the public

procurement, usage and disposal of assets and proprietary matters. This was in accordance with Section 40 of the ETB Act 2013.

5th October 2017

The Chair was formally notified of the investigation by the DES. The letter stated that the Department was strongly of the view that it did not consider that a separate investigation by a sub-committee of the Board was necessary or appropriate, given that the investigator had been appointed.

10th October 2017

Philip Lee prepared a nine-page memo of the legal advice provided up to that date to be circulated to the members of the KWETB board. It also provided draft terms of reference for the delegation of additional functions to the audit committee to carry out an investigation on behalf of the Board to be presented at the Board meeting the following day.

11th October 2017

The KWETB Board meeting took place.

18th October 2017

On a phone call with David Malone of Irish Public Bodies, the Director of OSD and Director of Schools confirmed that legal support for the KWETB Executive and Board would be covered by the IPB Insurance policy on the basis that the Minister for Education and Skills had confirmed that the Section 40 investigation was in place. The IPB recommended Poe Kiely Hogan Lanigan (PKHL) Solicitors and this firm was subsequently engaged by the KWETB Executive on behalf of the entire entity.

20th October 2017

The Director of OSD informed the Chair that the services of PKHL were now in place and available to both the Board and Executive members. He advised that they take advantage of the paid legal support from PKHL and discontinue any further engagement with Philip Lee.

26th October 2017

The Director of OSD received correspondence from the Chair outlining that Philip Lee were the appointed legal advisors and instructed that no steps be taken by management to appoint any legal advisors to act for KWETB without prior Board approval including PKHL Solicitors.

2nd November 2017

The CE wrote to the Chair informing him that it is an Executive function to engage legal advice on behalf of KWETB and that PKHL Solicitors had been engaged to advise KWETB on all matters related to the Ministerial Investigation, facilitated through the IPB policy. He also confirmed that he had informed Philip Lee Solicitors that they are not the appointed advisors to KWETB and they should not put themselves forward as such.

7th November 2017

The Director of OSD met with Chair and Vice-Chair where it was agreed that Philip Lee would be stood down by the Board in favour of PKHL.

2) The Circumstances of the Payment of the Philip Lee Bill

Context

The Director of OSD queried the size of the Philip Lee bill especially considering Members had requested access to the legal advice at previous Board meetings and individual Board Members were proposing separate legal advice outside the IPA policy. He sought input from various stakeholders including the Chair and Vice Chair of the Board, the Board, Chair of the Audit Committee, Executive Team, Philip Lee Solicitors, Finance Department, Mr. Hubert Loftus (Principal Officer of the ETB Financial & Administrative Personnel Section), and Michael Lanigan PKHL Solicitors. On confirmation of the bone fide of the bill and not discovering any reason why this bill should not be paid, he recommended to the CE that the bill be discharged in full.

28th November 2017

The KWETB received a statement of account, rather than individual invoices, from Philip Lee, totalling €1,626.70 for invoices issued in July, August and September. On the instruction of the Director of OSD, the Finance Team requested a copy of all invoices issued by Philip Lee. Subsequently, three invoices were submitted by Philip Lee:

Date	Description	Inv. No.	Amount
31 July 2017	July 2017 Advices	13,120	€13,424.30
31 August 2017	C&AG Audit	13,330	€13,791.18
29 September 2017	C&AG Audit	13,543	€14,411.22

While these invoices were addressed to Kildare and Wicklow Training Board, Devoy Park, Áras Chill Dara, Naas, Co. Kildare, they had been emailed to the Chair, rather than the KWETB Finance office.

On receipt, the Director of OSD questioned the level of detail provided in the invoices. Further detail on the invoices including timesheets and description of work was then requested by Finance Team on the direction of the Director of OSD.

Considering the Executive did not have sight of the legal advice proffered by Philip Lee or the extent of their engagement, the Director of OSD requested further clarification from the Chair in relation to these invoices. The Chair confirmed by email that:

- the instruction given by Tony Lenehan on the 18th September to Philip Lee to stand down was supplemented by a subsequent instruction by the Chair to Philip Lee (with the support of the Board) to continue their work on the matter;
- the outstanding Philip Lee invoices, including rates/billed hours, were legitimate.

The Chair instructed the Director of OSD to pay the invoices.

7th December 2017

The Director of OSD was still not satisfied with the lack of information being provided on the invoices and instructed the finance team to seek further information from Philip Lee Solicitors.

13th December 2017

Philip Lee Solicitors submitted more detail for invoices (numbers 13,120, 13,330 and 13,543). They submitted a further two invoices (numbers 13,798 and 14,121). The total for all five invoices submitted was €82,398.99. This was accompanied by a direct request to KWETB for payment of all outstanding invoices.

Date	Description	Inv. No.	Amount
31 October 2017	C&AG Audit	13,798	€28,528.63
30 November 2017	C&AG Audit	14,121	€12,243.66

15th December 2017

The Director of OSD informed Philip Lee that the KWETB Executive would have to bring this request to the attention of the Board. Philip Lee emailed that failure to discharge the fee was not acceptable. They would have no option but to initiate formal debt-collecting proceedings to recover interest and costs and report the matter to the Department of Education and Skills.

The Director of OSD sought the advice of Mr. Michael Lanigan of PKHL in regard to payment of the Philip Lee bill. Michael Lanigan advised that the Board needed to see the invoices, but could see no legitimate reason why KWETB would not pay the bill.

The KWETB received a formal warning letter from Philip Lee, threatening that they would initiate legal proceedings to include recovery of interest and costs if full payment was not made within seven days.

The Director of OSD requested Michael Lanigan to engage formally with Philip Lee Solicitors on behalf of KWETB requesting opportunity to engage with the Board on this matter at the next Board meeting on 21st December.

The Director of OSD subsequently received a 'seven-day warning letter' from Philip Lee requesting payment of outstanding invoices and notifying KWETB that failure to discharge the same within 7 days would result in commencement of legal proceedings including the recuperation of any costs associated with the same. It also stated that proceedings would be issued on Friday 22nd December before the court closed for Christmas.

21st December 2017

The matter of the outstanding Philip Lee invoices was included on the KWETB Board Meeting agenda with the purpose of bringing the matter to the attention of the Board prior to payment being made. The Board meeting, due to the pressure of other business, did not get to consider the bill in detail. The Director of OSD brought the matter of the outstanding bill and threat of legal action to the attention of the members still in attendance at the end of the meeting. Concern was raised by members as to the amount of the bill.

22nd December 2017

The KWETB received notice from Philip Lee that the seven days' notice was now up and if payment was not received by return that high court proceedings would be issued without further notice.

24th December 2017

The outgoing CE authorised as the accountable person for the bill, gave instruction for the bill to be paid in full prior to his retirement on 31st December. This was based on the bona fide of the bills, potential risk of legal action and associated costs, and lack of outcome at previous the Board Meeting. Board approval for payment was not required, as payment of invoices is an executive function.

5th January 2018

Payment of €2,398.99 to Philip Lee was processed by electronic transfer.

9th January 2018

At the KWETB board meeting, the acting CE was asked to clarify if payment of the Philip Lee bill had been made. He informed the meeting that the payment had been approved by the outgoing CE before Christmas and, as far as he was aware, the payment was still being processed. It was later clarified that the payment had already gone through on 5th January 2018.

3) Compliance with the Code of Practice for Education and Training Boards

The procurement of legal services from the Office of Government Procurement Framework for Legal Services to Education and Training Boards was carried out in accordance with 22.1 of the Code of Practice for Education and Training Boards:

22.1 It is Government policy that public bodies, where possible, should make use of central procurement frameworks and contracts that are put in place by the Office of Government Procurement (OGP). These central procurement frameworks and contracts are designed to optimise benefits to the public service through the strategic aggregation of its buying power.

The Procurement Framework for Legal Services to Education and Training Boards is operated by the Legal Support Services Unit (LSSU) of the Office of Government Procurement. All solicitors listed on the Framework have gone through a central public procurement process and the Framework is specifically designed to allow Education and Training Boards to procure legal services in a compliant and timely manner. In order to be appointed to the Framework, the service providers have demonstrated that they have the expertise and experience to provide legal services.

As per OGP guidelines, a direct drawdown mechanism was available to KWETB through the Framework as the requirement was of an urgent nature and related to legal advice where there was a tangible indication and a high probability that the matter to which the advice related would become the subject of proceedings.

As per OGP guidelines, the rates tendered for entry to the Framework are the rates that apply to all Direct Drawdowns, and there was to be no opportunity to reduce the rates as part of a Direct Drawdown.

However, according to OGP guidelines, the ETB was required to clarify certain information with the chosen service provider. The information described in the OGP User Guide *Multi Supplier Framework Agreements for the Provision of Legal Services to Education and Training Boards*” was not sought nor was a *Notification to Activate Services Form* completed:

The ETB with the support of the LSSU, shall consult the chosen Framework Member and require them to provide some or all of following information:

- *speed of available response, (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location)*
- *expertise and availability of resources*
- *approach and methodology to service delivery; and,*
- *price (based on rates offered in response to this RFT).*

If the ETB determines that the chosen Framework Member meets the ETB’s requirements, the ETB will serve a Notification to Activate Services Form (NASF) on the chosen Framework Member. The NASF is available from the LSSU.

The KWETB Executive was not required to seek Board approval for payment of the Philip Lee bill as this is an executive function. The payment of invoices is not included in the Board Decision or Approved as per section 3 of the Code of Practice for Education and Training Boards. Furthermore, the Board is precluded from involvement in executive functions as per 3.2:

3.2 The Board's functions are restricted to those specified in the Education and Training Boards Act 2013. Accordingly, the members of the Board must never become involved in the executive functions of the ETB. Executive functions are carried out by the Chief Executive.

The advices provided by Philip Lee were to the Chair, Vice-Chair and Chairman of the Audit Committee on behalf of the Board. As a general principle of good governance, the Chair is responsible for ensuring that all members receive accurate, timely and clear information, including legal advices obtained on behalf of the Board:

3.4 All Board members must be treated equally and must be afforded the opportunity to fully contribute to Board deliberations. The Board should guard against excessive influence on decision-making by one or more individual members.

In the course of this review, the sub-committee has been made aware that separate legal advice may have been received from Mason Hayes and Curran in regard to the Department of Education and Skills investigation. This is outside of the scope of this review; however, the sub-committee recommends that this does merit further investigation.

Réada

Cronin

John

Hurley

John

McDonagh

KWETB Board Members