

**Kerry Education and Training Board**  
***Bord Oideachais agus Oiliúna Chiarraí***

**Minutes** of Kerry Education and Training Board (Kerry ETB) meeting held in the Boardroom at Kerry ETB Head Office, Tralee on Tuesday October 23<sup>rd</sup> 2018.

***In Attendance:***

Cllr. Jim Finucane  
Cllr. Terry O'Brien  
Cllr. Damian Quigg  
Cllr. John Francis Flynn  
Cllr. Norma Foley  
Ms. Brid McElligott  
Ms. Francisse Walshe  
Mr. Noel Keenan

Cllr. Pa Daly  
Cllr. Niall Kelleher  
Cllr. Jimmy Moloney  
Cllr. Norma Moriarty  
Cllr. Michael Cahill  
Ms. Maryanne Slattery  
Mr. Michael O'Mahony  
Ms. Maria O'Gorman

Mr. Colm Mc Evoy, Chief Executive Officer (CEO), Ms. Maria Brennan, Director of Organisational Support and Development (OS&D), Ms. Ann O'Dwyer, Director of Schools, Music and Youth, Mr. Owen O'Donnell, Director of Further Education and Training (FET), Mr. Tommy Conroy, Finance Officer, Mr. Edward O'Neill, Acting Head of Corporate Support and Capital Development Department (CS&CD), Ms. Niamh O'Keeffe, Corporate Support and Ms. Karen Griffin, Corporate Support were also in attendance.

**An Cathaoirleach Cllr. Jim Finucane presided for the meeting.**

**As per Paragraph 10, Section 3 of the Education and Training Board (ETB) Act 2013 and the Agenda notice, no conflicts of interest were declared at the commencement of the meeting.**

**In accordance with Provision 6.7 of the Standing Orders for Kerry ETB Board Meetings, on the proposal of An Cathaoirleach, it was agreed to amend the Order of Business as presented on the Agenda, as follows:**

- **Condolences and Congratulations**
- **The approval of the minutes from September 25<sup>th</sup> 2018 Meeting**
- **Matters Arising**

**The remainder of the Agenda was deferred until the next Board Meeting. This was unanimously agreed by the Board.**

<b>10/2018/1</b>	<b>APOLOGIES &amp; CONDOLENCES LEITHSCÉALTA AGUS COMHBHRÓN</b>
<b>1.1</b>	<b>Apologies/Leithscéalta:</b> Apologies for their absence were received from: Cllr. Séamus Cosaí Fitzgerald, Cllr. Aoife Thornton, Ms. Mary McGillicuddy Mr. Eugene Moriarty and Mr. Joe Brennan.

1.2	<p><b>Condolences/Comhbhrón:</b> An Cathaoirleach, Cllr. Jim Finucane expressed his sympathy and that of the Board:</p> <ul style="list-style-type: none"> <li>➤ To Mr. Tom Wall of Kerry County Childcare Committee and former county councillor, Mr. Johnny Wall, on the death of their Brother, Mr. Frank Wall.</li> <li>➤ To Ms. Mairéad Corridan, Acting Deputy Principal, Castleisland Community College, on the death of her Mother, Ms. Bridie Corridan.</li> <li>➤ To Mr. Patrick Moran and Ms. Sinead Scanlon, Staff Members, Causeway Comprehensive School, on the death of their Aunt, Ms. Margaret Kelly.</li> <li>➤ To Mr. Sean Counihan, former Mayor of Killarney and his extended family, on the death of his Nephew, Mr. Niall McGillicuddy.</li> </ul>
10/2018/2	<p><b>CONGRATULATIONS COMHGHAIRDEAS</b></p>
2.1	<p><b>Congratulations/Comhghairdeas:</b></p> <ul style="list-style-type: none"> <li>➤ Congratulations to the instructor and students from the Kerry ETB Radio Broadcasting course on their third place at the Irish Music Rights Organisation (IMRO) Awards for 'Be the Voice'.</li> <li>➤ Congratulations to student Jack Nagle, Killorglin Community College on winning the ESB Networks National Safety Challenge 2<sup>nd</sup> Level.</li> <li>➤ Congratulations to the newly appointed Minister for Education and Skills Mr. Joe McHugh T.D.</li> <li>➤ Congratulations to science students in Coláiste na Sceilge, Gaelcholáiste Chiarraí and Killorglin Community College whose projects have qualified for the BT Young Scientist &amp; Technology Exhibition in Dublin, January 2019.</li> </ul>
10/2018/3	<p><b>MINUTES OF LAST BOARD MEETING - FOR ADOPTION MIONTUAIRISCÍ ÓN gCRUINNIÚ DEIREANACH BOIRD - LE GLACADH</b></p>
3.1	<p>The minutes of the Kerry ETB meeting held on September 25<sup>th</sup> 2018 were adopted and signed.</p> <p style="text-align: center;"><b>Proposed: Mr. Noel Keenan Seconded: Mr. Michael O'Mahony</b></p>
10/2018/4	<p><b>MATTERS ARISING FROM MINUTES AG ÉIRÍ AS NA MIONTUAIRISCÍ</b></p>
4.1	<p><b>Gaelcholáiste Nua School Building Project Update</b></p>

	<p>The CEO and the Acting Head of CS&amp;CD provided an update which addressed the following:</p> <ul style="list-style-type: none"> <li>➤ Work is being progressed with Kerry County Council (Kerry Co. Co.) re the acceleration of the site title transfer to Kerry ETB. Murphy Ramsey Walsh Solicitors are liaising with Kerry Co. Co. legal services section re same.</li> <li>➤ The stage 2A submission was submitted to the Department of Education and Skills (DoES) by the Design Team on September 11<sup>th</sup> 2018. Following Stage 2A approval the formal planning permission application will be lodged with Kerry Co. Co.</li> <li>➤ Tenders for the Japanese Knotweed are due in by October 23<sup>rd</sup> 2018.</li> <li>➤ Tenders for the Site enabling works contract are due in by November 7<sup>th</sup> 2018.</li> <li>➤ A letter was issued to Parnell's Hurling Club clarifying matters re the proposed Hurling wall on September 4<sup>th</sup> 2018.</li> <li>➤ Notice of illegal dumping on the site received October 8<sup>th</sup> 2018, this has been referred to Kerry Co. Co.</li> </ul> <p>The Board Members were advised that approval has not been received to date from the DoES re the stage 2A submission.</p> <p>In addition, it was noted that there was a meeting with Parnell's Hurling Club on October 19<sup>th</sup> 2018. At this meeting the Club requested that provision be made in the planning application for the new School Building a "Hurling Wall" in the norther section of the site. This area of the site will be developed for outdoor sports facilities following the remediation of the Japanese knotweed in 2023/24.</p> <p>The Board were unanimous in their support of this request from Parnell's Hurling club.</p> <p style="text-align: center;"><b>Proposed: Cllr. Norma Foley</b> <b>Seconded: Cllr. Pa Daly</b></p> <p>It was noted that the funding for the provision of the hurling wall will be provided by Parnell's Hurling Club.</p> <p>Re the Japanese Knotweed remediation, Cllr. John Francis Flynn referenced a new process in relation to the treatment of same. The Acting Head of CS&amp;CD will follow-up with Cllr. John Francis Flynn in relation to same.</p> <p>A further update will be provided at the next meeting.</p>
4.2	<p><b>Listowel School Accommodation</b></p> <p>An update was provided by the Acting Head of CS&amp;CD, Mr. Edward O'Neill and addressed the following. He advised Board Members that there has been no further update received from the DoES in relation to the proposal for the "on site" solution to address the accommodation needs presenting.</p>

	<p>Separately, it was noted that verbal approval for an additional prefab for the school, has been received. Acquisition of the prefab will proceed on receipt of formal written approval.</p> <p>A further update will be provided at the next meeting.</p>
<p><b>4.3</b></p>	<p><b>Listellick National School Building Project Update</b>  An update was provided by the Acting Head of CS&amp;CD, Mr. Edward O'Neill advised that the Pre Stage 1 Draft Report by Architects has been received. The School Principal is being kept fully advised of developments</p> <p>The Board welcomed this update in relation to Phase 1A.</p>
<p><b>4.4</b></p>	<p><b>Grantor/Grantee Agreement Kerry ETB and Kerry Diocesan Youth Services (KDYS) Youthreach Programme</b></p> <p>An Cathaoirleach stressed at the beginning of this discussion the confidential nature of the matters that were going to be discussed, as per Section 13, Schedule 3 ETB Act 2013 i.e. part of the discussion will address various proposals in relation to the buildings/accommodation for the direct delivery of the Youthreach Programme.</p> <p>The CEO initiated the discussion by addressing his report as circulated with the meeting agenda. This report set out the following:</p> <ul style="list-style-type: none"> <li>➤ Letter issued to KDYS on September 28<sup>th</sup> 2018 re cost associated with transition process appointment by KDYS, confirming that Kerry ETB will not be making payments to KDYS in respect of same.</li> <li>➤ Transition team for Kerry ETB actively addressing the following aspects of the transition process: <ul style="list-style-type: none"> <li>➤ Buildings /Accommodation – Director of Further Education and Training (FET) will make presentation re same.</li> <li>➤ Staffing – Director of Organisational Support and Development (OS&amp;D) in engagement with KDYS appointed representative and Teachers Union of Ireland re transition process.</li> <li>➤ Transition team in ongoing communication with KDYS re these matters.</li> </ul> </li> <li>➤ Press release issued on October 4<sup>th</sup> 2018 in response to Query from Radio Kerry (See copy enclosed with meeting agenda etc.)</li> <li>➤ Invitation from TUI to meet with staff on October 18<sup>th</sup> 2018.</li> </ul> <p>As per the CEO meeting report the Directors of Organisational Support and Development and Director of Further Education and Training were invited to provide updated for the Board on the transition process, namely:</p> <ul style="list-style-type: none"> <li>• Transfer of undertakings (TUPE) and Staffing</li> </ul>

- Buildings and Accommodation

The Director of OS&D advised that the 'due diligence' document template issued to KDYS on September 24<sup>th</sup> 2018. KDYS submitted on Friday October 19<sup>th</sup> 2018 the initial version of the completed 'due diligence' document. It was explained that the completion of the 'due diligence' process is iterative. Analysis of the due diligence document is ongoing and individual meetings with the staff involved are provisionally scheduled for the week beginning November 5<sup>th</sup> 2018. An induction programme for new staff is provisionally scheduled for November 26<sup>th</sup> 2018.

The Board Members welcomed this update.

The Director of FET made a detailed presentation to the Board re the buildings/accommodation options for the Direct delivery of the programme by Kerry ETB. The presentation addressed:

1. The proposals received from KDYS on October 8<sup>th</sup> 2018 addressing the continued use of KDYS buildings for the direct delivery of the Youthreach Programme by Kerry ETB
2. Other building options based on the expressions of interest received and buildings identified by local market research which had been carried out in relation to same.

Members were advised that copies of the presentation will be circulated to them by email following the meeting. The presentation set out in detail the following:

- Review of buildings/accommodation currently rented from KDYS under the Grantor/Grantee Agreement for Youthreach (100 places).
- Proposal 1 – KDYS facility arrangements.
- Proposal 2 – new facilities.
- Comparison of Proposals 1 and 2 followed by questions and answers.
- The locations referred to are Tralee, Listowel and Killarney.

Following the presentation there was a lengthy discussion re the options as presented.

Cllr. Pa Daly queried the suitability of the Eden Court building location i.e. not a town centre location. In response to same the Director of FET stated that the while it was not a town centre location in his view it was a suitable location.

Mr. Noel Keenan queried the proposed rental figure for the Listowel building of €60,000 p.a. He asked if there was scope to reduce the proposed annual rental cost further. The Director of FET advised that the proposed annual rental cost of €60,000 was reached following detailed negotiations. In addition the building was finished to a high specification and is a town centre location.

In relation to the Butler Centre in Listowel, Cllr. Jimmy Moloney queried if the proposal related to the whole building and also queried arrangements for parking. The Director of FET advised that the terms as set out are for the whole building and that there is some car parking available.

Cllr. Terry O'Brien asked if KDYS were aware that Kerry ETB was looking at other premises. The Director of FET confirmed that this was initially communicated to KDYS in a letter dated September 4<sup>th</sup> 2018 i.e. request for expressions of interest being published in the local press.

In relation to the KDYS proposal, Mr. Tommy Conroy, Finance Officer stated that, the proposal as set out referenced 'access to additional facilities' and the costs for same are very difficult to definitively quantify. He also clarified that access to these facilities is "subject to availability". Consequently the figures presented to the Board re same were estimates as these costs could not be definitively quantified. The costs for "access to additional facilities" are additional to the annual rental costs proposed by KDYS.

In addition the Director of FET clarified that our legal advisors have confirmed that the KDYS proposal would be addressed legally by means of a licence agreement i.e. the KDYS proposal relates to the rental of rooms etc. for certain hours each day for defined periods of the year. The proposal re the other third party buildings would be addressed legally by means of "lease agreements".

These points of clarification were noted by the Board.

It was noted that at the meeting on October 18<sup>th</sup> 2018 members of staff had expressed a preference for new buildings to accommodate the direct delivery of the programme by Kerry ETB. Mr. Noel Keenan stated that he has received feedback from staff setting out a clear preference for new buildings. Cllr. Damien Quigg stated that he had been asked by Board Member, Mr. Joe Brennan, in his absence, to make it clear that the staff had clearly expressed the view that their preference was to move to new buildings for the direct delivery of the programme.

Ms. Francisse Walshe stated that in her view the KDYS proposal which set out additional charges for access to the "additional facilities" was "a piece-meal approach" and consequently she appreciated that it is difficult to quantify the costs. Ms. Walshe expressed the view that a clean break may be preferable to accommodate the direct delivery of the Programme by Kerry ETB. Mary Ann Lowney concurred with this view.

Ms. Maria O'Gorman referenced the recent local radio coverage of this matter and stated that in her view the KDYS building in Listowel was a community building.

Ms. Brid McElligott said it was clear from the discussions that there had been open lines of communication with KDYS and that KDYS were well aware of the ongoing discussions in relation to the accommodation needs for the direct delivery of the Programme.

Cllr. Niall Kelleher queried the proposal as made by KDYS, asking if KDYS owned their existing buildings or if they were leased. He suggested that if they had leases on their existing buildings that could be a contributory factor to the rent levels they are seeking. Ms. Maria Brennan, in response to same, indicated it was our understanding that they owned one of the buildings and had long-term leases for the other buildings. In addition, Cllr. Kelleher stated that it was his preference that there be further negotiations with KDYS. It was clarified that KDYS had been afforded the opportunity to meet re their buildings/accommodation proposal on the following occasions:

- October 11<sup>th</sup> 2018 or October 12<sup>th</sup> 2018 (email of invitation issued October 9<sup>th</sup> 2018)
- October 22<sup>nd</sup> 2018 (letter of invitation issued October 19<sup>th</sup> 2018)

Unfortunately, KDYS were not able to attend on these dates. KDYS set out that they could not attend the proposed meetings due to the short notice given. An Cathaoirleach clarified that communications with KDYS re the buildings/accommodation had been ongoing for a period of time and a decision in relation to this matter has to be finalised given the move to direct delivery from January 1<sup>st</sup> 2019.

Following the conclusion of the discussions, Cllr. Norma Moriarty formally proposed that Kerry ETB proceed with Proposal 2 as presented i.e. enter into new lease arrangements for the following premises:

**Tralee - 1<sup>st</sup> Floor, Eden Court, John Joe Sheehy Road**

- 4,000 square feet @ €10 per square foot
- €49,200 per annum including VAT
- Full 10 year lease
- 5 year break clause

**Killarney - 50 High Street**

- 5,600 square feet @ €10 per square foot
- €68,880 per annum including VAT
- Full 10 year lease
- 5 year break clause

**Listowel - Butler Centre, 12 The Square**

- 5,000 square feet @ €12 per square foot
- €60,000 no VAT
- Full 10 year lease
- 5 year break clause

This proposal by Cllr. Norma Moriarty was seconded by Cllr. Damian Quigg.

	<p>In accordance with Provision 12(2)(n) of the ETB Act 2013 the Board approved the lease terms for these buildings as set out above.</p> <p>The rationale underpinning this decision included:</p> <ul style="list-style-type: none"> <li>➤ Proposal 2, as presented was a more cost effective option and provided for a lease arrangement as opposed to a licence agreement.</li> <li>➤ The provision as being presented by KDYS was for usage from 8.30am until 5.00pm from Monday to Friday with a higher annual rental cost when compared with option 2. The annual proposed rental costs as per the KDYS proposal were €182,220 for 9,806 square feet plus an estimated cost for access to additional facilities of €52,112 p.a.</li> <li>➤ The lease arrangements provided for wider utilisation of the buildings by the wider suite of Kerry ETB FET services i.e. evening class use etc.</li> <li>➤ Both Proposal 1 and Proposal 2 involved some level of fit out costs (equipment, IT facilities, etc.).</li> <li>➤ The costs for access to additional facilities as addressed in the KDYS proposal. These costs cannot actually be definitively quantified (estimated at circa €52,112 p.a.).</li> <li>➤ The move to new third party premises would be aligned to the plans for the strategic development of FET Services in these locations by Kerry ETB and aligns the Youthreach Provision with the Sectoral Reform Programme, which places ETBs at the heart of strategic planning FET provision.</li> <li>➤ Feedback from staff (directly and from the Teacher Union of Ireland (TUI)), expressing a preference to move to new buildings and locations in light of their new employer and reporting relationships, etc.</li> </ul> <p>Following these discussions, An Cathaoirleach thanked the Senior Management Team and the Board Members for their very valuable contribution to the discussions. The CEO advised that in accordance with Circular Letter 0018/2015, Circular Letter 0039/2011 and DPER Circular Letter 17/2016 and the provisions of Section 53 of the ETB Act 2013, formal DoES approval to enter into these new leases will be requested.</p> <p>In addition, the CEO advised that he will communicate the decision re the accommodation/buildings to KDYS in a timely manner.</p>
4.5	<p><b>School Reconfiguration for Diversity Process Update</b></p> <p>The Director of OS&amp;D confirmed that the DoES Report has been finalised in line with the new template. This was submitted to the Patron for consideration on November 2<sup>nd</sup> 2018.</p> <p>Following feedback from the Patron the report will then be formally submitted to the DoES.</p> <p>The update was welcomed by the Board.</p>

4.6	<p><b>Killorglin Sports Complex Update</b> The Acting Head of CS&amp;CD stated that a more detailed proposal for consideration has been requested from Killorglin Sports Complex.</p>
4.7	<p><b>Marine Training Centre Update</b> It was agreed to defer this to the next meeting.</p>
10/2018/5	<p><b>EDUCATION AND TRAINING TOPICS FOR DISCUSSION</b> <b>ÁBHAIR OIDEACHAS AGUS OILIÚINT LE PLÉ</b></p>
	<p>There was no presentation at this meeting.</p>

10/2018/6	GOVERNANCE RIALACHAS
6.1	<b>Risk Management</b> Deferred to next meeting.
6.2	<b>Minutes of School Board of Management (BOM) Meetings</b> Deferred to next meeting.
6.3	<b>Board of Management (BOM) Vacancies</b> Deferred to next meeting.
6.4	<b>Kerry ETB Policies for Approval</b> Deferred to next meeting.
6.5	<b>Kerry ETB Health and Safety Policies</b> Deferred to next meeting.
6.6	<b>Audit and Risk Committee Reports</b> Deferred to next meeting.
6.7	<b>Finance Committee Report</b> Deferred to next meeting.
6.8	<b>Internal Audit Unit (IAU) Report - Kerry ETB ICT Audit</b> Deferred to next meeting.

10/2018/7	CEO's REPORT & QUESTIONS ON CEO's REPORTS / TUAIRISCÍ AN PHRÍOMHFHEIDHMEANNAIGH & CEISTEANNA ORTHU
7.1	<p><b>Finance Report:</b> Deferred to next meeting.</p> <p><b>Buildings Report:</b> Deferred to next meeting.</p> <p><b>Land and Leases</b> Deferred to next meeting.</p>

7.2	<p><b>Report – Chief Executive Officer</b> Deferred to next meeting.</p>
7.3	<p><b>Schools Report – Director of Schools, Youth and Music</b> Deferred to next meeting.</p>
7.4	<p><b>Further Education and Training Report – Director of FET</b> Deferred to next meeting.</p>
7.5	<p><b>Organisational Support and Development Report</b> Deferred to next meeting.</p>
7.6	<p><b>Members’ Business (motions)</b></p> <p>Prior to the conclusion of the meeting, two other items were addressed with the permission of the Chairperson.</p> <p><b>Men’s Shed Proposal in Waterville</b> An update was provided by the Director of FET in relation to same, addressing the following:</p> <ul style="list-style-type: none"> <li>➤ Agreement sought from the Board on the Waterville Men’s Shed being located on the grounds of Tech Amergin</li> <li>➤ Location of the shed to be on the site of the old bike shed/timber store room</li> <li>➤ No cost will accrue re construction of new building</li> <li>➤ Waterville Men’s Shed will have sole use and will be responsible for insuring all activities</li> <li>➤ Director of FET to progress same</li> </ul> <p>Cllr. Norma Moriarty emphasised the importance of the Men’s Shed and the Board approved the executive to make the necessary arrangements in support of this proposal.</p> <p><b>Next Meeting of the Board</b> It was noted that the next meeting of the Board is scheduled for November 27<sup>th</sup> 2018 with a further meeting scheduled for December 18<sup>th</sup> 2018. The Board Members agreed to reschedule the meetings as follows:</p> <p>Next Board Meeting December 4<sup>th</sup> 2018 venue to be confirmed.</p> <p>The Kerry ETB Annual Staff Retirement Function will take place following the December 4<sup>th</sup> 2018 Board Meeting.</p> <p>It was noted that the Agenda for the Board Meeting on December 4<sup>th</sup> 2018 will include items deferred from this meeting.</p>

	That concluded the deliberations of the Board.
<b>10/2018/8</b>	<b>CORRESPONDENCE COMHFHREAGRAS</b>
<b>8.1</b>	<b>DES Correspondence:</b> Noted as listed
<b>8.2</b>	<b>DES Circular Letters:</b> Noted as listed
<b>8.3</b>	<b>DES Press Releases:</b> Noted as listed
<b>8.4</b>	<b>ETBI Correspondence:</b> Noted as listed
<b>8.5</b>	<b>SOLAS Correspondence</b> Noted as listed
<b>8.6</b>	<b>Other Correspondence:</b> Noted as listed.
<b>10/2018/9</b>	<b>ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</b>
	<p>Next Board Meeting date: Tuesday December 4<sup>th</sup> 2018 at 4.15pm Location to be confirmed</p>

Signed/Sínithe: \_\_\_\_\_

Date/Dáta: \_\_\_\_\_