

CRUINNIÚ BHORD OIDEACHAIS AGUS OILIÚNA CHIARRAÍ
KERRY EDUCATION AND TRAINING BOARD MEETING

Date and Time:	Tuesday, February 27 th , 2024, at 04:15 pm
Location:	Hybrid: Kerry ETB Head Office Boardroom and via Microsoft Teams
Cathaoirleach:	Cllr. Jim Finucane
Secretary:	Mr Colm McEvoy, Chief Executive
Attendance (Reserve Members):	<ul style="list-style-type: none"> • Cllr. Aoife Thornton • Ms Celia O'Shea (VC) • Cllr. Deirdre Ferris • Cllr. Jim Finucane • Ms Joan McCrohan • Mr John O'Roarke • Cllr. Johnnie Wall • Mr Joseph (Joe) Brennan • Ms Maria O'Gorman • Cllr. Marie Moloney • Cllr. Norma Moriarty (VC) • Mr Niall Lucey • Mr Tim Daly • Ms Tara Donoghue (VC)
Attendance (Executive Members):	<ul style="list-style-type: none"> • Mr Colm McEvoy, Chief Executive • Ms Ann O'Dwyer, Director of Schools, Youth and Music (SY&M) • Ms Maria Brennan, Director of Organisation Support and Development (OS&D) • Mr Owen O'Donnell, Director of Further Education and Training (FET) • Mr Tommy Conroy, Head of Finance (attendance in part) • Ms Aileen O'Connor, Head of Corporate, Capital and Technology (CCT) (attendance in part) • Mr Pdraig O'Sullivan, Buildings Officer (attendance in part) • Ms Jennifer Drumm, Executive Support • Ms Trisha Tierney, Executive Support

Apologies:	<ul style="list-style-type: none"> • Cllr. Cathal Foley, Board Member • Cllr. Fionnán Fitzgerald, Board Member • Cllr. Maura Healy-Rae, Board Member • Cllr. Michael Cahill, Board Member • Cllr. Niall O'Callaghan, Board Member • Cllr. Terry O'Brien, Board Member • Mr Zaid Kassoob, Board Member
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02/2024/0	CONFLICT OF INTEREST COIMHLINT LEASA
	<p>As per Section 1.18 of Circular Letter (CL) 0002/2019, a conflict of interest form was circulated to each Board Member before the meeting for signature. In addition, an Cathaoirleach, Cllr. Jim Finucane asked all Board Members to disclose any conflicts of interest prior to the commencement of the meeting.</p> <p>No conflicts of interest were disclosed that were relevant to the meeting's agenda items, as discussed.</p>

02/2024/1	CONDOLENCES COMHBHRÓN
1.1	<p>Condolences/Comhbhrón An Cathaoirleach expressed his sympathy and that of the Board to:</p> <ul style="list-style-type: none"> • Ms Eleanor Reidy, Causeway Comprehensive School, on the death of her aunt, Ms Eleanor Avellar • Ms Deirdre Keane, Causeway Comprehensive School, on the death of her grandmother, Ms Mary Lawlor • Ms Imelda O'Connor, Coláiste na Ríochta, on the death of her uncle, Mr Jackie Williams • Ms Margaret Kenny, Coláiste Gleann Lí, on the death of her mother-in-law, Ms Deirdre Kenny • Ms Joanne Roche, Kerry College, on the death of her uncle, Fr. Paddy Godley • Ms Miriam Goulding, Kerry College, on the death of her uncle, Mr John Cremins • Ms Ancilla O Regan, Head Office, on the death of her aunt, Ms Marie Reidy

	<ul style="list-style-type: none"> Mr Michael O'Mahony, former Board Member, on the death of his uncle, Mr John O'Mahony
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02/2024/2	CONGRATULATIONS COMHGHAIRDEAS
2.1	<p>Congratulations/Comhghairdeas An Cathaoirleach shared congratulations to the following:</p> <ul style="list-style-type: none"> Kerry College graduates following their graduation ceremony on January 25th, 2024. To the below-listed Kerry ETB apprentices following their wins at the National Apprentice Commis Chef Showcase on February 7th, 2024: <ul style="list-style-type: none"> Melissa Cahillane - Winner of the Iles Flottante Live Competition Maria Elena Traynor - Winner of the Beef Fillet Competition Eoin McDonnell - Winner in the Meat Terrine Display category Helen Devane - Winner in the Canapés Display category Adam David Nagy - Winner in the Petit Fours category Coláiste Gleann Lí on being awarded the LGBTQ+ Quality Mark in recognition of its commitment to LGBTQ+ inclusion. Kerry College's Management Team on a successful Open Week 2024. Mercy Mounthawk's students and staff on qualifying for the Hogan Cup Final on March 16th, 2024.

02/2024/3	MINUTES - FOR ADOPTION MIONTUAIRISCÍ - LE GLACADH
3.1	<p>The minutes of the previous Board meeting held on January 30th, 2024, were circulated to Board Members in advance of the meeting.</p> <p>The minutes were presented to the Board for approval.</p> <p style="text-align: center;">Proposed: Cllr. Marie Moloney Seconded: Cllr. Deirdre Ferris</p> <p>The minutes were adopted and signed at the meeting.</p>

02/2024/5	MATTERS ARISING FROM MINUTES NITHE ATÁ AG ÉIRÍ AS NA MIONTUAIRISCÍ																								
	<p>The 'Matters Arising from Minutes' were addressed under the relevant reports as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="507 521 663 622">02/2024/5</th><th data-bbox="663 521 1445 622">MATTERS ARISING FROM MINUTES NITHE ATÁ AG ÉIRÍ AS NA MIONTUAIRISCÍ</th></tr> </thead> <tbody> <tr> <td data-bbox="507 622 663 701">5.1</td><td data-bbox="663 622 1445 701">Self-Assessment Evaluation 2023 (Section 4, Circular Letter 0002/2019) – see <i>Governance Report Section 7.7</i></td></tr> <tr> <td data-bbox="507 701 663 779">5.2</td><td data-bbox="663 701 1445 779">New Board Formation – see <i>Governance Report Section 7.8</i></td></tr> <tr> <td data-bbox="507 779 663 857">5.3</td><td data-bbox="663 779 1445 857">High Court Summons – see <i>Organisation Support and Development Report Section 6.3</i></td></tr> <tr> <td data-bbox="507 857 663 936">5.4</td><td data-bbox="663 857 1445 936">Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – see <i>Finance Report Section 6.4</i></td></tr> <tr> <td data-bbox="507 936 663 1014">5.5</td><td data-bbox="663 936 1445 1014">Letter of Representation 2022 – see <i>Finance Report Section 6.4</i></td></tr> <tr> <td data-bbox="507 1014 663 1093">5.6</td><td data-bbox="663 1014 1445 1093">Update on Overdraft Proposal (New Overdraft Proposal) – see <i>Finance Report Section 6.4</i></td></tr> <tr> <td data-bbox="507 1093 663 1171">5.7</td><td data-bbox="663 1093 1445 1171">Schedule of Fees (Section 50 of the ETB Act, 2013) – see <i>Finance Report Section 6.4</i></td></tr> <tr> <td data-bbox="507 1171 663 1249">5.8</td><td data-bbox="663 1171 1445 1249">Community National School Budget Allocation – see <i>Finance Report Section 6.4</i></td></tr> <tr> <td data-bbox="507 1249 663 1328">5.9</td><td data-bbox="663 1249 1445 1328">Kerry College Killarney Campus Building Project – see <i>Capital and Buildings Report Section 6.6</i></td></tr> <tr> <td data-bbox="507 1328 663 1406">5.10</td><td data-bbox="663 1328 1445 1406">Causeway Comprehensive School Land Matters – see <i>Capital and Buildings Report Section 6.6</i></td></tr> <tr> <td data-bbox="507 1406 663 1485">5.11</td><td data-bbox="663 1406 1445 1485">Visit from the Minister of Further Education, Innovation and Science – see <i>CE's Report Section 6.7</i></td></tr> </tbody> </table>	02/2024/5	MATTERS ARISING FROM MINUTES NITHE ATÁ AG ÉIRÍ AS NA MIONTUAIRISCÍ	5.1	Self-Assessment Evaluation 2023 (Section 4, Circular Letter 0002/2019) – see <i>Governance Report Section 7.7</i>	5.2	New Board Formation – see <i>Governance Report Section 7.8</i>	5.3	High Court Summons – see <i>Organisation Support and Development Report Section 6.3</i>	5.4	Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – see <i>Finance Report Section 6.4</i>	5.5	Letter of Representation 2022 – see <i>Finance Report Section 6.4</i>	5.6	Update on Overdraft Proposal (New Overdraft Proposal) – see <i>Finance Report Section 6.4</i>	5.7	Schedule of Fees (Section 50 of the ETB Act, 2013) – see <i>Finance Report Section 6.4</i>	5.8	Community National School Budget Allocation – see <i>Finance Report Section 6.4</i>	5.9	Kerry College Killarney Campus Building Project – see <i>Capital and Buildings Report Section 6.6</i>	5.10	Causeway Comprehensive School Land Matters – see <i>Capital and Buildings Report Section 6.6</i>	5.11	Visit from the Minister of Further Education, Innovation and Science – see <i>CE's Report Section 6.7</i>
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02/2024/6	EXECUTIVE UPDATES UASDÁTÚ ÓN BHFEIDHMEANNAS
6.1	<p>Schools, Youth and Music Report</p> <p>The Schools, Youth, and Music Report, which had been circulated in advance of the meeting, was presented by the Director of SY&M, Ms Ann O'Dwyer, and was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Progress Report Advanced Manufacturing Project in Schools • Critical Incident Policy Training • REALT Update • Schools' Ethos Showcase 2024 • Parents' Forum • Census 2022 <p>In addition to the above, an update was provided in relation to correspondence received from ETBI in relation to the National Parents Council.</p> <p><u>ETBI Correspondence National Parents Council</u></p> <p>The Director of SY&M updated the Board on recent correspondence from ETBI to the ETBs-National Parents Association (undated). The communication conveyed confirmation from the Department of Education that the National Parents Council (NPC) is the recognised national association of parents for all ETB schools, both primary and post-primary. This recognition is in accordance with Section 30 of the Education and Training Boards Act, 2013.</p> <p>It was noted that, in addition to the normal representative role and support to parent associations, the NPC would carry out additional services for ETBs, i.e. provide additional training and ongoing support to parent nominees on boards, etc.</p> <p>The Board noted this update.</p> <p><u>Access Support</u></p> <p>An Cathaoirleach, Cllr. Jim Finucane sought information about the procedures in place for addressing the needs of learners (both schools and FET) with additional learning needs as they present for enrolment, acknowledging the often challenging circumstances faced by these learners and their families. Cllr. Ferris added that there is a particular challenge for learners and parents of learners who may not have an official diagnosis but still require learning assistance.</p>

	<p>The clarifications provided by the Directors of SY&M and FET addressed the established process involving the engagement of one of Kerry ETB's Access Officers.</p> <p>Board members were advised that access officers are appointed in accordance with Section 26 of the Disability Act, 2005. Kerry ETB has three staff occupying this role, one identified under each pillar as follows:</p> <ul style="list-style-type: none"> • Pat O'Sullivan, primary and post-primary schools' provision • Elaine O'Connor, Further Education and Training provision • Yvonne Cronin, staff and for provision other than Further Education and Training, primary and post-primary <p>These members of staff arrange and coordinate the provision of assistance and guidance to individuals with disabilities in accessing services.</p> <p>An Cathaoirleach, Cllr. Jim Finucane welcomed this clarification.</p> <p>Board Members thanked the Director of SY&M for her update.</p>
6.2	<p>Further Education and Training Report</p> <p>The Further Education and Training Report, which had been circulated in advance of the meeting, was presented by the Director of FET, Mr Owen O'Donnell, and was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • FET 2024 Budgets • Further Education and Training Fee and Fee Waiver Policy • Killarney National Parks and Wildlife Services • Open Week 2024 <p><u>Killarney National Parks and Wildlife Services</u></p> <p>The Director of FET provided an update on matters relating to the Killarney National Parks and Wildlife Services (KNPWS).</p> <p>As was addressed previously, under the existing agreement, some Kerry ETB staff are working under the management of KNPWS, delivering a school programme, with Kerry ETB recouping salaries. The current agreement is set to end on June 30th, 2024. It had been envisaged that the KNPWS would TUPE the staff involved, subject to individual staff agreement. However, the Director of FET advised that, based on feedback from the KNPWS, this may now not be possible.</p> <p>Considering the circumstances presented, the Director of FET advised that a few potential solutions are under active consideration (see Further</p>

	<p>Education and Training report, February 2024). Further discussions with the KNPWS will be necessary to determine the most suitable course of action.</p> <p>A further update will be provided at the next meeting.</p> <p>Board Members thanked the Director of FET for his update.</p>
6.3	<p>Organisation Support and Development Report</p> <p>The Organisation Support and Development Report, as circulated in advance of the meeting, was presented by the Director of OS&D, Ms Maria Brennan, and was noted by the Board and taken as read. The report addressed the following:</p> <ul style="list-style-type: none"> • High Court Case – as per Matters Arising Section 5.3 • Governance, Compliance and Risk System • Internal Controls <p><u>High Court Summons</u></p> <p>It was noted that there were no updates to report on the Kerry Diocesan Youth Service’s Pension Scheme proceedings.</p> <p>A further update will be provided at the next meeting.</p> <p>The Board Members thanked the Director of OS&D for her report.</p>
6.4	<p>Finance Report</p> <p>The Finance Report, as circulated in advance of the meeting, was noted by the Board Members and taken as read. The report addressed the following:</p> <ul style="list-style-type: none"> • Finance Update • Legal Summons by Infrastructure Investment Fund ICAV acting in respect of its sub-fund, the Valley Healthcare Fund (Head Office Service Charges) – as per Matters Arising Section 5.4 • Letter of Representation 2022 – as per Matters Arising Section 5.5 • Update on Overdraft Proposal – as per Matters Arising Section 5.6 • Schedule of Fees (Section 50 of the Education and Training Boards Act, 2013) – as per Matters Arising Section 5.7 • Community National School Budget Allocation – as per Matters Arising Section 5.8 <p><u>Finance Update</u></p> <p>The Head of Finance, Mr Tommy Conroy, presented a summary of finances as of January 31st, 2024, as follows:</p>

KERRY ETB CASH GRANTS AS AT 31ST JANUARY 2024					
ITEM	Opening Grant Cash Balance *	Receipts	Payments	Closing Grant Cash Balance	
Main Scheme Pay			(2,424,244)		
Non Pay			(192,378)		
Main Scheme Total	(197,056)	5,126,827	(2,616,623)		2,313,149
Associated Main Scheme	613,654	336	(51,467)		562,523
Capital	1,001,148	934,394	(503,474)		1,432,068
Further Education	147,369	7,727,697	(3,796,878)		4,078,188
Youth Affairs	34,622	0	(31,493)		3,129
Agency	446,433	301,435	(94,029)		653,839
Self-Financing	572,934	93,789	(66,163)		600,560
Total:	2,619,105	14,184,477	(7,160,126)		9,643,456

Legal Summons by Infrastructure Investment Fund ICAV acting in respect of its sub-fund, the Valley Healthcare Fund (Head Office Service Charges) – as per Matters Arising Section 5.4

In providing an update on this matter, the Head of Finance advised of the following:

On February 16th, 2024, the Chief Executive, Director of OS&D, Head of Finance, and an Cathaoirleach held a meeting with the Landlord's (Valley Healthcare Fund) representative, Mr. B Gilroy. The agenda for the meeting addressed the legacy oil costs, the VAT rate on the service charges, and discussions about the future of the Centrepont building. The Landlord's legal agents, as was addressed at the September 26th, 2023, Board meeting, had by court summons, dated September 5th, 2023, commenced high court proceedings pertaining to arrears in respect of service charges €106,913.33 and oil costs of €52,373.12.

In the context of addressing the legacy element of this matter, Board Members were reminded that the original Landlord for the building lease, Lee Strand Co-Operative Limited, sold its interest in the building to the Valley Healthcare Fund on December 20th, 2017. Correspondence has been issued to Lee Strand Co-Operative Limited on June 3rd, 2021, and February 15th, 2024 (registered), seeking clarification regarding the initial lease provision for oil consumption. To date, no reply has been received to either letter.

Essentially, two matters remained to be resolved with the Landlord:

- Oil costs arrears
- Application of 23% VAT on the service charges

Oil Costs Arrears

Regarding the oil costs, it was explained by the Landlord's representative at the February 16th, 2024, meeting that only two

tenants in the building, namely Kerry ETB and the Court Services, use the oil. It was clarified that the oil is a backup system for the primary heating system, which is a geothermal system. The Landlord's representative advised that the geothermal system in the portion of the building occupied by Kerry ETB and the Court Services does not function at an optimal level and requires constant use of oil to heat Kerry ETB and the Court Services.

Board Members were reminded that prior to the rent review in August 2020, Kerry ETB was not levied separately for oil costs. In August 2020, following the rent review, the new Landlord initiated charges for oil in addition to the service charges. In presenting the oil costs, the Landlord's representative set out that they are using an apportionment formula per the lease square footage between Kerry ETB and the Court Services. The terms of the lease stipulate that Kerry ETB will be charged for oil "consumed", not on a pro-rata basis. There is no metering system for oil consumption in place. In light of this, it has not been possible for the Landlord to provide evidence of the actual level of oil consumed by Kerry ETB.

The Landlord's representative further clarified that in adherence to Government sustainability policies, it is not feasible to implement a flat rate for oil consumption. Implementing a flat rate for oil consumption could act as a disincentive for tenants to reduce oil usage in buildings.

The Landlord's representative also explained that the HSE portions of the building hold an "A" energy rating and do not use the geothermal heating system. Hence, the HSE does not consume oil.

The arrears for the oil costs, as confirmed in writing by Valley Healthcare, are €58,309.09, covering the period from 1/08/2020 to 31/01/2024.

Application of 23% VAT on the Service Charges

Regarding the service charges, as was addressed at the January 30th, 2024, Board meeting, a service charges arrears payment of €89,034.25 was made on December 8th, 2023, to Kerry ETB's legal agent Murphy Ramsey Walsh for onward transmission to the Landlord's representative. This payment was in addition to the payment made in June 2023 of €33,325 as a payment on account towards service charges pending the clarification on the amount being charged (clarification to be provided via Auditor's Certificates).

The Head of Finance explained that service charges should be confirmed annually by an Auditor's Certificate. Following requests from Kerry ETB, on June 27th, 2023, Kerry ETB received Auditor's Certificates (OSK Audit Limited) addressing the service charges arrears for 2020, 2021 and 2022.

These certificates were subject to clarification, with clarification received on July 3rd, 2023. The Auditor's Certificates presented 'gross' figures. It was noted that Kerry ETB paid the arrears to the end of 2023, based on the Auditor's Certificates that were presented as 'gross' figures. These certificates did not refer to an additional VAT charge.

However, on January 12th, 2024, the Landlord's legal representatives sent a letter requesting payment of 23% VAT on these legacy service charges to the end of 2023, i.e. an additional €28,121.14.

Members were advised that, at the meeting with the Landlord's representative on February 16th, 2024, Kerry ETB queried the application of:

1. VAT to the service charges as the Auditor's Certificates were presented as 'gross' figures.
2. The blanket 23% VAT rate to all the line items making up the service charges

Kerry ETB explained at the meeting that the Auditor's Certificates received in respect of service charge arrears were "gross" and had been paid fully by the organisation in 2023. The Landlord's representative undertook to clarify matters.

Clarification was received on February 20th, 2024, with the Landlord's auditors advising that there had been an 'oversight' and that the amounts in the Auditors' Certificates should have been "net" of VAT. Consequently, due to the application of VAT on the service charges arrears to the end of 2023, the Landlord was now seeking the additional payment of €28,121.14 in respect of the arrears to the end of 2023.

Subsequently, Kerry ETB received revised Auditor's Certificates showing the service charges "net" of VAT. Upon receipt of same, on February 20th, 2024, Kerry ETB again queried the application of a 23% blanket VAT rate on the service charges with the Landlord, i.e. Kerry ETB queried if the individual line items making up the service charges arrears total all attracted 23% VAT. The Landlord advised that the application of the blanket 23% VAT rate aligns with recommendations from their tax advisor, KPMG.

Members were advised that the Landlord's representative had a motion scheduled for the High Court on February 21st, 2024. On the morning of February 21st, an agreement was reached between the respective legal agents to defer this motion for two weeks to allow time for (1) Kerry ETB to consider matters and (2) for further clarification pertaining to the application of the blanket 23% VAT rate to the service charges.

Having discussed, queried, and considered matters fully, the following proposals were presented by the Executive for consideration by the Board.

Oil Proposal:

Payment of the full oil bill, €58,309.09, covering the period from 1/08/2020 to 31/01/2024.

This will effectively address the legacy issue related to the oil. Moving forward, oil will be billed on a pro-rata square foot basis across the two tenants utilising oil.

Service charge proposal:

Payment in full of the 23% VAT element of the service charge arrears to the end of 2023, €28,121.14.

The Board approved the proposal regarding the oil and service charges VAT payments; however, noting the approval with respect to the service charges VAT payment was on a without prejudice basis to the Board obtaining further clarification.

Proposed: Ms Maria O’Gorman

Seconded: Cllr. Johnnie Wall

Relatedly, it was noted that a payment of €10,242.06 in respect of service charges for Q1 2024 will be made. As this payment amount includes VAT at 23%, the VAT element of the payment is being made on a without prejudice basis.

Re the future tenancy options for this building, the Landlord’s representative did advise that plans will be presented to Kerry ETB regarding the upgrading of the building to an “A” energy rating. These plans when presented, will have to be considered in terms of Kerry ETB’s options beyond the end of the current lease (July 2027), should a permanent head office solution not be realised at that time.

A further update will be provided at the next meeting.

Letter of Representation 2022 – as per Matters Arising Section 5.5

At the December 2023 Board meeting, it was reported that the 2022 Letter of Representation would be signed by an Cathaoirleach pending “confirmation from the C&AG regarding the closure of the audit on the Annual Financial Statements 2022, indicating no material changes.”

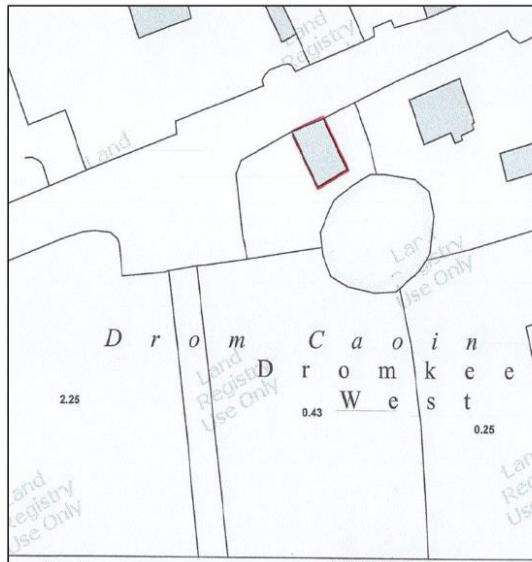
The Head of Finance advised that as of the date of the meeting (February 27th, 2024), this confirmation has yet to be provided. Consequently, the letter remains unsigned.

	<p>The Board noted this update.</p> <p>A further update will be provided at the next meeting.</p> <p><u>Update on Overdraft Proposal – as per Matters Arising Section 5.6</u> The Director of OS&D advised that a meeting is scheduled with the Bank of Ireland on February 29th, 2024, to address extending the overdraft facility of €2 million to the end of October 2024, as per the Ministerial approval received on October 25th, 2023.</p> <p>Further updates on this matter will be presented at the next meeting.</p> <p><u>Schedule of Fees (Section 50 of the Education and Training Boards Act, 2013) – as per Matters Arising Section 5.7</u> The Head of Finance advised that the ongoing review of fees will be presented for discussion at the March 2024 meeting.</p> <p><u>Community National School Budget Allocation – as per Matters Arising Section 5.8</u> As previously advised, the Finance Committee is in the process of drafting correspondence to the Board regarding the community national schools' deficit. The Director of SY&M had a meeting with a member of the Finance Committee on February 14th, 2024, contributing input to the content of the letter.</p> <p>A further update to be provided in due course.</p> <p>The Board thanked the Head of Finance for his report.</p>
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6.5	<p>Corporate, Capital and Technology Report</p> <p>The Corporate, Capital and Technology Report, which had been circulated in advance of the meeting, was presented by the Head of CCT, Ms Aileen O'Connor. The report was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Sustainability/ Climate Action Update • Health and Safety Update • Cyber Security Update (Baseline Standards Information Security Management System) <p>An Cathaoirleach thanked the Head of CCT for her report.</p>
6.6	<p>Capital and Buildings Report</p> <p>The Capital and Buildings Report, which had been circulated in advance of the meeting, was presented by the Buildings Officer, Mr Pádraig O'Sullivan. The report was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Kerry College Killarney Campus Building Project – Matters Arising Section 5.9 • Causeway Comprehensive School Land Matters– Matters Arising Section 5.10 • Gaelcholáiste Chiarraí Campus Nua • Major Devolved Project Summary • Additional School Accommodation Project Summary • EWS/SWS & Modular Accommodation Project Summary • FET Project Summary • Land and Leases <ul style="list-style-type: none"> ○ Proposed Lease Renewal of Moyderwell Building ○ Castleisland AFC – Proposed Licence Agreement ○ Killorglin Sports and Leisure Company Limited by Guarantee <p><u>Kerry College Killarney Campus Building Project – Matters Arising Section 5.9</u></p> <p>Kerry ETB is currently awaiting approval for the project to advance to the next stage of development. The preliminary business case has been submitted in accordance with SOLAS requirements on January 12th, 2024.</p> <p>This update was noted by the Board.</p> <p>A further update to be provided at the next meeting.</p>

Causeway Comprehensive School Land Matters– Matters Arising Section 5.10

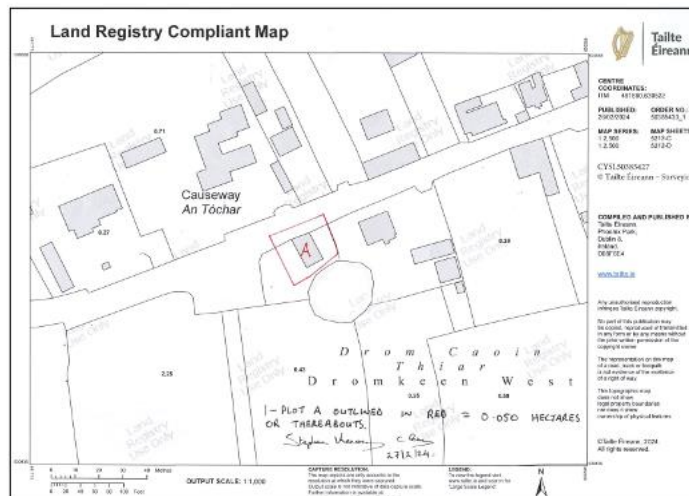
Re this land matter, at the December 5th, 2023 Board meeting the Board agreed, subject to Department approval, for the transfer the area marked in red on the map below to Mr Wym O'Connell. This area represents the footprint of the shed and provision was to be made for a right-of-way in favour Mr Wym O'Connell for access for shed maintenance purposes only.



As was addressed at both the December 2023 and January 2024 Board meetings, an engineer's report was to be obtained by Kerry ETB addressing the proposed right of way in favour of Mr Wym O'Connell for shed maintenance purposes only.

Board members were reminded that correspondence re this matter, dates back to the February 23rd, 2021 Board meeting.

A meeting took place on the site on February 16th 2024. In attendance was Kerry ETB appointed engineer, Mr Stephen Kearney, Kerry ETB Buildings Officer and Mr Wym O'Connell. At this on-site meeting, it was agreed in principle subject to Board and Department approval to amend the proposed area to be transferred to Mr Wym O'Connell to the area highlighted in red on the map below, marked with the letter "A" and dated February 27th 2024. The "A" refers to the total area inside the red lines on the below map.



As can be seen from the revised map above, the proposed area to be transferred to Mr Wym O'Connell now includes an area around the shed. The transfer of this area, as per the map, negates the need for any separate right of way in favour Mr Wym O'Connell for shed maintenance or any other reason.

In addressing queries arising, it was further clarified that no right of way will now be required by Mr Wym O'Connell over lands owned by Kerry ETB.

If approved by the Board and the Department, Mr Wym O'Connell will be responsible for the installation of the gate and associated works for an entrance at his own expense. Kerry ETB will install fencing around the area (i.e. area marked in red and denoted by "A" in the map above).

Having considered the matter, the Board formally approved the amendment or revision to the area in respect of which the Board had previously (subject to Department approval) approved a transfer to Mr Wym O'Connell in December 2023 such that the area now proposed to be transferred, subject to Department approval, is that marked in red and lettered "A" on the map above, with no separate right of way now being granted to Mr O'Connell over lands owned by Kerry ETB.

Proposed: Cllr. Aoife Thornton
Seconded: Cllr. Johnnie Wall

The Board was reminded that Department approval would be necessary for the proposed deed of rectification.

Gaelcholáiste Chiarraí Campus Nua

The Buildings Officer advised that for this building project there were two separate OGP Inflation Co-Operation Framework Agreements (1) the period January 2022 to September 2022 and (2) October 1st, 2022, to March 2023.

	<p>In December 2022, subsequent to approval from the Department of Education, Kerry ETB made a payment of €779,177.88 (excluding VAT) to Vision Contracting Limited under the first OGP Inflation Co-Operation Framework Agreement (period January 2022 to September 2022).</p> <p>On December 1st, 2023, Kerry ETB received the second and final OGP Inflation Co-Operation Framework Agreement from the appointed design team. The combined total under the two OGP inflation reports was, €1,290,765.94 of which €779,177.88 was paid in December 2022. In addressing the remaining balance of €511,588.06, an email was sent to the Department on December 6th, 2023, seeking approval for the authorisation to pay the remaining balance of €511,588.06 to Vision Contracting.</p> <p>Formal approval for the OGP Inflation Co-Operation Framework Agreement was received via email on December 7th, 2023, from the Department's Senior Quantity Surveyor.</p> <p>Kerry ETB will proceed with the payment of the €511,588.06 upon receipt of funding from the Department.</p> <p>The Board noted this update.</p> <p><u>Lease Renewal for Approval (OS&D): Moyderwell Mercy Primary School and Kerry ETB</u></p> <p>The Board was advised that on January 29th, 2024, a meeting took place with the Principal of Moyderwell Mercy Primary School. Mr P Neenan outlined that the school are seeking to extend the current leasing arrangement for an additional academic year, i.e. 2024/25.</p> <p>Noting Kerry ETB's plans to refurbish this building into a permanent head office, approval was sought to formally renew the existing lease for 2024/25, as per the terms set out below.</p> <p>The Board was advised that no further update has been received from the Department regarding the proposal submitted to convert the Moyderwell Building into a permanent Head Office. It was noted, that given the timeframes required for appointment design teams, approval of planning permissions, procurement of contractor and so forth., extending the lease for 2024/25 should not inhibit this project from progressing should Department approval be obtained.</p>
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Moyderwell Mercy Primary School	
Justification:	Additional classrooms for the third-party school
Area:	c. 8,000 square feet
Rent:	€100 per annum
Term:	June 30 th , 2024 to June 30 th , 2025

The Board approved the lease renewal for 2024/25 as proposed.

Proposed: Mr John O’Roarke
Seconded: Cllr. Johnnie Wall

It was noted that the lease renewal is subject to Department approval

Licence Agreement for Approval (SY&M): Kerry ETB and Castleisland AFC

As advised previously, on February 7th, 2023, Kerry ETB received a letter from Mr Patrick O’Rourke, Chairman of Castleisland AFC, proposing the construction of dressing rooms for the Astro-turf pitch behind Castleisland Community College.

Over the past 12 months, Kerry ETB has collaborated with the club, addressing stakeholder queries and submitting a Sports Capital application for further funding for the project. Castleisland AFC, in seeking to undertake the development and secure a site for the proposed development, has requested a new 20-year license agreement covering both the Astro-Turf Pitch and dressing rooms, starting in 2024.

The proposed agreement would replace the existing 2018 agreement for the Astro-Turf Pitch. In return for a €5,600 annual maintenance payment, the school would have access to all facilities, to include the new dressing rooms at no additional costs.

The Board of Management of Castleisland Community College approved the proposal on January 25th, 2024.

The proposal, reviewed by Kerry ETB’s Corporate, Capital and Technology Department, is confirmed not to adversely impact the school extension. Comments from the design team on the proposal also confirm this.

Board approval was sought for the proposed licence agreement between Kerry ETB and Castleisland AFC under the following terms:

	<table border="1" data-bbox="493 208 1406 902"> <tr> <th colspan="2">Castleisland AFC</th></tr> <tr> <td>Justification:</td><td> <ul style="list-style-type: none"> • Replace the existing agreement for the astro-turf pitch which was issued in 2018 (for a period of 20 years). • Provision of dressing rooms associated with the astro-turf pitch. </td></tr> <tr> <td>Area:</td><td>c. 2.2 acres comprising existing pitch and site for dressing rooms</td></tr> <tr> <td>Annual Maintenance Fee:</td><td>€5,600 per annum</td></tr> <tr> <td>Term:</td><td> September 1st, 2024* to August 31st, 2044 <i>*Term will commence on completion of dressing room development.</i> </td></tr> </table> <p data-bbox="762 954 1158 1025" style="text-align: center;"> Proposed: Ms Joan McCrohan Seconded: Cllr. Deirdre Ferris </p> <p data-bbox="459 1070 1377 1104">It was also noted that the proposal is subject to Department approval.</p> <p data-bbox="459 1149 1321 1182">The Board thanked the Capital and Buildings Officer for his report.</p>	Castleisland AFC		Justification:	<ul style="list-style-type: none"> • Replace the existing agreement for the astro-turf pitch which was issued in 2018 (for a period of 20 years). • Provision of dressing rooms associated with the astro-turf pitch. 	Area:	c. 2.2 acres comprising existing pitch and site for dressing rooms	Annual Maintenance Fee:	€5,600 per annum	Term:	September 1 st , 2024* to August 31 st , 2044 <i>*Term will commence on completion of dressing room development.</i>
Castleisland AFC											
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Annual Maintenance Fee:	€5,600 per annum										
Term:	September 1 st , 2024* to August 31 st , 2044 <i>*Term will commence on completion of dressing room development.</i>										
6.7	<p data-bbox="459 1267 783 1301">Chief Executive's Report</p> <p data-bbox="459 1308 1414 1379">As circulated with the agenda, the Chief Executive's Report was noted by the Board and taken as read. The report addressed the following:</p> <ul data-bbox="507 1424 1434 1865" style="list-style-type: none"> • Visit from Kerry ETB World Skills Team • The College Alliance - International Conference • Annual Leadership Programme • Blended Working Policy Update • Strategic Reporting Framework • Schools' Voluntary Contributions/Fees (Section 50 of the Education and Training Boards Act, 2013) • Electric Vehicle Charge Points • Head Office Accommodation Update • Tralee Regional Sports and Leisure Centre Update • Over the Water Sports Centre Company Limited by Guarantee <p data-bbox="459 1910 1230 1944">Thanks were shared with the Chief Executive for his report.</p>										

02/2024/7	GOVERNANCE RIALACHAS
7.1	<p>Risk Management Update In line with the provisions of Circular 0002/2019, Provision 7(d), Ms. Maria Brennan, Director of OS&D and Chief Risk Officer, advised Members of the Board that the Executive is presently in the process of revising the Corporate Risk Register (Version 1.1, 2024). The revised version will be presented at the next meeting for the Board to 'review management reporting' and 'note/approve actions as appropriate.'"</p> <p>The 2024 Risk Appetite Statement (RAS), which was approved at the January 2024 Board meeting, was presented. The RAS sets out the level of risk that Kerry ETB is prepared to assume or tolerate in the pursuit of its mission and objectives.</p> <p>The Executive has received feedback from the Finance Committee in relation to the 2024 RAS. The Committee reviewed the RAS as part of the 2024 Service Plan evaluation and has recommended that the Board review the score aligned with environmental risks (3/4/5) and reduce it to 3/4. The Executive is in agreement with this revision.</p> <p>The Executive sought Board Members' approval for the 2024 RAS (Revision). The Board formally approved it as presented.</p> <p style="text-align: center;">Proposed: Mr Niall Lucey Seconded: Cllr. Jim Finucane</p> <p>Members thanked the Chief Risk Officer for her update.</p>
7.2	<p>Governance and Policy Framework Ms Maria Brennan, Director of OS&D, presented the following policies and procedures, which were circulated with the agenda, for approval:</p> <ul style="list-style-type: none"> • Board Member Resignation Procedure • Driving for Work Policy • Leased Property Policy and Procedure • Fee Waiver Policy (Revision) <p>The Board approved the above-listed policies and procedures as presented.</p> <p style="text-align: center;">Proposed: Cllr. Deirdre Ferris Seconded: Mr Tim Daly</p>

7.3

Section 44 Committees: Minutes

Ms Maria Brennan, Director of OS&D, presented the following Section 44 Committees’ minutes, as circulated with the agenda, for approval:

Section 44 Committee	Date of Meeting	Board Member in Attendance
Scoil an Ghleanna, Scoil Náisiúnta Phobail	26.04.23	N/A
	21.06.23	N/A
	04.10.23	N/A
Coláiste Gleann Lí	05.10.23	Terry O’Brien, Joan McCrohan
	14.12.23	Terry O’Brien
Gaelcholáiste Chiarraí	21.09.23	Niall Lucey
	23.11.23	Niall Lucey
Youth Work	04.07.23	Norma Moriarty
Music Generation Kerry	04.05.23	Deirdre Ferris, Niall O’Callaghan
	28.06.23	Deirdre Ferris, Niall O’Callaghan, Tara Donoghue
	12.10.23	Deirdre Ferris, Niall O’Callaghan
	07.12.23	Deirdre Ferris, Niall O’Callaghan, Tara Donoghue

The Board approved the above-listed minutes.

Proposed: Ms Joan McCrohan

Seconded: Ms Marie O’Gorman

7.4

Section 44 Committees: Appointments and Vacancies – as per Matters Arising Section 4.1

Ms Maria Brennan, Director of OS&D, presented the following Section 44 Committee appointments, which were circulated with the agenda, for approval:

Section 44 Committee	Nomination
Coláiste na Sceilge	Deirdre O’Connor and Eamonn Horgan, Parent Nominees (replacing Breeda Whittington and Michael O’ Shea)

Proposed: Cllr. Johnnie Wall

Seconded: Mr Joseph (Joe) Brennan

7.5

Section 45 Committees: Meeting Reports and Minutes

Nil at this time

7.6	<p>Partnership Schools’ Boards of Management: Minutes</p> <p>Ms Maria Brennan, Director of OS&D, presented the Partnership Schools’ Boards of Management Minutes, which were circulated with the agenda, for noting:</p> <table border="1" data-bbox="555 430 1412 526"> <tr> <th>Partnership Schools’</th><th>Date of Meeting</th></tr> <tr> <td>Scoil Phobail Sliabh Luachra</td><td>31.05.23</td></tr> </table> <p>The Board noted same.</p>	Partnership Schools’	Date of Meeting	Scoil Phobail Sliabh Luachra	31.05.23
Partnership Schools’	Date of Meeting				
Scoil Phobail Sliabh Luachra	31.05.23				
7.7	<p>Self-Assessment Evaluation 2023 (Provision 4, Circular Letter 0002/2019)</p> <p>In accordance with the provisions outlined in Provision 4 of Circular Letter 0002/2019, a draft copy of the Self-Assessment Evaluation 2023 was circulated for discussion. The survey highlights a notably high level of overall satisfaction with the current structure and operation of the Board, as well as its processes across all evaluated governance themes.</p> <p>Following Circular Letter 0002/2019 guidelines, an Cathaoirleach led the Board in a discussion regarding the report's findings.</p> <p>Members advised no further feedback.</p>				
7.8	<p>New Board Formation 2024</p> <p>The Chief Executive advised the following provisional key dates for the new Board:</p> <ul style="list-style-type: none"> • Post-Election Meeting #1: August 27th, 2024 • Post-Election Meeting #2: September 3rd, 2024 <p>It was noted that these dates align with the scheduled local elections in June 2024 and the provisions of Section 31 of the Education and Training Boards Act, 2013.</p> <p>Following discussions at the January 2024 meeting regarding the formation of the new Board, namely the corporate governance requirements (CL 0002/2019) regarding 10-year tenure, the Chief Executive updated Members on the correspondence issued to the Department of Education seeking clarification in relation to same. It was noted that an acknowledgement of Kerry ETB’s correspondence was received on February 20th, 2024.</p> <p>A further update to be provided in due course.</p>				

7.9	<p>Service Plan 2024 as per Section 47 of the Education and Training Boards Act, 2013) - for approval</p> <p>The Director of OS&D advised that annually, Kerry ETB identifies its strategic priorities for the Department of Education for the year ahead. The submission of the annual "Service Plan" is in line with the provisions of Section 47 of the Education and Training Boards Act, 2013 and specifically advises the Minister for Education of:</p> <ul style="list-style-type: none"> • Services that Kerry ETB will provide in 2024 • An estimate of income and expenditure for 2024 <p>Compiling this report takes place over the first two months of the year. It is a collaborative initiative across the three pillars, led by Finance and Executive Support team members, respectively.</p> <p>The Service Plan 2024 was reviewed by the Finance Committee on February 23rd, 2024, which recommended the Board's adoption of same.</p> <p>As per Section 47(3) of the Education and Training Boards Act, 2013, the Service Plan for 2023, as presented, was adopted by the Board.</p> <p style="text-align: center;">Proposed: Ms Joan McCrohan Seconded: Mr Joseph (Joe) Brennan</p>
7.10	<p>Annual report from the Finance Committee (March meeting) and Audit and Risk Committee (April meeting) as per Section 45(3) of the Education and Training Boards Act, 2013) – for noting</p> <p>Members were advised that the Annual reports, delivered to the Board in line with Section 45(3) of the Education and Training Boards Act, 2013, from the Finance and Audit and Risk Committees, will take place as follows:</p> <ul style="list-style-type: none"> • Finance Committee (March meeting) • Audit and Risk Committee (April meeting) <p>The Board noted this update.</p>

02/2024/8	CORRESPONDENCE COMHFHREAGRAS
8.1	<p>DE Correspondence: Noted as listed</p>

8.2	DE Circular Letters: Noted as listed
8.3	DE Press Releases: Noted as listed
8.4	DFHERIS Correspondence: Noted as listed
8.5	DFHERIS Press Releases: Noted as listed
8.6	Department of Children, Equality, Disability, Integration and Youth Correspondence: Noted as listed
8.7	ETBI Correspondence Noted as listed
8.8	SOLAS Correspondence Noted as listed
8.9	Other Correspondence Noted as listed

02/2024/9	MEMBERS' BUSINESS GNÓ NA GCOMHALTAÍ
	<i>Nil at this time</i>

02/2024/10	<p align="center">ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p>
	<p>Asana International School/Coláiste na Sceilge The Chief Executive, with the permission of an Cathaoirleach, provided an update on communications received from the Asana International School regarding the use of Coláiste na Sceilge during the summer of 2024</p> <p>The Director of SYM advised that the Asana International School has used some rooms in the school for the past number of years. However, Members of the Board were advised that this summer, the school has an extensive programme of building works to be completed. These works have an estimated value of c. €4 million. Consequently, the school building works must take priority, and as is the case with all ongoing building works, third-party use of premises is not possible during this period.</p> <p>In endeavouring to address the needs presented by the third-party, the Director of FET is actively exploring if any rooms would be available in the O'Connell FET Centre.</p> <p>The Board were fully supportive of the approach being taken by the Executive in addressing the matter.</p> <p>A further update will be provided at the next Board meeting.</p> <p>Next Kerry ETB Board Meeting The date for the next Board meeting was noted as follows:</p> <div data-bbox="528 1400 1444 1839" style="background-color: black; color: white; padding: 10px; text-align: center;"> <p>Date: Tuesday, March 26th, 2024</p> <p>Time: 04:15 pm</p> <p>Location: Kerry ETB Head Office Centrepont Building, Tralee</p> </div>

Sínte/Signed: _____

Dáta/Date: _____

February 27th, 2024