

Kerry Education and Training Board
Bord Oideachais agus Oiliúna Chiarraí

Minutes of Kerry Education and Training Board (Kerry ETB) Meeting held **via teleconference** on Tuesday March 31st 2020.

In Attendance:

Cllr. Michael Cahill
Cllr. Cathal Foley
Cllr. Deirdre Ferris
Cllr. Marie Moloney
Cllr. Terry O'Brien
Mr. Joseph Brennan
Mr. Noel Keenan
Ms Maria O'Gorman
Mr. John O'Roarke
Mr. Zaid Kassoob

Cllr. Johnnie Wall
Cllr. Jim Finucane
Cllr. Maura Healy-Rae
Cllr. Norma Moriarty
Cllr. Niall O'Callaghan
Ms. Maryanne Slattery
Ms. Catherine O'Sullivan
Mr. Tim Daly
Ms. Joan McCrohan

Mr. Colm Mc Evoy, Chief Executive Officer (CEO), Ms. Maria Brennan, Director of Organisation Support and Development (OS&D), Mr. Stephen Goulding, Acting Director of Further Education and Training (FET), Ms. Ann O'Dwyer, Director of Schools, Youth and Music (SYM), Mr. Tommy Conroy, Head of Finance, Mr. Danny Kerins, Head of Corporate Support and Capital Development (CS&CD), Mr. Pdraig O'Sullivan, Buildings Officer, Ms. Patricia Tierney, Executive Support and Ms. Karen Griffin, Executive Support were also in attendance.

As per Schedule 3, Paragraph 10(3) of the (ETB) Act 2013 and the Agenda Notice, no conflicts of interest were declared at the commencement of the meeting. As per Section 1.18 of Circular Letter 0002/2019, the conflict of interest document was circulated to be signed prior to the meeting to the Members (a copy of which is attached to the minutes).

03/2020	CONDOLENCES COMHBHRÓN
	An Cathaoirleach, Cllr. Jim Finucane expressed his sympathies and that of the Board to a member of the Head Office staff on the death of her Father.

03/2020/1	MINUTES OF THE LAST BOARD MEETING - FOR ADOPTION MIONTUAIRISCÍ ÓN gCRUINNIÚ DEIREANACH BOIRD – LE GLACADH
	The minutes of the Kerry ETB Board Meeting held on February 27 th 2020 were adopted and signed. Proposed: Mr. Noel Keenan Seconded: Ms. Maria O'Gorman

03/2020/2	<p style="text-align: center;">MATTERS ARISING FROM MINUTES AG ÉIRÍ AS NA MIONTUAIRISCÍ</p>
<p>2.1</p>	<p>Gaelcholáiste Nua School Building Project Update</p> <p>The following update was provided by Mr. Pádraig O’Sullivan, Buildings Officer:</p> <ul style="list-style-type: none"> ➤ Letter issued to Department of Education and Skills (DoES) on March 2nd 2020 re pre-Qualification of Contractors seeking approval to proceed to tender for the project. ➤ Once the DoES reverts the Design Team will commence analysis of the Pre-Qualification submissions made by the prospective contractors. ➤ As advised at the last meeting, there were five contractor submissions for the main construction contract, two submissions for the electrical sub contract and four submissions for the mechanical sub-contract. ➤ The Design Team have indicated that when approval is issued by the DoES it is estimated that it will be circa 4 months before a contractor will be commencing on site. The impact of the current National Emergency on this timeline is unknown at this stage. <p>Ms. Maryanne Slattery queried the position in relation to the tender for Gaelcholáiste Nua and how the department was progressing matters, emphasising the importance of this project and the need to advance the project in line with projected timelines. The Head of CS&CD advised that he was in weekly contact with the DoES in this regard and would continue to be in regular contact.</p> <p>The Board noted this update.</p>
<p>2.2</p>	<p>Listowel School Accommodation</p> <p>The following update was provided by the Buildings Officer, Mr. Pádraig O’Sullivan:</p> <ul style="list-style-type: none"> ➤ Updated Additional School Accommodation Application to be submitted to the DoES by Wednesday April 1st 2020. ➤ In Summary Kerry ETB are seeking approval for the following extension/new-build; <ol style="list-style-type: none"> 1) New Administration/Principals Offices to accommodate extension to Engineering Room. 2) An extension of up to 12 General Classrooms and toilet facilities to meet growing needs of post-primary school. 3) Purchase of house and lands adjacent to school to address traffic management concerns. 4) Increasing sizes of specialist rooms to meet DoES Room Design Guidelines – Home Economics Room, Science Demo Room, Design Communication Graphics (DCG) and Engineering Room. 5) Full Sized ASD Unit.

	<p>6) Sports Hall and Changing Facilities with possible shared usage with Gaelscoil Lios-Tuathail.</p> <p>The Board noted and welcomed this update.</p>
<p>2.3</p>	<p>Listellick National School Building Project Update</p> <p>The Buildings Officer, Mr. Pádraig O’Sullivan provided the following update:</p> <ul style="list-style-type: none"> ➤ Request for Further Information (RFI) received from Kerry County Council on March 10th 2020 in relation to Planning Ref 20/22 Listellick National School. ➤ The RFI seeks to address matters in relation to the following points on the planning application: <ul style="list-style-type: none"> 1) Waste Water Treatment System. 2) Details of extent of re-surfacing works of local road and details of surface water drainage within the development. 3) Requirement for Design Team to submit a Traffic Management Plan. 4) The Planning Authority indicated they may not accept the proposed finish to the GP Hall, the Design Team are required to submit alternative proposals. <p>The Principal and School BOM have been advised of the developments. Kerry ETB have 6 months to address matters outlined in the letter.</p> <p>These matters are actively being addressed by the Design Team. The outcome of the planning application will not be decided until all matters re the RFI have been addressed satisfactorily.</p> <p>The Board noted this update.</p>
<p>2.4</p>	<p>Killorglin Community College Proposal Update</p> <p>The Buildings Officer, Mr. Pádraig O’Sullivan provided the following update:</p> <ul style="list-style-type: none"> ➤ Kerry ETB are awaiting land registry maps of the proposed leased area from our appointed engineers and legal agent. Once Kerry ETB are in receipt of agreed maps we will seek DoES approval for the proposed lease for 63 years between Killorglin Sports & Leisure Centre Limited by Guarantee & Kerry ETB (the 63 years as referenced is the remaining tenancy of the original 99-year lease). ➤ It was noted all matters being addressed are subject to the approval of the DoES. <p>The Board welcomed this report.</p>

<p>2.5</p>	<p>Anaerobic Digestion Facility – Planning Appeal Update</p> <p>The Buildings Officer, Mr. Pádraig O’Sullivan provided the following update:</p> <ul style="list-style-type: none"> ➤ Kerry ETB continue to monitor the planning file. ➤ Kerry ETB received a letter from the applicants, Sanford Energy on March 18th 2020 (letter dated March 12th 2020), accompanying this letter were technical assessments provided by the Directors of Sandford Energy. ➤ The technical assessments appended to the letter were previously received from An Bord Pleanála on January 10th 2020. ➤ The assessments related to: <ol style="list-style-type: none"> 1. Environmental Noise Impact Report 2. Odour Dispersion Report 3. Air Dispersion Model Report ➤ The Buildings Officer advised that the reports have been reviewed previously by Kerry ETB’s consultants and submission had been made to An Bord Pleanála on January 29th 2020 based on the contents of the technical assessments contained within An Bord Pleanála’s letter on January 10th 2020. <p>The Board noted the update.</p>
<p>2.6</p>	<p>Annual Service Plan 2020 update</p> <p>The February 27th 2020 Board meeting minute contained the following reference:</p> <p><i>‘The 2020 Service Plan has been reviewed by the Finance Committee at their meetings on Thursday February 20th 2020 and Wednesday February 26th 2020. The Finance Committee in approving the service plan as presented made some recommendations.’</i></p> <p>The Board was advised by the Head of Finance that the Finance Committee Chairperson has requested that the wording of this section of the February ETB Board minutes be revised to reflect the fact that the role of the Finance Committee is to review and report on the Annual Service Plan, not to approve the Service Plan, as that is the role of the ETB Board. The agreed revised wording is as follows:</p> <p><i>The 2020 Service Plan has been reviewed by the Finance Committee at their meetings on Thursday February 20th 2020 and Wednesday February 26th 2020. The Finance Committee in reviewing the service plan for 2020 and reporting on same made some recommendations.</i></p> <p>This update to the February 27th 2020 Board meeting minutes was unanimously agreed by the Board.</p> <p>The report submitted by the Finance Committee following the review of the Annual Service Plan contained seven recommendations which were detailed in full in Appendix 4 of the report which was provided to all Board Members</p>

at the February 27th Board meeting.

In terms of the recommendations made by the Finance Committee, as advised at the February 27th 2020 Board meeting, they were as follows:

1. Clarifying with Kerry ETB Board that the Finance Committees role is to review and report to the Board on the how the draft Service Plan is being implemented within the expenditure limits specified. It was noted that it is not the role of the Finance Committee to report on how the draft Service Plan is being implemented as that function is for the Board.
2. That Section 4.19 of the *Code of Practice for the Governance of Education and Training Boards (CL0002/2019)* is amended to recommend the clarification contained in point 1 above.
3. That the Board of Kerry ETB write to SOLAS regarding its Funding Allocation Request process with a view to moving towards a more standard funding approval process in future years which would allow for full financial planning at the commencement of the year.
4. That the Board of Kerry ETB write to SOLAS regarding its funding model (involving the initial Funding Allocation Request, a Mid-Year Review and a Final Allocation) highlighting the deficiencies in the current system.
5. That discussions be held with the Department of Education and Skills (DoES) and SOLAS to seek to establish an annual amount to cover depreciation and maintenance of all capital assets.
6. That DoES should give consideration to covering administration costs for any devolved capital projects undertaken by Kerry ETB at the request of the DoES.
7. That the inadequacies of the IT Systems available to Kerry ETB be addressed as a matter of urgency.

In addition to the recommendations made, the Report from the Finance Committee noted the following in relation to the Annual Service Plan:

- That the date of receipt of the Letter of Determination from the DoES, 30th January 2020, is the standard date of issue each year, even though it covers the period from 1 January 2020.
- The concerns of the Committee in reporting to the Board on projections rather than on actual budgetary figures. It was agreed that the report to the Board would clearly reference that the figures relate to projected figures rather than budgets.
- It was noted by the Finance Committee that the Committee is being asked to sign off on budgets when it is known that the figures will change during the year.
- Committee members expressed concern that the projections show a deficit. Whilst previous records show that all deficits have been covered, correspondence from the DoES is very clear that Kerry ETB should not enter into a deficit. The Head of Finance confirmed that Kerry ETB does not have the facility to incur a deficit – and this is prohibited by legislation.
- It was acknowledged that the deficit is linked largely to staff transfer of PLC staff from DoES funding to SOLAS funding. The Finance Committee

	<p>recommended that the executive of Kerry ETB contact SOLAS seeking formal confirmation that SOLAS will include additional funding to what is provided in funding letter, to cover for the staff costs.</p> <ul style="list-style-type: none"> ➤ The Committee noted that Kerry ETB receives no administrative fee in respect of devolved capital projects carried out on the request of the DoES. ➤ Committee members commented on the laborious and manual process for putting together the annual figures and queried whether in 2020 it would be possible to improve the IT systems in the Finance Department. The Head of Finance advised that Kerry ETB is prohibited from purchasing IT systems without the approval of the DoES. He advised that the DoES is now working on a Financial Shared Services plan and Kerry ETB will have to work with the current manual systems until this is rolled out. The Head of Finance advised that this matter has been consistently flagged and highlighted and has been noted in the 2018 C&AG Audit Certificate. <p>The Board welcomed and noted the comments and recommendations provided in the Finance Committee's report.</p>
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03/2020/3	GOVERNANCE RIALACHAS
<p>3.1</p>	<p>Coronavirus Contingency Planning Update The CEO referenced his report, as circulated to the Board Members by email prior to the meeting.</p> <p>In Response to COVID-19 Emergency a Kerry ETB Response Team was established. The contingency measures as referenced include:</p> <ul style="list-style-type: none"> ➤ Critical Incident Response Team ➤ Staffing Contingencies ➤ Schools/FET Contingencies ➤ Critical Payments Team ➤ HSE/Use of Buildings and Release of Staff ➤ Temporary Building Closures ➤ Teaching/Training and Learning <p>The Board members were advised that the Director of FET and the Director of Schools, Youth and Music (SYM) have both confirmed that they are satisfied with the contingency arrangements in place for Teaching/Training and Learning across the scheme.</p> <p>In addition, the CEO advised, as set out in his meeting report, following a request from Kerry Co. Co. and the Health Service Executive (HSE) Kerry ETB had agreed to give use of the Block E building, located on the IT Tralee South Campus for Coronavirus – COVID-19 testing. The CEO and An Cathaoirleach approved this request for the building use. The DoES and IT Tralee were</p>

	<p>advised of same. This building is leased by the ETB from IT Tralee. This building is currently in operation as a COVID-19 test centre.</p> <p>It was noted that the HSE have established a Coronavirus “assessment unit” in the Centrepoint Building complex as advised by the Landlord. Following completion of a risk assessment by the ETB Health and Safety consultants the decision was made Friday March 20th 2020, as a precautionary measure, to relocate staff from Head Office to remote locations. The Director of OS&D advised that some staff had been relocated from Head Office to Denny Street and Gaelcholáiste Chiarraí with remaining staff set-up to work remotely from home. These contingency staffing arrangements were operating on rota basis. Following the Taoiseach’s announcement on Friday March 27th 2020, all staff were working remotely from home as of close of business Monday April 6th 2020.</p> <p>Access to schools/centres and offices will be allowed in exceptional circumstances and for the completion of essential services work etc. Each School Principal/Centre manager to liaise with their relevant Director re same.</p> <p>The Board was advised that staff receive regular updates from the Head of Human Resources (HR) by email and in addition a copy of the most recent letter from the CEO to staff members was circulated by email to all Board members.</p> <p>The Board was advised, following receipt of requests, 10 litres of hand sanitiser will be donated to the Local Red Cross and the Cork Kerry link cancer bus. The Board were fully supportive of same and approved these donations.</p> <p>Ms. Maria O’Gorman commended the ETB on the handling of the contingency arrangements for the Coronavirus pandemic to date.</p> <p>The Board noted this update re contingency planning.</p>
3.2	<p>Governing Body of the Institute of Technology of Tralee as per Section 4 of the Regional Technical Colleges (Amendment) Act 1994</p> <p>Correspondence was received from IT Tralee re the nominees to the governing body of IT Tralee.</p> <p>The Board was advised that these appointments to the Governing Body of IT Tralee are in line with the advice set out in a copy of an email received from IT Tralee, February 27th 2020 addressing an email dated January 28th 2020 from the Assistant Secretary of the DoES. The following extract from the DoES email January 28th 2020 was noted:</p> <p><i>In this context the Department has been asked for its views on the potential reappointment of an extant governing body to ensure an orderly transition through the TU application, designation and decision making processes,</i></p>

	<p><i>whereupon, if ultimately successful the full procedures of the TU Act in relation to governing bodies can be more straight forwardly embarked upon.</i></p> <p><i>In response to these enquiries the Department's position is that that from a legislative point of view, under Section 3 (5) of the Second Schedule to the IOT Acts 1992- 2006, "A member (including the chairman) whose term of office expires by effluxion of time shall be eligible for reappointment" and therefore, reappointment of governing body members is permitted.</i></p> <p><i>In terms of the Minister's role in such appointments, the legislation states that "every ordinary member of a governing body shall be appointed by the Minister, on the recommendation of the education and training board...". In that context, with regard to the appointment of ordinary members, the role of the Minister is confined to appointment of the nominated individuals following a recommendation from the relevant ETB.</i></p> <p>The nominees as received from IT Tralee by letter dated March 23rd 2020 and email dated March 27th 2020 are as follows:</p> <ul style="list-style-type: none"> ➤ Jeremiah Flynn Engineers Ireland ➤ John Jones Academic Staff Representative ➤ Jerry Moloney Enterprise Ireland ➤ Majella Moloney Teagasc ➤ Siobhan O'Callaghan Professional Management & Support Staff Rep ➤ Donal O'Connor ICTU ➤ Edel Randles Academic Staff Representative ➤ Monica Sheehan HSE ➤ Sean Kennedy Limerick and Clare ETB ➤ Cllr. Ann Norton Limerick and Clare ETB ➤ Ms. Maria O'Gorman Kerry ETB ➤ Cllr. Terry O'Brien Kerry ETB ➤ Cllr. Jim Finucane Kerry ETB ➤ Stephen Goulding Kerry ETB ➤ Petrina Comerford Student Representative ➤ Pa McElligott Student Representative <p>The Board approved these appointments to the Governing Body of IT Tralee.</p> <p style="text-align: center;">Proposed: Cllr. Marie Moloney Seconded: Joan McCrohan</p> <p>A letter will issue to the Minister for Education and Skills re this appointment as per Section 4 of the Regional Technical Colleges (Amendment) Act 1994.</p> <p>A further update will be given at the next meeting.</p>
3.3	Report from the Audit and Risk Committee as per Section 45 (3) of the ETB Act 2013

	<p>The Director of OS&D advised the Board, that the Audit and Risk Committee reviewed the Kerry ETB System of Internal Control (SIC) at its meeting on 10th March 2020. Comprehensive documentation had been circulated to the Committee Members prior to the meeting.</p> <p>The Audit and Risk Committee acknowledged receipt of correspondence from the CEO of Kerry ETB, confirming that, following a review of the internal controls in place within the organisation, the system of internal control is deemed adequate and appropriate. It was noted that the CEO's confirmation is based on information gathered from senior managers across the organisation.</p> <p>The Board was advised by the Director of OS&D that following its review the Kerry ETB Audit and Risk Committee approved the draft Statement on the System of Internal Control at the March 10th 2020 meeting.</p> <p>This update was noted by the Board.</p>
3.4	<p>Annual Service Plan 2020 update - See Matters Arising above 2.6</p>
3.5	<p>Draft Financial Statements 2019 as per Section 51 of the ETB Act 2013 including Statement of Internal Controls</p> <p>The draft Financial Statements for the financial period ended 31st December 2019 were tabled by the Head of Finance, Mr. Tommy Conroy.</p> <p>As required under the Code of Practice for the Governance of Education and Training Boards (CL0002/2019), the Finance Committee reviewed the draft Financial Statements at its meeting held on March 30th 2020. As set out above, the Audit & Risk Committee Report on the Annual Review of the Statement on the System of Internal Control (dated March 24th 2020), was considered by the Finance Committee, as part of this review.</p> <p>The Head of Finance advised that the Finance Committee recommended that the draft Financial Statements for the Year ended 31st December 2019, should be:</p> <ul style="list-style-type: none"> (i) signed by the Chairperson of Kerry ETB Board; (ii) adopted by the Kerry ETB Board; (iii) submitted to the Comptroller and Auditor General for audit. <p>The Head of Finance addressed the financial performance of the ETB, as detailed in the Operating Statement of the draft Financial Statements and he noted that there was a deficit of receipts over expenditure of €105,102, as at December 31st 2019.</p> <p>The Head of Finance pointed out that this deficit was due, in the main, to the deficit on Self- Financing and Agency Projects. The deficit shown is as a</p>

	<p>result of timing between expenditure and receipts, as Agency and Self-Financing programmes are not permitted to run at a loss.</p> <p>The Finance Officer confirmed that the deficit was not as a result of an overspend of the funding provided by the Department of Education and Skills, SOLAS or for Capital Projects.</p> <p>The Head of Finance also highlighted that the receipts for Primary Schools was significantly lower than the expenditure incurred. In August 2019, two new Primary Schools came under the patronage of Kerry ETB. All expenditure incurred after the schools came under the patronage of Kerry ETB was recognised as expenditure in the Kerry ETB Draft Financial Statements. The Department of Education and Skills Grants, which fund the Primary schools, had been paid, prior to August 2019, to the previous patron of both Primary Schools. Accordingly, while expenditure was incurred by these schools and recognised in the Draft Financial Statements of Kerry ETB, no receipts were received in 2019. In 2020, all Grants relating to these primary schools will be received by Kerry ETB.</p> <p>The Board recommended (i) the adoption of the Financial Statements by the Board of Kerry ETB; (ii) that the accounts be signed by the Chairperson of Kerry ETB; and (iii) that the accounts be submitted to the Comptroller and Auditor General for audit.</p> <p style="text-align: center;">Proposed: Noel Keenan Seconded: Cllr. Norma Moriarty</p>
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02/2020/4	CEO's REPORT & QUESTIONS ON CEO's REPORTS / TUAIRISCÍ AN PHRÍOMHFHEIDHMEANNAIGH & CEISTEANNA ORTHU
4.1	<p>Buildings Officer The Buildings Officer addressed the following queries:</p> <p>Coláiste Gleann Lí The proposed works on the front entrance to the school were raised by Cllr. Terry O'Brien. The Buildings Officer advised that funding of circa €35,000 had been secured from the DoES for these works, which should commence immediately on the completion of the state exams and should be finished prior to the commencement of the 2020/21 academic year.</p> <p>Killarney Community College The Buildings Officer advised in relation to Planning Ref 19/813 at Killarney Community College. On March 10th 2020, Kerry ETB's agents responded to the planning authority's request for further information (RFI). Kerry ETB</p>

	<p>submitted the revised plans and proposals in relation to the planning authority's notification on September 20th 2019.</p> <p>Kerry ETB's agents (O'Keeffe O'Connell Architects) received notification from Kerry County Council on March 16th 2020, advising that the revised proposals and plans submitted on March 10th 2020 were deemed to contain significant additional data, resulting in Kerry ETB having to re-advertise this fact. The revised planning notices were published in the local papers the week commencing March 23rd 2020 and the site notices were erected on March 26th 2020. The public will now have an additional four weeks to make any submission/observation to the planning file. This four weeks may be extended in the current circumstances.</p> <p>The Board noted this update.</p>
4.2	<p>Chief Executive Officer's Report</p> <p>The CEO's report, as circulated prior to the meeting, was noted by the Board.</p> <p>No formal report tabled this month by the Director of Schools, Youth and Music and the Director of Further Education and Training. Detailed reports will be circulated prior to the April 28th Board meeting.</p>

03/2020/5	<p>ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p>
	<p>Cllr. Terry O'Brien advised that he was not in a position to continue as a Member of the Finance Committee and will be tendering his resignation from same. This vacancy will be addressed at the next meeting.</p> <p>In addition, Cllr. Deirdre Ferris stated that she will be resigning from the Board of Management of Gaelcholáiste Chiarraí. This vacancy will be addressed at the April 28th Board meeting.</p> <p>Cllr. Niall O'Callaghan asked for an update re National Learning Network (NLN) learners access to the Kenmare building as addressed at the February Board meeting in the context the STP Internal Audit report. He was advised by the Director of FET that matters have been addressed by the Manager of the Kerry College Monavalley Campus, a risk assessment has been completed and matters have been fully clarified with the NLN management.</p> <p>An Cathaoirleach in drawing the meeting to a close expressed his best wishes to the Board Members, staff, students and learners at this difficult time.</p>

	<p>Next Board Meeting date: Tuesday April 28th 2020 TBC</p>
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Signed/Síithe: _____

Date/Dáta: _____