

Constitution of Clare Education Centre

(Amended at AGM March 9th 2015)

Name: The Education Support Centre shall be known as

Clare Education Centre.

Situation : Clare Education is situated at:

Government Offices, Kilrush Road, Ennis, County Clare.

Function of Clare Education Centre

The main functions of Clare Education Centre are:

- a) To provide continuing professional development and support for teachers and the wider education community, through meeting locally researched and identified teacher and school community needs and also through involvement in national in-service programmes;
- b) To be involved, as a major strategic resource within education, in a range of national and other projects, programmes and initiatives as may be decided by the Minister, following consultation and in partnership with the Centres, for implementation in the education system from time to time.
- c) To act as far as possible as a resource and meeting centre for the local education community;
- d) To actively promote its role in regard to all of its major functions;
- e) To develop expertise in key areas as agreed by the Centres in consultation and partnership with the Department and to share such throughout the Education Centre network and the education system in general..
- f) To co-operate and engage with other Education Support Centres, full and part-time, so as to ensure that an effective network of Centres is established; and
- g) To provide other services and supports as may be requested by the Minister.

The membership of an Education Support Centre

Membership of Clare Education Centre shall be open to:

- (i) All teachers who are normally resident or teaching in the general area in which Clare Education Centre is located and who are registered with the Teaching Council.
- (ii) Representatives of parents and school management in a Clare Education Centre's area who have been nominated to the Centre's Management Committee in accordance with the Centre's constitution.
- (iii) Retired teachers.
- (iv) Allied personnel in the education community.

A register of members shall be maintained at the Centre.

Title and Ownership of the Centre

The Minister for Education and Science has vested the ownership and management of the Centre and associated property in the Management Committee.

In the event of the Centre ceasing to operate as an approved Centre all property/stock/equipment/cash and all assets of any type will become the property of the Minister.

Annual General Meeting (AGM) and Extraordinary General Meetings (EGM)

- (i) An AGM shall be held by the end of February each year, where possible.
- (ii) Special and Extraordinary General Meetings will be held only to decide issues which cannot be resolved at AGMs and Management Committee meetings.

Management Committee and Officers

- (i) A minimum of eight and not more than twelve teacher members shall be elected by teacher members of the Centre at the annual general meeting of the Centre.
- (ii) A minimum of one and not more than three persons will be co-opted annually by the Management Committee as either voting or non-voting members.
- (iii) A minimum of one and not more than two members will represent parents in the Centre's area. Those member/members representing parents shall be a parent/parents of children who are attending primary or post-primary schools. Arrangement for selection of parents to Clare Education Centre's Management Committee shall be decided by the Committee in consultation, where practicable with parent councils and other related parent groupings.
- (iv) Where possible the Management Committee shall include a Primary Teacher, Post Primary Teacher, a Principal, a Teacher/Lecturer from a third level college, a Parents' representative, a representative of early childhood education and a retired member of the teaching profession.
- (v) The Director is an ex officio member of the Committee of Clare Education Centre and should act as Secretary to the various committees but is not allowed to act as Chairperson, Deputy Chairperson or Treasurer.
- (vi) The officers of the Management Committee shall consist of a Chairperson, Vice-chairperson and Honorary Treasurer elected annually by the Management Committee from amongst its members. Where officer positions become vacant during the year, these may be filled for the remainder of the year by the Management Committee in the same manner as the original appointments were made. The Chairperson will be elected from the teacher members of the Management Committee as will at least one of the other officers.
- (vii) A person cannot be a member of more than one Education Support Centre Management Committee simultaneously.

Failure to constitute a management committee

(i) In the event that it is not possible to constitute a Management Committee as provided above, the outgoing committee shall remain in place until an Extraordinary General Meeting is called.

(ii) In the event of difficulties arising in relation to the formulation of a Management Committee the Department of Education and Science shall be informed.

Guidelines for Committee Meetings

(i) The attendance of non-members at meetings is permitted only by invitation of the Management Committee.

(ii) A Recording Secretary will be appointed prior to each meeting to assist with taking minutes.

(iii) Where possible, Management Committee meetings will take place around 6 to 10 times a year.

Sub-committees

Management Committees shall establish subcommittees as outlined in the Financial Guidelines, and any other sub-committees that they deem essential to the efficient management of the Centre.

Management of Education Support Centres

Role of Department of Education and Science

The role of the Department of Education and Science is as set out in the Act.

The overall aim of the Teacher Education Section is to implement and support the achievement of beneficial change in the quality and relevance of teaching and learning for all students through the provision of a policy framework and overall plan to enable and ensure the provision of an accessible and effective programme of continuing professional development which is as comprehensive as possible and is aimed at meeting identified and appropriately prioritised needs.

The role of the Teacher Education Section in relation to the Education Support Centre Network is to resource and monitor the network to ensure more effective operation and greater focus on continuing professional development (CPD) activities delivering maximum positive impact in the classroom in respect of teaching and learning.

Role of Management Committee

The Management Committee shall be responsible for ensuring that the Centre carries out its full range of functions in an effective and efficient manner and that all guidelines, procedures and any other circulars, terms and conditions relevant to the Centre, as notified by the Department, are fully and completely observed.

Role of Director

The Director of Clare Education Centre is responsible to the Management Committee for directing the work of the Centre in relation to carrying out the key role and functions as outlined in section 37 of the Education Act 1998. (See Appendix 1) The Director is also responsible to the Management Committee of the Centre for the day to day management of the Centre's staff and operations, in accordance with all Guidelines and circulars as may be issued from time to time by DES.

Appointment of Director

The Management Committee of Clare Education Centre shall, subject to the approval of the Minister, appoint a person to be the Director of that centre.

The selection of the Director shall be a function of the Management Committee in accordance with the procedures, which shall include the composition of the selection board, as approved by the Minister.

A recruitment competition will be organised in consultation with the Department of Education and Science (DES). Applicants for Director Posts must be registered with the Teaching Council. Qualified teachers who are on secondment to either a Support Service or an Education Centre or who hold posts in the Inspectorate of the Department of Education and Science are also eligible to apply provided that they are registered with the Teaching Council.

Successful applicants will be selected following interview and in each case the interview board should where possible consist of five members as follows:

Two representatives of the Management Committee

One director of a non-neighbouring Education Centre

Two representatives of the Department

Appointment to a post as Director of a Centre will be made on a secondment basis and may be made only with the prior approval of the Minister.

The remuneration of a Director of Clare Education Centre shall be in accordance with that approved by the Minister.

Other Staff

The Minister may, from time to time, make regulations relating to the appointment and remuneration of staff.

The Management Committee is the employer of all staff members of Clare Education Centre. While the Department provides an annual grant to each centre towards the cost of employing staff, it is a matter for the Management Committee to make all necessary arrangements for recruitment and appointment of staff members in accordance with current and relevant legislation and circulars. A precise, defined job description should be provided to each staff member.

Employment Legislation

The Management Committee will fulfil its responsibilities as employer in accordance with current statutory requirements and public sector norms. The Management Committee shall make themselves aware of their responsibilities in this area and shall satisfy itself that all necessary requirements are met taking into account the legislation governing employment of staff. (See Appendix 2 for list of such acts.)

Funding of Clare Education Centre

The Minister provides funding to recognised Education Support Centres. Funding is provided to Clare Education Centre in accordance with the following specific conditions:

The Management Committee of Clare Education Centre shall submit by the 31st October each year, or such date as determined by the Minister, a business plan for the next succeeding year with an associated costing for consideration. This plan should also include an outline strategy for the following three years.

It will be the responsibility of the Management Committee to expend any monies received from the Minister in the manner determined by the Minister from time to time and in accordance with such procedures as may issue out to Education Support Centres from time to time, including the Financial Guidelines.

The *Financial Guidelines* is a document setting out procedures and good practice for the proper financial management of the Centre. The document is intended also to serve as a reference document for Directors and members of Management Committees. The Chairperson and Director will ensure that each Management Committee member is provided with an up to date version of the Financial Guidelines document.

Withdrawal of recognition from Clare Education Centre

It is recognised that the Minister may withdraw recognition from Clare Education Centre if:

- (i) The Minister is satisfied that the functions of the Management Committee are not being duly or effectively discharged, or
- (ii) A Management Committee fails to comply with any judgement or order of any court of competent jurisdiction.

Hiring of Centres to Outside Bodies

Where Clare Education Centre offers any of its facilities for use by a third party, the Centre shall take all steps to ensure that neither it nor the Department of Education is put in a position where it could be liable to any person who suffers damage of any kind (e.g injury) on the Centre premises in connection with the activity being organised by the third party.

Health and Safety

Clare Education Centre should compile an update on a regular basis a Safety Statement that is compliant with the Safety, Health & Welfare at Work Act, 2005 and the Safety, Health & Welfare at Work (General Application) Regulations 2007. Clare Education Centre shall have a designated Health and Safety Officer who will be required to keep a fully up to date general safety register.

Provision of Information to the Minister

Clare Education Centre will furnish to the Minister any information required by the Minister from time to time.

Clare Education Centre shall provide access to information for the Minister and department officials/agents.

Copies of documents or originals will be provided to the Minister where sought.

Clare Education Centre shall keep in such form as is determined by the Minister all proper and usual accounts and records of all monies received and expenditure incurred by the Centre.

All records, including electronic records shall be kept safely and securely.

Clare Education Centre shall keep such records and shall provide the Department with such information regarding its work as may be required from time to time.

As soon as may be possible after the end of each year, but not later than March 31st the Centre shall prepare and submit to the Minister, in such form as may be determined by the Minister, a report on the work of the Centre in that year, including audited accounts.

Clare Education Centre will compile and keep a fully detailed and up-to-date Assets Register. This Register will be available at all times for inspection and audit by Department officials, the Comptroller and Auditor General, or other professional auditors, accountants, or technical experts retained by the Department. Centres, or staff acting on behalf of Centres or employed by Centres, may not cede ownership of, transfer or sell property, including intellectual property, without the formal written sanction of the Department in advance, subject to the detailed provisions set out in the Financial Guidelines.

Access to an Education Support Centre

Access to Clare Education Centre shall be in accordance with any guidelines and circulars issued by the Minister from time to time. Clare Education Centre will be open to facilitate any educational programmes which will be attended by teachers during the day, evening time and at weekends.

Freedom of Information Act

Clare Education Centre is subject to the Freedom of Information Act 1997 and 2003.

Appendix 1

Education Act 1998

37.—(1) In this section "education support centre" means a place in which services are provided for schools, teachers, parents, boards and other relevant persons which support them in carrying out their functions in respect of the provision of education which is recognised for that purpose by the Minister in accordance with *subsection (2)*.

(2) The Minister may recognise a place as an education support centre and where the Minister so recognises a place he or she shall cause the name and address of that centre to be entered in a register maintained by the Minister and available for inspection by members of the public during normal working hours.

(3) An education support centre shall have a management committee, to manage the business and staff of that centre.

(4) A committee established in accordance with *subsection (3)* shall be a body corporate with perpetual succession and with power to sue and may be sued in its corporate name and no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of their functions as such members.

(5) The Minister may withdraw recognition from an education support centre.

(6) The Minister may, from time to time, make regulations relating to all or any of the following matters:

- (a) Procedures for the appointment of management committees;
- (b) The appointment and remuneration of staff;
- (c) The making of grants to education support centres;
- (d) The provision of information to the Minister on any matter relating to the operation of education support centres;
- (e) Access to an education support centre and to the financial and other records of that education support centre by persons appointed by the Minister, and
- (f) Such other matters relating to the operation of such centres as the Minister considers appropriate.

Appendix 2

The legislation governing employment of staff has been greatly expanded in scope and detail in recent years. The following list, while not exhaustive, gives the main acts which govern employment,

Redundancy Payment Acts

Minimum Notice and Terms of Employment Acts

Unfair Dismissals Acts, 1977 and 1993

Payment of Wages Act, 1991

Worker Protection (Regular Part-time Worker) Act, 1991

Maternity Protection Act, 1994

Adoptive Leave Act, 1995

Protection of Young Persons (Employment) Act, 1996

The Organisation of Working Time Act, 1997

Health and Safety Act 1989

A guide to labour law is available from the employment rights Unit of the Department of Enterprise, Trade and Employment (Telephone: 01-6614444 LoCall: 1890 220222).