

Kerry Education and Training Board Meeting Cruinniú Bhord Oideachais agus Oilúna Chiarraí

Minutes of the Kerry Education and Training Board (Kerry ETB) meeting held in the Kerry ETB Head Office Boardroom, Centrepoint, Tralee, County Kerry on Tuesday, September 27th 2022

In Attendance:

Ms Celia O'Shea

Cllr. Deirdre Ferris (VC)

Cllr. Fionnán Fitzgerald (VC)

Cllr. Jim Finucane

Ms Joan McCrohan

Mr Joe Brennan

Mr John O'Roarke (VC)

Cllr. Johnnie Wall

Ms Maria O'Gorman

Cllr. Marie Moloney

Cllr. Michael Cahill

Mr Niall Lucey

Cllr. Niall O'Callaghan

Cllr. Norma Moriarty

Cllr. Terry O'Brien

Ms Tara Donoghue (VC)

Mr Tim Daly

Mr Colm McEvoy, Chief Executive Officer (CEO); Ms Ann O'Dwyer, Director of Schools, Youth and Music (SYM); Ms Maria Brennan, Director of Organisation Support and Development (OSD); Mr Owen O'Donnell, Director of Further Education and Training (FET); Ms Aileen O'Connor, Head of Corporate, Capital and Technology (CCT); Mr Tommy Conroy, Head of Finance; Ms Betty Corkey, Head of Human Resources (HR); Mr Pdraig O'Sullivan, Buildings Officer; Ms Trisha Tierney and Ms Catherine Horgan, Executive Support, were also in attendance.

09/2022/0	CONFLICT OF INTEREST COIMHLINT LEASA
	<p>As per Section 1.18 of Circular Letter (CL) 0002/2019, the conflict of interest form was circulated electronically before the meeting to be signed by Board Members.</p> <p>An Cathaoirleach asked Board Members to declare any conflicts of interest before commencing the meeting.</p> <p>As per the provisions of Section 1.18, Cllr Deirdre Ferris disclosed a potential conflict relating to Agenda Item 6.7. Ms Ferris excused herself from the part of the meeting during which this item was discussed.</p>

09/2022/1	<p style="text-align: center;">APOLOGIES AND CONDOLENCES LEITHSCÉALTA AGUS COMHBHRÓN</p>
1.1	<p>Apologies/Leithscéalta</p> <ul style="list-style-type: none"> • Cllr. Aoife Thornton, Board Member • Cllr. Cathal Foley, Board Member • Cllr. Maura Healy Rae, Board Member • Cllr. Zaid Kassoob, Board Member
1.2	<p>Condolences/Comhbhrón</p> <p>An Cathaoirleach, Cllr. Jim Finucane expressed his sympathy and that of the Board to:</p> <ul style="list-style-type: none"> • The Hennessy family on the death of Mr Michael Joseph Hennessy, Kerry College • Ms Elma Murphy, Killorglin Community College, on the death of her Father, Mr Dermot O'Connor • Ms Sinéad O'Sullivan, Head Office, on the death of her Grandmother, Ms Margaret O'Sullivan • Ms Deirdre Enright, Local Creative Youth Partnership, on the death of her Uncle, Mr Daniel Foley • Ms Fiona O'Brien, Killorglin Community College, on the death of her Father, Mr Luke O'Hanlon • Ms Teresa Lonergan, Castleisland Community College, on the death of her Mother, Ms Bridie Landers • Ms Aileen McKenna, Listowel Youthreach, on the death of her Father, Patrick McKenna • Mr Walter Balfe, Quality and Qualifications Ireland, on the death of his Brother, Mr Jim Balfe • Mr Phil O'Flaherty, formerly of the Department of Further and Higher Education, Innovation and Science, on the death of his Father, Mr Sean O'Flaherty • Mr Peter Egan, Mayo, Sligo and Leitrim ETB, on the death of his Father, Mr Michael Egan • Ms Ann Gilton, City of Dublin ETB, on the death of her Father, Mr Willy Dwyer

09/2022/2	CONGRATULATIONS COMHGHAIRDEAS
2.1	<p>Congratulations/Comhghairdeas Congratulations were shared to:</p> <ul style="list-style-type: none"> • Sixth-year students across all our post-primary schools following receipt of their Leaving Certificate results on September 2nd 2022, and to the schools' staff for providing them with support and guidance throughout their time with Kerry ETB. • Mr Con O'Sullivan, Ms Elaine O'Connor, and all the Kerry College team of staff and learners following their impressive presence at the World Skills Ireland event in the RDS Dublin from September 13th to 15th 2022. • Ms Joan McCrohan, Board Member, on the birth of her first Granddaughter Siún.
09/2022/3	MINUTES OF LAST BOARD MEETING - FOR ADOPTION MIONTUAIRISCÍ ÓN gCRUINNIÚ DEIREANACH BOIRD – LE GLACADH
	<p>The minutes of the previous Board meeting held on July 12th 2022, were circulated to members in advance of the meeting.</p> <p>The minutes were adopted and signed at the meeting.</p> <p style="text-align: right;">Proposed: Cllr. Deirdre Ferris Seconded: Cllr. Michael Cahill</p>

09/2022/4

**MATTERS ARISING FROM MINUTES
AG ÉIRÍ AS NA MIONTUAIRISCÍ**

The following 'Matters Arising From Minutes' were addressed under the relevant reports under Section 6.0 - Executive Updates.

4.1	Gaelcholáiste Nua School Building Project – <i>to be addressed by the Buildings Officer under Section 6.5</i>
4.2	Preschool Accommodation - Two Mile Community National School – <i>see Capital and Buildings Report (Section 6.5)</i>
4.3	FET Accommodation in Killarney - Kerry College Killarney Admissions Office – <i>see Capital and Buildings Report (Section 6.5) and Further Education and Training Report (Section 6.6)</i>
4.4	Head Office Accommodation – <i>to be addressed by the Chief Executive Officer under Section 6.7</i>
4.5	Lands Adjacent to Tralee Regional Sports and Leisure Centre Company Limited by Guarantee – <i>see Capital and Buildings Report (Section 6.5)</i>
4.6	Head Office Service Charges – <i>see Finance Report (Section 6.3)</i>
4.7	Audit of the Annual Financial Statements 2020 and 2021 – <i>see Finance Report (Section 6.3)</i>
4.8	Overview of Irish Language Courses for Adults – <i>see Further Education and Training Report (Section 6.6)</i>
4.9	Agency Staff Expenditure – <i>to be addressed by the Director of Organisation Support and Development under Section 6.2</i>
4.10	Kerry ETB New Branding Development – <i>to be addressed by the Chief Executive Officer under Section 6.7</i>
4.11	5-year Strategy Statement - as per Section 27 ETB Act 2013 – <i>to be addressed by the Chief Executive Officer under Section 6.7</i>
4.12	Lease Renewal Scamps and Scholars – <i>to be addressed by the Buildings Officer under Section 6.5</i>

09/2022/5	<p style="text-align: center;">EDUCATION AND TRAINING TOPICS FOR DISCUSSION ÁBHAIR OIDEACHAS AGUS OILIÚINT LE PLÉ</p>
<p>5.1</p>	<p>Presentation to Mr Stanislav Goreanschi, Mr Chris O'Donnell and Mr Joe Kelly, Kerry College of Further Education and Training</p> <p>The Board welcomed former Kerry College learners, Mr Stanislav Goreanschi and Mr Chris O'Donnell, and teacher Mr Joe Kelly (Kerry College Clash Road Campus) to the meeting to share their thanks for the work put into designing and crafting the new Kerry ETB Head Office boardroom table.</p> <p>On behalf of the Board, An Cathaoirleach and the CEO presented Mr Kelly and the learners with a token to acknowledge their work and to mark the occasion.</p> <p>In addressing the Board, Mr Kelly thanked Board Members on behalf of himself, Chris and Stanislav for the invitation to attend the Board meeting. He further wished the Board well in their future business around the table.</p> <p>It was agreed that some photographs of the table's construction process would be displayed in the boardroom.</p>
<p>5.2</p>	<p>Ukrainian Response Update</p> <p>The Board noted the Ukrainian Response Updates included in the respective Director report and circulated in advance of the meeting. These updates addressed the following:</p> <ul style="list-style-type: none"> • Ukrainian Enrolment Figures across Kerry-Based Schools (REALT Update) • Ukrainian Enrolment Figures - Kerry ETB • Challenges Identified by the Kerry ETB Ukrainian Response Unit <p>In addition to the above, Ms Ann O'Dwyer, Director of SYM, and Mr Owen O'Donnell, Director of FET, provided the following updates at the meeting:</p> <ul style="list-style-type: none"> • The Kerry ETB Ukrainian Response Steering Committee meets biweekly to address matters as they arise. • A key issue across schools and FET relates to bus arrangements for Ukrainian students and learners. • A critical need arising from schools is the need for Ukrainian ESOL/EAL teachers and tutors to support Ukrainian students. • Training has been arranged for the EAL staff (under the SYM Pillar). • FET is offering a full suite of evening/training programmes across the county, including hobby courses. Enrolments for these programmes are via the Kerry College Admissions Office Hubs (hubs that travel to county towns to enrol local Ukrainian learners).

- To date, Kerry ETB enrolments can be summarised as follows:

Ukrainian Enrolment Figures* - Kerry ETB (*figures accurate as of September 15th 2022)		
Kerry ETB Primary	Kerry ETB Post-Primary	Kerry ETB FET
14	182	1,690

Furthermore, the Director of SYM advised the Board of a visit by the Department of Education (DE) Secretary General, Mr TO'R, on October 3rd 2022.

In addition, it was noted that some schools are reaching enrolment capacity across the county. The Director of SYM will brief the DE Secretary General at their meeting on October 3rd 2022, regarding this and other related matters.

Mr Joe Brennan added that while staff continue to work incredibly hard, there is added pressure to meet the growing service demands. As the organisation moves forward with its response, there is a need for more focus and investment in improving ESOL and EAL competencies.

In concluding the discussion, the CEO shared his thanks to all involved in this critical work. An Cathaoirleach also shared his thanks and that of the Board to the staff across the ETB's schools and centres for working through the various challenges arising from this crisis response.

09/2022/6

Executive Updates
Uasdátú ón bhFeidhmeannas

6.1

Schools, Youth and Music Report

The Schools, Youth and Music Report, as circulated in advance of the meeting, was noted by the Board and taken as read. The report addressed the following:

- Update on Schools' Enrolments
- Ukrainian Response/REALT Update
- Youth Development Office
- Local Creative Youth Partnership
- Music Generation Kerry

The Board shared its thanks to the Director of SYM for her report.

6.2

Organisation Support and Development Report

The Organisation Support and Development Report, as circulated in advance of the meeting, was noted by the Board and taken as read. The report addressed the following:

- Internal Control Update
- Adaptive Leadership Programme 2022/23

Agency Staff Expenditure – as per Matters Arising Section 4.9

As per Matters Arising (Section 4.9), the Director of OSD also addressed Agency Staff Executive at the meeting, presenting the following table:

	Admin	Caretakers	Cleaners	Update September 2022	Agency Expenditure
OSD Pillar	10	0	0	Business cases have been submitted for 8 posts to DoE and DFHERIS	€1,388,538 (Equates to c. 3.3% of the overall 2021 staffing costs for Kerry ETB)
FET Pillar	17	8	2	Business cases for 11 positions submitted to DFHERIS	
SYM Pillar	3	0	0	Business cases for 3 positions submitted to DoE	
Ukrainian Response	6	0	0	Linked to Ukraine Response for review end of December	c. €153,919

Agency Staff Expenditure, Update September 2022

In addressing this matter, Board Members were advised by the Director of OSD that agency staff costs have increased in recent years as the ETB responded to expanded service delivery, the COVID-19 pandemic etc. Business cases have been prepared and submitted to the DE and DFHERIS (Department of Further and Higher Education, Innovation and Science) seeking sanction to regularise many of these posts. While some sanctions to regularise posts have been received, many remain outstanding.

Since the establishment of Kerry ETB in 2013, the need for a new organisational structure design that is equipped to meet the ETB's expanded remit has been recognised by all. However, there has been little progression in this area nationally.

Kerry ETB's dependence on agency staff has been added to the corporate risk register, these posts are critical to the operation of the ETB, but the individuals have little security regarding their positions in the longer term.

The Board shared its thanks to the Director of OSD for her report. In addressing Agency Staff Expenditure, Board Members requested a further update on progress in regularising posts later in 2022.

<p>6.3</p>	<p>Finance Report The Finance Report, as circulated in advance of the meeting, was noted by the Board and taken as read.</p> <p>The report addressed the following:</p> <ul style="list-style-type: none"> • Finance Update • Head Office Service Charges - as per Matters Arising (Section 4.6) • Audit of Annual Financial Statements 2020 and 2021 - as per Matters Arising (Section 4.7) • Bank of Ireland Negative Interest • IPB Insurance Premium Rebate <p>The Board shared its thanks to the Head of Finance for his report.</p>
<p>6.4</p>	<p>Corporate, Capital and Technology Report Report As circulated in advance of the meeting, the Corporate, Capital and Technology Report was noted by the Board and taken as read. The report addressed the following:</p> <ul style="list-style-type: none"> • Cyber Security Update: Priorities for Quarters 3 and 4 • Health and Safety Update • Sustainability Update <p>In an ensuing discussion around energy costs, Cllr. Niall O’Callaghan queried if the Tralee Regional and Sports and Leisure Centre Company Limited by Guarantee had been experiencing increased energy bills, given the two swimming pools at the centre. The CEO advised that a meeting with the centre manager had been scheduled to address this matter. Accordingly, an update will be provided at the October meeting.</p> <p>In addition, it was noted that the centre had previously invested in a Combined Heat and Power (CHP) plant to address energy costs.</p> <p>The Board shared its thanks to the Head of CCT for her report.</p>

6.5

Capital and Buildings Report

The Capital and Buildings Report, as circulated with the agenda, was noted by the Board and taken as read. The report addressed the following:

- Preschool Accommodation - Two Mile Community National School – *as per Matters Arising (Section 4.2)*
- Castleisland Community College
- Causeway Comprehensive school
- Coláiste Gleann Lí
- Coláiste na Sceilge
- Killarney Community College
- Killorglin Community College
- Post Primary Schools – Equipment
- O’Connell FET Centre
- Kerry College Clash Road Campus
- FET Accommodation in Killarney - Kerry College Admissions Office Killarney - *as per Matters Arising (Section 4.3)*
- FET Capital Submissions - Strategic Infrastructure Upgrade Fund
- FET Capital Submissions - Strategic Assessment Report
- Listellick National School
- Knocknagoshel National School
- St. Oliver’s National School
- Tralee Educate Together National School
- Lands Adjacent to Tralee Regional Sports and Leisure Centre Company Limited by Guarantee - *as per Matters Arising (Section 4.5)*
- Sandford Energy
- Killarney Community College - Strategic Housing Development on Adjacent Lands
- Kerry County Board Pitch at Tralee Regional Sport and Leisure Complex Company Limited by Guarantee
- Listowel School Accommodation
- DFHERIS’ BER Rating Requirement for Lease Applications
- Community National School Leases
- Approved Leases
- Leases for Approval (3)
- Rental Agreements for Approval (FET): 3rd Floor Classrooms at 37 High Street, Killarney
- Use of the Kerry ETB Seal

In addition to the above, the following matters were also discussed at the meeting:

- Gaelcholáiste Nua School Building Project - *as per Matters Arising (Section 4.1)*
- Lease Renewal Scamps and Scholars - *as per Matters Arising (Section 4.12)*

- License Agreement for Approval: Orchard House Limited (Two Mile Community National School) - *Added September 27th 2022*
- Lease Approval: Engineering Prototyping Robotics/ Mechatronics Facility - *Added September 27th 2022*

Gaelcholáiste Nua School Building Project - as per Matters Arising (Section 4.1)

On September 19th 2022, Vision Contracting Limited (VCL) issued a revised programme for handover – now expected to be in March 2023. As previously advised, the site is experiencing ongoing delays associated with poor market conditions, increased cost of fuel and materials and interruptions to the delivery of materials to the site – as a consequence of the war in Ukraine and the COVID-19 pandemic.

Mr Padraig O’Sullivan, Buildings Officer, further advised ongoing issues connecting to the ESB. The ESB substation works have commenced on site but were approximately eight weeks delayed due to supply issues with ESB transformers. It was noted that the substation fit-out needs to be completed as soon as possible to maintain the current target for commissioning the M&E systems.

In the discussion that followed, Members queried whether other issues could further delay handover in the coming months, i.e. connection to water supply, electrical delays etc. In addressing this matter, the Board was advised that the revised date provided by the contractor should be achievable, provided there are no further shocks to the general construction industry and associated material and labour supply environment.

When the building is completed, adequate time for commissioning services and timely snagging will be required, the Board was advised. Based on the revised handover date, students are expected to move to the building on a phased basis from Easter 2023.

Regarding ongoing matters concerning the ‘Burden Sharing Principle,’ the Building Officer provided the following update:

- As previously advised, McGahon Surveyors and Oppermann Associates determined in their April 2022 *Post Contract Inflation Uplift Report* that the overall increase in costs associated with material/input from the commencement onsite up to December 31st 2021, is €1,256,531.89 ex VAT. In this report, it was recommended that the DE and VCL equally split this cost, i.e. each meet the cost of €628,265.94 ex VAT.
- This recommendation was submitted to the DE on April 21st 2022, for approval under the “Burden Sharing Principle” as an interim solution while the DE were awaiting the Office of Government Procurement (OGP) Inflation/Supply Chain Delay Co-Operation Framework Agreement. VCL intended to apply to the DE for a further ex-gratia payment under the Inflation/Supply Chain Delay Co-Operation

Framework Agreement to cover the period from January 1st 2022, to the contract end (under the terms set out within the agreement).

- Subsequently, Kerry ETB received an email from the DE on August 24th 2022, stating that the “...DE will only consider one type of inflation treatment on a project. So if the proposed treatment is approved, the DE will not sanction any other claims for inflation under the contract or under the OGP’s Inflation/Supply Chain Delay Co-Operation Framework Agreement on this project.”
- As the application of the Burden Sharing Principle and the Inflation/Supply Chain Delay Co-Operation Framework Agreement cover two separate time periods, the design team is working with the contractor to issue a formal reply to the DE regarding this matter.

In concluding the Burden Sharing Principle update, the Board was advised that discussions regarding this matter are ongoing between the relevant parties.

The Buildings Officer also addressed the following:

- On July 20th 2022, Kerry ETB received approval from the DE to proceed with Change Order Number 5 – Additional Mechanical Costs associated with Energy Conservation and Mechanical and Electrical Building Services Design Note 202001 in the amount of €75,236.08 ex VAT.
- On August 10th 2022, Kerry ETB received approval from the DE to proceed with the following Change Order Number 6 – Costs associated with a design change to students' toilets following issuing of revised design guidance from DE in the amount of €83,541.41 ex VAT.

In concluding the school building update, the Board Members were advised that the main building is now weather-tight after installing the roof, windows and doors. The sports hall roof is to be completed by October 14th 2022. In addition, plastering is progressing externally onsite.

An Cathaoirleach welcomed the comprehensive update on this project and thanked all involved.

Preschool Accommodation - Two Mile Community National School – as per Matters Arising (Section 4.2)

At the July 2022 Board meeting, the Board approved a license agreement with Orchard House Limited for temporary use of the third classroom in the school; this arrangement followed delays with the planning process and installation of the prefab. It has since transpired that Orchard House Limited cannot hire sufficient staff for the preschool for the academic year 2022/23. Therefore, the decision has been taken to postpone the preschool opening until September 2023, with Orchard House Limited offering an after-school service instead (see the section below *Licence Agreement for Approval: Orchard House Limited*).

Kerry College Admissions Office Killarney

The Board was advised that the building which holds Kerry College's new Admissions Office at 25 High Street in Killarney will be listed for sale on the open market before the end of September 2023.

The Buildings Officer set out that the ETB currently holds a 10-year lease agreement (annual cost of €46,000 per annum) with Goggin Quill Limited for the property, effective from September 2021. It was clarified that the sale of the property would not affect Kerry ETB's occupation of the property on foot of the existing lease. To date, the ETB has completed a fit-out of the property totalling an investment of c. €400,000.

The Director of FET advised that as the ETB's FET services are expanding in Killarney, this building could provide an excellent, publically accessible location for FET in Killarney. The acquisition of this building would be beneficial to the ETB FET services in the longer term.

Board approval for the ETB to explore with DFHERIS/SOLAS the ETB's potential acquisition of the building was agreed.

Proposed: Ms Maria O'Gorman

Seconded: Ms Joan McCrohan

Lands Adjacent to Tralee Regional Sports and Leisure Centre Company Limited by Guarantee - as per Matters Arising (Section 4.5)

The CCT Department is progressing with a submission to the DE regarding lands for sale adjacent to the Tralee Regional Sports and Leisure Centre Company Limited by Guarantee. Board approval to submit this valuation was noted at the July 2022 Board meeting.

Lease Renewal Scamps and Scholars - as per Matters Arising (Section 4.12)

Property	Address	Commenced	Term	Rent	Renewal Date
Scamps and Scholars - Site	Langford Street, Killorglin	21/02/2001	21 Years	€1 per annum	20/02/2022
Scamps and Scholars - Car Park		01/01/2018	Four years and one month	€1 per annum	20/02/2022

In addressing the lease renewal for the site at Killorglin Community College (CC), the Buildings Officer outlined the following:

- In 2001, Kerry ETB leased land (site) at Killorglin CC to a preschool provider, Scamps and Scholars, for 21 years to facilitate the construction of a preschool on the school grounds. Subsequently, in 2018, Kerry ETB leased a further portion of land for use as a car park by the preschool provider (car park).

- At the June 2022 Board meeting, Members were advised that a request for a lease renewal (site) for 15 years had been received from the preschool provider. At that time, the ETB noted its intention to table the terms for approval at the September 2022 Board meeting (see below for an extract from the minutes). The ETB's legal agent, Murphy Ramsey Walsh, was engaging with the preschool provider in this regard.

Scamps & Scholars Pre-School Killorglin

Kerry ETB had held two leases with Scamps & Scholars Pre-School in Killorglin, facilitating the construction of a preschool on the school grounds. A request for renewal has been received—the ETB expects to table the terms for approval at the September Board meeting.

Figure 1 Extract from ETB Board Meeting Minutes, June 14th 2022

In the following discussion, the Executive clarified that the preschool provider had been contacted concerning the lease renewal, but new lease terms had yet to be agreed between both parties. The possible consolidation of these two separate leases into a single lease is under consideration.

In addressing this matter, the Board was advised that the CCT Department will seek a meeting with the management of the preschool provider to discuss the renewal terms and the long-term development plans. Following this meeting, the proposed renewal terms will be presented to the Board for approval at the October 2022 Board meeting. It was noted that Department approval is required for all lease renewals.

Members welcomed this update and requested its inclusion on the October 2022 Board meeting agenda.

Community National School Leases

Kerry ETB awaits a response from the DE to proceed with the leases for Tahilla Community National School and Scoil an Ghleanna, Scoil Náisiúnta Phobail and to register these leases in the Land Registry.

A further update will be provided in due course.

Listowel School Accommodation

Following the direction of the DE, Kerry ETB engaged Ger Carmody Auctioneers to prepare a site assessment and an updated valuation for the site adjacent to Coláiste na Ríochta, which was valued at €275,000 (the DNG WH valuation in 2019 was €300,000). The valuation was submitted to the DE for further consideration on August 4th 2022. The Buildings Officer advised that the ETB cannot enter negotiation regarding this site acquisition until the DE has provided formal sanction. Formal feedback from the Department is expected soon.

In addition, Board Members were advised that, following a tendering process, the design team for the Colaiste Na Ríochta site building project has been appointed as follows:

	Company Name
Architect	Healy Partners Architects
Mechanical and Electrical Engineer	Don O'Malley and Partners
Civil and Structure Engineer	Garland
Quantity Surveyor	Rogerson Reddan and Associates
Project Supervisor Design Process	Reddy Architecture and Urbanism Limited

An initial meeting with the design team took place on September 26th 2022.

Listellick National School

It was noted that the building is now partially weather-tight, with the exception of the general-purpose hall. The car park works are progressing well, with all ancillary services being undertaken simultaneously.

At the site meeting with the design team and main contractor on September 22nd 2022, it was noted that Cahalane Brothers Limited are due to issue a revised programme for the completion of the project. Project delays to date have been associated with the delivery of materials to the site, poor market conditions, increased material prices and the availability of tradespeople and subcontractors. The expected handover date is now delayed to early January 2023.

It was also noted that on August 22nd 2022, Kerry ETB received approval from the DE to proceed with the following Change Order No. 3, i.e. additional length of land drainage to be installed along the eastern boundary in the amount of €8,003.10 ex VAT.

The CCT Department meets bi-weekly with the school's management to discuss updates, the transition programme and plans for the procurement of loose furniture and equipment.

A meeting with local stakeholders will be scheduled over the next two weeks to deliver a project update.

An Cathaoirleach welcomed the update.

O'Connell FET Centre

On September 7th 2022, the ETB received approval from SOLAS to proceed with Decision Gate 2, following the ETB's submission (to move to Decision Gate 2) on April 16th 2022. The Director of FET advised that this is welcomed news for the centre and the local community, with the project's grant allocation totalling an investment of c. €984,021.87.

An internal stakeholders meeting took place on September 19th 2022, at which it was advised that the ETB hopes to be in the position to tender for the project by October 2022.

A further update will be provided in due course.

FET Capital Submissions

On September 6th 2022, Kerry ETB received a letter from SOLAS confirming that both submissions to the Strategic Infrastructure Upgrade Fund (projects less than €5 million), i.e. Kerry College Listowel and Monavalley Campuses, had received approval to progress to Decision Gate 1 (Initial Design and Appointment of Design Team). The approval of these projects represents a significant investment in further education and training in Kerry.

The Director of FET shared his thanks to the FET Management team and CCT Department for their collective work on these submissions.

The Board noted that Minister for FHERIS, Mr Simon Harris, TD, would officially announce the funding for both these projects on October 3rd 2022, in person at the respective campuses. All Board Members were invited to attend.

An Cathaoirleach and Board Members welcomed this development.

There was no further update concerning the two applications submitted under the Strategic Assessment Report Fund (projects greater than €5 million), i.e. Kerry College Killarney and Cahersiveen submissions.

Approved Leases

On August 15th 2022, Kerry ETB received approval to proceed with the following leases:

- Rooms 1 and 3A, and 3B, Castleisland Community Centre (Castleisland ABE)
- Unit 1 Liber House, Monavalley Industrial Estate (Tralee Youthreach)
- Rooms 2A and 5F, Liber House, Monavalley Industrial Estate (Tralee ABE)
- Ivy House, Killarney (Killarney VTOS)

The Board noted the approval of these leases.

Kerry ETB awaits approval from DFHERIS regarding the proposal to remove the "break option" from the lease for the Butler Centre, Listowel.

Leases for Approval (FET): Office 1 and 2, Mulvihill's Pharmacy, Daly's Lane, Killorglin

On the recommendation of the Director of FET, Board approval was sought for the following lease renewal:

Office 1 and 2, Mulvihill's Pharmacy, Daly's Lane, Killorglin	
Justification:	Continue the delivery of FET courses, namely ABE, BTEI and Community Education in Killorglin town
Rental:	€27,035.40 per annum (including VAT)
Area:	c. 1,570 square feet
Term:	Two years: October 19 th 2022, to October 19 th 2024

The Board approved the lease per the terms above and noted that it is subject to Department approval.

Proposed: Ms Maria O'Gorman
Seconded: Ms Joan McCrohan

Leases for Approval (FET): Classroom and Office at Oidhreacht Chorca Dhuibhne – Áras Bhréanainn, Gortmore, Ballyferriter Village

On the recommendation of the Director of FET, Board approval was sought for the following lease:

Classroom and Office at Oidhreacht Chorca Dhuibhne - Áras Bhréanainn, Gortmore, Ballyferriter Village	
Justification:	Board approval is sought for classroom and office space in Ballyferriter in the Oidhreacht Chorca Dhuibhne (Údarás na Gaeltachta) centre for the provision of Irish Language and FET classes
Rental:	€9,500 per annum
Area:	c. 1,000 square feet
Term:	Two years: September 1 st 2022, to August 31 st 2024

The Board approved the lease per the terms above and noted that it is subject to Department approval.

Proposed: Cllr. Terry O'Brien
Seconded: Mr Niall Lucey

Lease for Approval (FET): Engineering Prototyping Robotics/ Mechatronics Facility (Added September 27th 2022)

In addressing this matter, the Director of FET advised the Board of plans to pilot an engineering prototyping robotics/mechatronics facility for Kerry College over the next two years. This proposed project will support the ETB's provision of NFQ (National Framework of Qualifications) Level 5 Engineering and STEM delivery to transition year students. Should the project prove successful, the Director of FET advised of plans to make the facility permanent after the two year-pilot.

Expressions of interest advert were placed in the local newspaper the week commencing September 12th 2022, with one response returned.

Accordingly, on the recommendation of the Director of FET, Board approval was sought for the following lease:

Unit 3 E, F and G Liber House, Tralee	
Justification:	<ul style="list-style-type: none"> • NFQ Level 5 in Engineering • STEM Programme for Kerry Transition Year Students • Adjacent to Monavalley Campus – Heavy Engineering
Rental	€41,860 per annum €2,392 service charge per annum
Area:	c. 2,392 square feet
Term:	Two years: October 1 st 2022, to October 1 st 2024

The Board approved the lease per the terms above and noted that it is subject to Department approval.

Proposed: Cllr. Niall O’Callaghan
Seconded: Cllr Norma Moriarty

Licence Agreement for Approval (SYM): Orchard House Limited (Added September 27th 2022)

Under the Kerry ETB policy, “Guidance to Schools/Centre on the Use of Kerry ETB Premises by Third Parties,” an application to allow for the commercial use of school premises was received from the Two Mile Community National School (CNS) Board of Management on September 27th 2022.

Accordingly, on the recommendation of the Director of SYM, Board approval was sought to proceed with the following licence agreement between Two Mile CNS and Orchard House Limited to provide an after-school club service within the school’s general purpose hall under the terms below.

Licence Agreement with Orchard House Limited	
Justification:	Provision of an after-school service
Licence Fee:	€30 per week
Area:	General Purpose Hall (c. 75 metres squared)
Term:	October 3 rd 2022, to June 30 th 2023 (13:30 – 18:00, Monday to Friday)

The Board approved the lease per the terms above.

Proposed: Ms Maria O’Gorman
Seconded: Cllr Fionnán Fitzgerald

Rental Agreements for Approval (FET): 3rd Floor Classrooms at 37 High Street, Killarney

On the recommendation of the Director of FET, Board approval was sought for the following short-term rental agreement:

3rd Floor Classrooms at 37 High Street, Killarney	
Justification:	Killarney ABE requires temporary space to meet the needs arising for ESOL delivery to the Ukrainian people in the area. The space is upstairs from the main centre, which works for tutor support and consolidation of classes for all learners.
Rental:	€3,000 per month
Area:	c. 2,350 square feet
Term:	Six months: September 2022 – February 2023

The Board approved the lease per the terms above and noted that it is subject to Department approval.

Proposed: Mr Niall Lucey
Seconded: Cllr. Terry O'Brien

DFHERIS' BER Rating Requirement for Lease Applications

The Board noted receipt of correspondence from the DFHERIS concerning the requirements for BER certification and changes in DFHERIS policy concerning ETB's requests for new leases and lease renewals.

Killarney Community College - Housing Development on Adjacent Lands

The Buildings Officer advised the Board that on August 24th 2022, An Bord Pleanála confirmed that the Strategic Housing Development had been refused permission.

It was noted that the matter would be kept under review should further developments occur.

Kerry County Board Pitch at Tralee Regional Sports and Leisure Complex

On September 2nd 2022, Kerry ETB received the Kerry County Board's nominations to the Pitch Management Committee as follows:

- Mr Liam Lynch
- Ms Carmel O'Shea Maloney
- Mr Seamus Cadogan

The inaugural meeting of this committee took place on September 26th 2022.

As per the terms of the licence agreement held with the County Board, the committee will meet five times per annum.

Use of Kerry ETB Seal

In accordance with Schedule 3, Paragraph (2) of the ETB Act 2013, the seal of Kerry ETB was used at the Board meeting on September 27th 2022, to execute the following document:

Affidavit from Murphy Ramsey Walsh Solicitors regarding the title of Tech Amergin, Waterville (lands owned by Kerry ETB). The affidavit is required to regularise the title of the site and to have Kerry ETB named as the registered owner in the land registry.

The Board noted this use of the seal.

The seal of Kerry ETB was also used to execute the following documents on July 28th and August 18th 2022:

July 28th 2022:

Arrangement:	License agreement between Kerry ETB and Orchard House Limited with respect to the provision of a preschool in Two Mile CNS
Justification:	SYM Provision
Term:	Three months: August 1 st to October 31 st 2022
Approval Process:	Approved at the ETB Board meeting on July 12 th 2022

August 18th 2022:

Arrangement:	Lease between Kerry ETB and Liber Developments Limited with respect to Unit 1 Liber House, Monavalley Industrial Estate, Tralee	Lease between Kerry ETB and Mr John Keane with respect to Ivy House, New Street Car Park, Killarney
Justification:	FET Provision	FET Provision
Term:	Two years from August 1 st 2022	Two years from September 1 st 2022
Approval Process:	Approved by ETB Board on July 12 th 2022 Approved by DFHERIS on August 15 th 2022	Approved by ETB Board on June 14 th 2022 Approved by DFHERIS on August 15 th 2022

The Board noted these uses of the seal.

The Board shared its thanks to the Buildings Officer for his comprehensive report.

6.6

Further Education and Training Report

The Further Education and Training Report, as circulated with the agenda, was noted by the Board. The report addressed the following:

- FET Beneficiaries Year to Date: August 2022 Update
- Mid-Year Budget Review 2022
- SOLAS Strategic Performance Agreements
- Ukrainian Response
- Pathways Progress Update
- SIUF Capital Projects – Gate 1 [APPROVED]
- O’Connell FET Centre
- SAR Capital Submission
- Kerry College Admissions Office Killarney
- Tralee Youthreach (Liber House)
- FET Centre Upgrades
- Proposal re possible Bakery Facility Blennerville
- Proposal re possible Breisoideachas agus Oilúint An Coláiste Gaeilge (Kerry ETB Irish FET College)
- Overview of Irish Language Courses for Adults
- Engineering Prototyping Robotics Mechatronics Facility
- FET Renewable Energy Projects
- Kerry ETB Presence World Skills Ireland
- National Skills Competition and Kerry College Chief Examiners

FET Beneficiaries Year to Date: August 2022 Update

Mr Owen O’Donnell, Director of Further Education and Training, presented the year-to-date FET beneficiaries for 2022, adding that numbers are trending positively. By year-end, the total beneficiaries for the year (2022) will appear to exceed the planned figures.

Category	Planned	Actual Year to Date	Variance
Employment/ Progression	2611	1301	-1310
Apprenticeship	1069	658	-411
Part-Time	2369	1169	-1200
Youthreach/CTC	223	106	-117
Pathways	365	287	-78
Adult Literacy	1518	2413	895
Community Education	1400	1356	-44
TOTALS	9555	7290	-2265

The Director of FET shared his thanks to the FET Management team.

Mid-Year Budget Review 2022

Following the mid-year budget review process with SOLAS, the Director of FET advised of an increase in allocation of €42,764,874 (the initial 2022 bid was €42,033,775).

SOLAS Strategic Performance Agreements

The Director of FET addressed the strategic outcomes from the Strategic Performance Agreement 2018/20 held with SOLAS and the targets for the new 2022/24 agreement.

It was noted that the agreement for 2022/24 remains in draft format; SOLAS having issued a draft document to the ETB, which is currently being addressed by the FET Management team. Once the agreement has been finalised, it will specify Kerry ETB's contribution to the core FET targets set out in the 'Future FET: Transforming Learning, National FET Strategy 2022/24,' i.e. building skills, fostering inclusion, creating pathways. The respective Kerry ETB and SOLAS Chief Executive Officers will sign the agreement once finalised.

A further update on the SPA will be provided at the October 2022 Board meeting.

Before concluding the update, the Director of FET added that in line with the National FET Strategy 2022/24, the ETB is currently conducting a rebranding process of its VTOS provision, i.e. Vocational Training Opportunities Scheme, to make the programme more accessible to potential learners. This rebranding will see the programme be integrated into Kerry College and referred to as 'Pathway Programmes.'

Proposal re possible Bakery Facility Blennerville

The Director of FET briefed the Board on a proposed collaboration with Kerry County Council for the windmill in Blennerville, Tralee. Kerry County Council is considering a proposal for the redevelopment of the centre.

Kerry ETB has been asked to consider providing an Artisan Bakery course for employment/traineeship in the redeveloped centre. This proposed project will support the ETB's community education provision (Local Training Initiative programme). It was noted that there might also be scope for a national apprenticeship.

To date, the capital fit-out is estimated to be in the range of €100,000 to €150,000. The ETB would also need to enter into a long-term 20-year lease with the council, as the windmill is council property. Discussion with SOLAS and DFHERIS would also be required.

The Board approved the exploration of this proposal further with Kerry County Council.

Proposed: Cllr. Johnnie Wall
Seconded: Cllr. Michael Cahill

It was affirmed that the proposal remains at an exploratory phase and that any/all details pertaining to potential lease approval would be tabled at a future meeting of the Board (should this proposal advance past the exploratory stage).

Proposal re possible Breisoideachas agus Oiliúint An Coláiste Gaeilge (Kerry ETB Irish FET College)

The Director of FET briefed the Board on a preliminary discussion with Oidhreacht Chorca Dhuibhne/Údarás na Gaeltachta regarding a possible partnership for the establishment of a Breisoideachas agus Oiliúint An Coláiste Gaeilge (Kerry ETB Irish FET College) in Ballyferriter, Dingle. This proposal would be similar to the Sabhal Mòr Ostaig - the National Centre for Gaelic Language and Culture, in Sleat, Isle of Skye, Scotland.

Should the proposal proceed, the centre would support the ETB's apprenticeship provision whilst delivering FET courses in nursing, childcare, ICT, media and administration – all *trí Gaeilge*. In the context of the ETB's Scéim Teanga, the Tralee Irish Language Plan, and the Official Languages (Amendments) Act 2021, it was noted that this development would be significant for the organisation.

The FET Management team propose to explore this possibility with SOLAS and DFHERIS.

The Board welcomed these initial discussions, and a further update will be provided following consultation with SOLAS and DFHERIS.

In concluding the discussion, the Director of FET provided an overview of the following Irish languages courses available for adults:

PLSS	Course Description
356270	TEG Leibhéal C1/Irish Language TEG C1
356266	Teastas Eorpach na Gaeilge - Leibhéal A2
362299	Cúrsa Gaeilge, Stair Áitiúil & Béaloideas/ Irish Language, Local History & Folklore
356290	Teastas Eorpach na Gaeilge - Leibhéal B1
356287	Teastas Eorpach na Gaeilge - Leibhéal B2
356284	Teastas Eorpach na Gaeilge - Leibhéal A1
356286	Teastas Eorpach na Gaeilge - Leibhéal A2
362300	An Tuismitheoir Tomhaiste- Gearrchúrsa Tuismitheoireachta / Parents Plus

Board Members were advised that applications could be made via the Kerry ETB website or www.fetchcourses.ie.

FET Renewable Energy Projects

The Director of FET addressed several FET renewable energy projects being progressed, including a project for photovoltaics, energy generation installation, and energy storage at the Kerry College Monavalley campus.

	<p>All proposed developments align with the ETB's Sustainability Strategy 2020-22.</p> <p>As advised above, a comprehensive update on the ETB's energy controls will be addressed at the October 2022 Board meeting.</p> <p>Board Members thanked the Director of FET for his comprehensive report.</p>
6.7	<p>Chief Executive Officer Report</p> <p>The CEO addressed the following updates with the Board:</p> <ul style="list-style-type: none"> • Update re 5-year Strategy Statement - as per Section 27 ETB Act 2013 • Amendments to the Official Languages Act 2003 • Kerry ETB New Branding Development • Upcoming Kerry ETB Events • Tralee Regional Sports and Leisure Company Limited by Guarantee • Iveragh United Football Club and the South Kerry Sports Centre • Tralee Community Training Centre • ETB Head Office Accommodation • Board Meeting Plan 2022/23 • Visit Kerry ETB Social Media <p><u>Update re 5-year Strategy Statement - as per Section 27 ETB Act 2013</u> In addressing the 5-year Strategy Statement, the CEO referenced his report and the updates therein.</p> <p>It was noted that a workshop with the ETB Board members would be scheduled for late October, at which point Members will be asked to provide their feedback on the stakeholder consultation document (i.e. overarching strategic goals and objectives).</p> <p>The current timeline provides for the strategy to be ready for approval at the December 2022 Board meeting in advance of an official launch in Quarter 1 2023.</p> <p>A further update will be provided at the October 2022 Board meeting.</p> <p><u>Amendments to the Official Languages Act 2003</u> In addressing the amendments to the Official Languages Act 2003, it was noted that these statutory obligations would come into effect on October 10th 2022.</p> <p>Following October 10th 2022, the ETB will have to ensure that one in every five adverts placed by the ETB is in the Irish language, i.e. adverts via print, TV, digital and social media, radio, audio, newspaper etc. The Executive is currently addressing this requirement by analysing its advertising expenditure at the Senior Executive Management forum. In addition, the</p>

	<p>ETB has sought department approval for a full-time Irish Language Officer for the organisation.</p> <p>The CEO concluded by noting how important it will be for Kerry ETB to address these matters strategically in the coming weeks and months.</p> <p>A further update will be provided at the October 2022 Board meeting.</p> <p><u>Kerry ETB New Branding Development</u></p> <p>As per the provisions of Section 1.18 of CL 0002/2019, Ms Deirdre Ferris declared a potential conflict of interest with this agenda item (Agenda item 6.7). Ms Ferris advised the Board that her brother owns a sign company in Tralee. Ms Ferris excused herself from the part of the meeting during which the new branding options were discussed.</p> <p>The Public Relations and Events Officer addressed the following update concerning the development of a new brand for Kerry ETB:</p> <ul style="list-style-type: none"> • The new branding concept was presented to the Board at the June 2022 Board meeting, with no consensus reached by Board Members. At that meeting, the Executive noted a request to prepare an expenditure report on the cost of rebranding. • This expenditure report was tabled at the July Board meeting, indicating a total project cost of €98,000. Of this €98,000, a cost of €50,000 was cited for external signage. As part of a due diligence process, the Executive completed a review of the organisation's signage to ensure this expenditure was wholly justified. Notably, across 38 locations, it is estimated that 36 signs need replacing because (1) they have no official public-facing sign, (2) to comply with the Official Languages Act, or (3) they are outdated, i.e. refers to "Kerry Education Services" or old Department/EU logos. Members were advised that of this €50,000 signage cost, changing the ETB's logo will only impact the signage of 2 locations, i.e. an estimated cost of €2,060 (as opposed to €50,000). <p>In discussing the project's expenditure, the CEO added that when other Vocational Education Committees (VEC) amalgamated to become ETBs in 2013, each VEC had to meet the cost of rebranding, i.e. replacing all signage to the ETB's new name and the centralised 'ETBI' logo. At the first Kerry ETB Board meeting on July 22nd 2013, the decision was taken not to rebrand and to keep the old Kerry Education Services tree logo. Almost 10 years later, as the organisation prepares to finalise its new Strategy Statement for 2023-2027, the decision to adopt a new logo for the ETB is being explored.</p>
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10.2 ETB Logo Update:

Following a discussion regarding the ETB logo, the Board agreed to retain the existing logo. The CEO was request to write to the Minister seeking approval for the use of the name “Kerry Education and Training Service” in accordance with section 12(2) of the ETB act 2013 as the name for which the Board will be known for operational purposes under section 9(3).

Figure 2 Extract from July 2013 Board Meeting Minutes

Following the July 2022 Board meeting, the Executive established a Working Group to refine the rebranding options with the appointed local designer. Membership of this group included two representatives from the Board, three Directors, the Head of CCT and the Public Relations and Events Officer. This group is recommending two possible logo options for consideration by the Board. It was noted that colour copies of two branding concepts were circulated in advance of the meeting to Board Members, with larger-sized mock-ups circulated in the meeting.

The CEO requested that the chosen new logo makes provision for flexible logo colours that can be used for important events or national holidays, i.e. green and gold colour palette for All-Ireland events. This was agreed.

Board members considered the two options presented, and following a vote of Members (as per Schedule 3, Paragraph 5(3) of the ETB Act 2013), the below option was agreed as the preferred branding:



The adoption of the new branding by the Board was formally approved.

Proposed: Cllr. Jim Finucane
Seconded: Cllr. Terry O'Brien

The CEO thanked the Board Members, Directors, and all staff involved to date in this process and advised Board Members that the new brand would launch in line with the new Strategy Statement 2023/27. The next step will be the development of branding guidelines which will instruct internal staff and stakeholders on how to communicate and use the brand consistently across all facilities.

Mr Niall Lucey commended the organisation's work and emphasised the importance of maintaining an identifiable ETB identity locally and nationally.

Upcoming Kerry ETB Events

Members were advised of the following events:

- **September 20-22nd 2022:** FET presence at the National (and World) Ploughing Championships
- **October 3rd 2022:** Launch of the two successful Strategic Infrastructure Upgrade Fund projects by Minister for FHERIS, Mr Simon Harris TD
- **October 3-7th 2022:** Kerry ETB Schools Week
- **October 28th 2022:** Official Opening of Scoil an Ghleanna by Minister Foley
- **October 2022:** Official Launch of the Tech Amergin FET centre Performing Arts Programme Autumn 2022 (date to be confirmed)
- **October 2022:** Topping-Out Ceremony at Gaelcholáiste Chiarraí Nua by Minister for Education, Ms Norma Foley TD (date to be confirmed).

Members noted receipt of invitations to the Strategic Infrastructure Upgrade Fund launch on Monday, October 3rd, 2022, at Kerry College's Listowel and Monavalley Campuses, as circulated at the meeting.

Tralee Regional Sports and Leisure Company Limited by Guarantee

The CEO provided the following update in relation to Tralee Regional Sports and Leisure Company Limited by Guarantee, which included the following:

- Of the planned refurbishment works scheduled for over the summer:
 - Retiling of the small swimming pool is complete
 - Dry male and female changing rooms will be finished the week ending September 23rd 2022
 - Aerobics studio works are planned to be completed the week ending October 7th, 2022
- The provision at the centre has returned to normal, save for areas that are temporarily closed for refurbishment.

In addition, it was noted that on June 27th 2022, correspondence was received from Kerry County Council advising of two (Executive members) replacement directors to the Tralee Regional Sports and Leisure Centre's Board of Directors. A meeting of the Board of Directors will be scheduled for October/November 2022.

A further update will be provided at the next meeting.

Iveragh United FC and Over the Water Sports Centre Company Limited by Guarantee

At the ETB Board meeting on May 10th 2022, the CEO received Board approval to engage with Kerry County Council and other publically funded agencies/bodies to discuss a proposal re the possible future management of the South Kerry Sports Centre, a centre currently managed by Over the Water Sports Centre Company Limited by Guarantee. Currently, Kerry ETB has a post-primary school and three FET centres (including Kerry College Killorglin Campus) in proximity to this facility.

The CEO advised Members at the September Board meeting that the existing company directors have expressed their preference to step down after many years of service. Therefore, the proposal under consideration centres around public agencies/bodies nominating director(s) to the company board to replace the outgoing directors. Publically funded agencies/bodies in this context include Kerry ETB, Kerry County Council and the South Kerry Development Partnership (SKDP).

Following his engagements with the local agencies/bodies, the CEO advised that Kerry Council is not currently in a position to nominate director/s to the Board. SKDP is considering the matter.

In exploring this proposal, it was clarified that Kerry ETB had not committed any additional financial resources to Over the Water Sports Centre Company Limited by Guarantee, and this proposal is very exploratory.

A further update will be provided to the Board at the October 2022 meeting.

Tralee Community Training Centre

It was noted that work is ongoing regarding the recruitment of a new centre manager for the Tralee Community Training Centre.

The Director of FET re-emphasised the ETB's commitment to working collaboratively with the centre, ensuring the centre and its learners' needs are met.

A further update will be provided to the Board at the October 2022 meeting.

ETB Head Office Accommodation

At the July 2022 Board meeting, the Board expressed concern about the apparent lack of progress made by the Departments to address the need for a permanent ETB head office solution, despite the communication of numerous proposals. The current head office lease will expire in 2027.

Following a unanimous decision of the Board at the July 2022 Board meeting, an Cathaoirleach and the CEO issued a joint letter to the Minister

	<p>for Education seeking a meeting to discuss Kerry ETB’s head office accommodation options. No formal response to this letter has been received to date.</p> <p>A further update will be provided to the Board at the October 2022 meeting.</p> <p><u>Board Meeting Plan 2022/23</u> As circulated, the Board Meeting Plan 2022/23 sets out the key matters to be addressed by the Board throughout the calendar year. With respect to good governance practices, implementing a ‘Board Meeting Plan’ can help focus a board and improve efficiency and productivity.</p> <p>The CEO advised Board Members that the Board Meeting Plan 2022/23 is a live document and, therefore, is subject to change given the time sensitivity of some agenda items. The plan is available on the Board Microsoft teams and accessible through Members’ iPads.</p> <p>The Board noted this update.</p>
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09/2022/7	GOVERNANCE RIALACHAS
7.1	<p>Delegation of Authority - as per Section 16 of the ETB Act 2013 The CEO advised the following:</p> <p>On September 6th 2022, as per Section 16 of the ETB Act 2013, the CEO issued a letter to the Director of SYM, Ms Ann O’Dwyer, formally delegating authority to sign off on any documentation requiring the CEO’s signature during the CEO’s period of annual leave in September 2022.</p> <p>The Board noted this update.</p>

<p>7.2</p>	<p>Risk Management Update</p> <p>The Director of OSD outlined to the Board a recent risk added to the Corporate Risk Register (Version 1.2, 2022): ‘risk of potential energy (to include electricity and gas) and/or fuel shortage for the organisation and its staff.’ This new risk was added to the 2022 Corporate Risk Register following a review of a report by the Commission for Regulation of Utilities titled ‘Electricity Crises: A Risk Preparedness Plan for Irish.’</p> <p>In the following discussion, it was noted that the Executive would deliver a joint presentation to Board Members at the October 2022 Board meeting to advise of the controls implemented to date and future controls that will support the organisation address this risk. Given the nature of this risk, the organisation has adopted a collaborative approach centred around the following three control areas:</p> <ul style="list-style-type: none"> • Reduce Energy Consumption • Manage Costs • How to React to a Potential Blackout/Energy Cuts <p>Members noted this input and commended the Executive's work addressing this critical risk for schools and centres ahead of the winter months.</p>
<p>7.3</p>	<p>Revision to Kerry ETB Board Standing Orders - as per Schedule 3, Paragraph (5)(5), ETB Act 2013</p> <p>In accordance with Schedule 3, Paragraph (5)(5), ETB Act 2013, each ETB is required by law to regulate its own procedures "by standing orders or otherwise." Specifically, standing Orders provide guidelines for the conduct of meetings, in this context, Kerry ETB’s Board meetings.</p> <p>The CEO advised the Board that a review of the Standing Orders was conducted over the summer period, presenting a summary of changes as follows:</p> <ul style="list-style-type: none"> • Formatting, i.e., structure, layout, phrasing etc. • Section 3.2 Regular Board Meetings on Page 9: “The schedule of regular board meetings is agreed annually at the December Board meeting and shall make provisions for up to a maximum of twelve regular meetings per annum, one of which will be held in July or August.” • Section 6.1 Order of Business: Updated board agenda • Section 12.1 Board Minutes: “Minutes will be circulated to members via the Board Shared Drive and available on hard copy upon request. Upon appointment, Board members are provided with a personalised device to safely access the Board Shared Drive. Training is provided on the use of this device, as necessary.” • Section 12.2 Recording Attendance: <ul style="list-style-type: none"> ○ “Every member attending a meeting of the Board or subcommittee shall sign his/her name in the Attendance Book provided for the

	<p>purpose, and such Book shall be the official record of such attendances.”</p> <ul style="list-style-type: none"> ○ “Members who leave the board meeting without the Cathaoirleach's permission and/or before one hour after the scheduled start of the meeting shall be deemed not to have been in attendance. Members attending for less than 30 minutes of the meeting shall not be deemed in attendance.” ● Section 14 Rules for the Meeting Adjournment: The Board meeting to stand adjourned for 15 minutes following the recent death of a staff member. <p>The updated Standing Orders were circulated to members before the meeting.</p> <p>The Board formally approved these amendments to the Standing Orders.</p> <p style="text-align: center;">Proposed: Cllr. Niall O’Callaghan Seconded: Cllr. Johnnie Wall</p>
7.4	<p>Board Self-Assessment Evaluation 2022 - as per Section 4 of CL 0002/2019</p> <p>Under Section 4 of the Code of Practice for the Governance of ETBs (CL 0002/2019), there is a requirement for ETB Boards to undertake an annual self-assessment evaluation of its own performance and that of its subcommittees. The Code also sets out that it is best practice for an ETB to appoint an external facilitator to carry out this self-assessment every 2-3 years.</p> <p>At the July 2022 Board meeting, the Board was advised that a third-party supplier would be appointed to conduct the 2022 self-assessment after the summer period. Following a tender process, the successful supplier appointed was Governance Ireland, an independent consultancy firm specialising in governance services.</p> <p>Ms Trisha Tierney, Executive Support, outlined that Governance Ireland would be in contact with Board Members directly in the coming weeks to (1) complete the self-assessment form and (2) conduct individual interviews. Following this process, Governance Ireland will produce a self-assessment report for the Board and Executive, which will be tabled at the December 2022 Board meeting.</p> <p>The Board took note of the process.</p>

7.5	<p>Kerry ETB Policies – for approval</p> <p>The following policies, as circulated with the agenda, were presented for approval by Ms Maria Brennan, Director of OSD:</p> <ul style="list-style-type: none"> • Annual Leave Policy and Procedure (Revision) • Hospitality and Gifts Policy and Procedure (Revision) • Purchase Card Policy and Procedure (Revision) • Right to Disconnect Policy <p>In addressing the Right to Disconnect Policy, the Director of OSD outlined a slight change to the ‘Working Hours’ section on page 2 of the policy, as follows:</p> <p style="text-align: center;"><i>Working Hours</i> <i>Normal working hours are defined as per a staff member’s contract of employment. For the majority of staff, the working hours are completed between the hours of 7:30 am to 6 pm, Monday to Friday.</i></p> <p>The Board noted this update to the Right to Disconnect Policy.</p> <p>The Board approved all the above-listed policies as the Director of OSD presented.</p> <p style="text-align: center;">Proposed: Cllr. Terry O’Brien Seconded: Ms Joan McCrohan</p>
7.6	<p>Charities Code Annual Report 2022 – for approval</p> <p>The Charities Governance Code applies to all charities registered in Ireland, including educational bodies, including Kerry ETB. In 2020, the Charities Regulator introduced a revised Code of Governance for Charities, requiring mandatory compliance for all registered charities. Under the revised Code, Kerry ETB is expected to submit a Charities Regulator Annual Report at the end of October each year.</p> <p>As Kerry ETB already demonstrates compliance to the Code of Practice for the Governance of ETBs (CL 0002/2019) annually in June, there is concern that a second compliance process could potentially lead to confusion reporting under two different codes.</p> <p>These concerns were addressed with the Board at the October 26th 2021, meeting. At the meeting, it was noted that ETBI were engaging with the DE to secure an arrangement for the ETB sector. On this basis, Kerry ETB’s legal agents recommended that Kerry ETB, under the ‘comply or explain principle,’ advise that it has ‘not started implementing the Code’ on the basis that ETBI is engaging with the Charities Regulator to secure the aforementioned arrangement for ETBs, adding that the ETB complies annually to CL 0002/2019 and its ten principles.</p>

On September 26th 2021, legal advice was received from the ETB's Legal. This guidance set out the options available to the ETB in line with the Charities Code 'comply or explain' principle. The legal agents further advised on the basis that a special arrangement for ETBs may soon be put in place that Kerry ETB when reporting to the Charities' Regulator – should confirm that Kerry ETB has 'not started implementing the Code'.

Extract from ETB Board Meeting Minutes, October 26th 2022

After ETB's Board meeting on October 26th 2021, the DE, ETBI and the Charities Regulator met on October 27th 2021, to discuss these matters. At the meeting, the Charities Regulator 'confirmed that it is permissible to confirm compliance with the CRA Code by referencing compliance with ETB Code, once the ETB is satisfied that each given element of the CRA Code is met via the ETB Code of Practice (see extract below).'

4. Other assistance with compliance with Charities Code.

CRA confirmed that it is permissible to confirm compliance with the CRA Code by referencing compliance with ETB Code, once the ETB is satisfied that each given element of the CRA Code is met via the ETB Code of Practice. If there are areas which are not, it is open for the ETBs to specifically address those areas in detail while confirming the other areas with reference to compliance with the ETB Code.

Extract from ETBI Meeting Note, October 26th 2021

Accordingly, and with the approval of the Board, it is proposed to adopt a similar approach to 2021 and issue correspondence to the Charities Regulator advising that Kerry ETB 'demonstrates compliance annually' to CL 0002/2019 under the 'comply or explain principle' in the Charities Code.

The Board agreed this.

Proposed: Ms Joan McCrohan
Seconded: Cllr. Marie Moloney

The Board thanked the Executive for this update.

7.7

Section 44 Committees: Minutes – for approval

There were no Section 44 Committees' minutes for approval at this time.

7.8

Section 44 Committees: Appointments and Vacancies – for approval

The Board approved the following Section 44 Committee appointments:

Section 44 Committee	Current Vacancies	Nomination
Killarney Community College	Siobhan O'Brien (replacing Mary McGillicuddy)	Board of Management/ Community Nominees
Music Generation Kerry	Maire Logue	(Community Nominee relevant to Music)

Proposed: Cllr. Johnnie Wall
Seconded: Cllr. Terry O'Brien

The Board noted the following Section 44 Committee vacancies.

Section 44 Committee	Current Vacancies
Castleisland Community College	1 Teacher Nominee (Female)
Causeway Comprehensive School	1 Ceist/Presentation Sisters Nominee
Coláiste na Ríochta	1 Board of Management/ Community Nominee
Coláiste na Sceilge	1 Kerry ETB Nominee (or a non- ETB Board Nominee)
Gaelcholáiste Chiarraí	1 Parent Nominee (Male)
Killorglin Community College	1 Parent Nominee (Male) 1 Teacher Nominee (Male)
Youth Work	1 Community Nominee (Male)
Youthreach	1 Parent Nominee (Male)
Further Education and Training Centres	1 Community Nominee (Female)

Further updates on these vacancies will be tabled at the October 2022 Board meeting.

7.9

Section 45 Committees: Appointments and Vacancies

The Board noted a recent vacancy on the Kerry ETB Finance Committee. In line with the provisions of CL 0002/2019. The CEO is engaging with the committee chairperson to address the vacancy

At present, the committee has six members: three internal and three external members.

A further update will be provided at the October 2022 Board meeting.

<p>7.10</p>	<p>Section 45 Committees: Minutes and Meeting Notes The following Kerry ETB Audit and Risk Committee meeting note was circulated prior to the meeting.</p> <table border="1" data-bbox="483 383 1396 535"> <thead> <tr> <th data-bbox="483 383 791 456">Section 45 Committee</th> <th data-bbox="791 383 1091 456">Meeting Date</th> <th data-bbox="1091 383 1396 456">Document</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 456 791 535">Audit and Risk Committee</td> <td data-bbox="791 456 1091 535">September 14th 2022</td> <td data-bbox="1091 456 1396 535">Meeting Note</td> </tr> </tbody> </table> <p>Members noted same.</p>	Section 45 Committee	Meeting Date	Document	Audit and Risk Committee	September 14 th 2022	Meeting Note
Section 45 Committee	Meeting Date	Document					
Audit and Risk Committee	September 14 th 2022	Meeting Note					
<p>7.11</p>	<p>Kerry ETB Partnership Schools: Appointments and Vacancies – for approval The CEO outlined that a vacancy had arisen on the Board of Management (BOM) of Kerry ETB Partnership School, Pobalscoil Sliabh Luachra, following the resignation of the CEO’s nominee, Ms Stella Loughnane.</p> <p>In addressing this matter, the CEO was approved to fill this vacancy for the remaining term of the BOM, i.e. until July 31st 2023.</p> <p>The Board formally approved the following nomination to the Kerry ETB Partnership School, Pobalscoil Sliabh Luachra.</p> <table border="1" data-bbox="483 1135 1396 1249"> <thead> <tr> <th data-bbox="483 1135 959 1211">Kerry ETB Partnership Schools</th> <th data-bbox="959 1135 1396 1211">CEO Nominee</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 1211 959 1249">Pobalscoil Sliabh Luachra</td> <td data-bbox="959 1211 1396 1249">Mr Colm McEvoy</td> </tr> </tbody> </table> <p style="text-align: center;">Proposed: Cllr Jim Finucane Seconded: Ms Joan McCrohan</p> <p>The Executive took note to follow up with the school principal in relation to this appointment.</p>	Kerry ETB Partnership Schools	CEO Nominee	Pobalscoil Sliabh Luachra	Mr Colm McEvoy		
Kerry ETB Partnership Schools	CEO Nominee						
Pobalscoil Sliabh Luachra	Mr Colm McEvoy						
<p>7.12</p>	<p>Kerry ETB Partnership Schools: BOM Meeting Minutes The following Kerry ETB Partnership School Board of Management minutes were noted:</p> <table border="1" data-bbox="483 1702 1396 1854"> <thead> <tr> <th data-bbox="483 1702 949 1778">Kerry ETB Partnership Schools</th> <th data-bbox="949 1702 1396 1778">BOM Minutes Meeting Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 1778 949 1854" rowspan="2">Pobalscoil Sliabh Luachra</td> <td data-bbox="949 1778 1396 1816">May 9th 2022</td> </tr> <tr> <td data-bbox="949 1816 1396 1854">June 29th 2022</td> </tr> </tbody> </table>	Kerry ETB Partnership Schools	BOM Minutes Meeting Date	Pobalscoil Sliabh Luachra	May 9 th 2022	June 29 th 2022	
Kerry ETB Partnership Schools	BOM Minutes Meeting Date						
Pobalscoil Sliabh Luachra	May 9 th 2022						
	June 29 th 2022						

09/2022/8	CORRESPONDENCE COMHFHREAGRAS
8.1	DE Correspondence: Noted as listed
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

09/2022/9	MEMBERS' BUSINESS GNÓ NA gCOMHALTAÍ
	<p>Members' Business</p> <p><u>ETBI Annual General Meeting and Conference 2022</u></p> <p>At the July 2022 Board meeting, Members appointed the following five delegates to attend ETBI's Annual General Meeting and Conference 2022:</p> <ul style="list-style-type: none"> • Cllr. Deirdre Ferris • Cllr. Jim Finucane • Cllr. Johnnie Wall • Ms Maria O'Gorman • Cllr. Norma Moriarty <p>Also noted at the meeting was that the AGM and conference were not taking place on the same day, i.e. AGM on September 21st and the conference on September 28th/29th 2022.</p> <p>Members noted that the conference would take place at the Mount Wolseley Hotel Spa and Golf Resort in Tullow, Co. Carlow. The agenda was circulated with the September Board pack and includes addresses from Minister for Education, Ms Norma Foley TD and Minister for FHERIS, Mr Simon Harris TD.</p> <p>The Board was advised that each ETB is invoiced to cover the cost of 10 delegates at €295 per person. Currently, the ETB has eight confirmed attendees with two vacancies.</p> <p>Ms Joan McCrohan and Cllr. Niall O'Callaghan were approved to attend the conference as per ETB Act 2013, Section 2(h).</p> <p style="text-align: center;">Proposed: Cllr. Jim Finucane Seconded: Cllr. Terry O'Brien</p>

09/2022/10	<p style="text-align: center;">ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p>
	<p>Music Generation - Kerry County Courthouse Proposal Cllr. Deirdre Ferris referred to a recent Section 44 Committee - Music Generation Kerry meeting where committee members discussed the need for additional space for the programme. Considering the recent news that the Court Services will vacate the Kerry County Courthouse in Tralee, Cllr. Ferris outlined the potential to transform the building into a civic centre with the possibility of space assigned to the Music Generation Kerry programme.</p> <p>It was noted that Kerry County Council completed a structural survey of the building in recent years. Accordingly, a structured meeting with the council was proposed to discuss the proposal is to be arranged.</p> <p style="text-align: center;">Proposed: Cllr Deirdre Ferris Seconded: Ms Joan McCrohan</p> <p>Next Kerry ETB Board Meeting: The date for a Board meeting in October was noted:</p> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <p>Date: October 25th 2022 Time: 4:15 pm Location: Tech Amergin Further Education and Training Centre, Waterville, Co. Kerry</p> </div>

Signed/Sínithe: _____

Date/Dáta: _____