

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

Date and Time:	Tuesday, December 5 th , 2023, at 04:15 pm
Location:	Hybrid: Listowel Arms Hotel, Listowel and via Microsoft Teams
Cathaoirleach:	Cllr. Jim Finucane
Secretary:	Mr Colm McEvoy, Chief Executive
Attendance (Reserve Members):	<ul style="list-style-type: none"> • Cllr. Aoife Thornton • Ms Celia O'Shea • Cllr. Deirdre Ferris • Cllr. Fionnán Fitzgerald (VC) • Cllr. Jim Finucane • Mr John O'Roarke • Cllr. Johnnie Wall • Mr Joseph (Joe) Brennan (VC) • Ms Maria O'Gorman • Cllr. Marie Moloney • Cllr. Niall O'Callaghan • Cllr. Norma Moriarty (VC) • Ms Tara Donoghue (VC) • Mr Tim Daly
Attendance (Executive Members):	<ul style="list-style-type: none"> • Mr Colm McEvoy, Chief Executive • Ms Ann O'Dwyer, Director of Schools, Youth and Music (SY&M) • Ms Maria Brennan, Director of Organisation Support and Development (OS&D) • Mr Owen O'Donnell, Director of Further Education and Training (FET) • Ms Aileen O'Connor, Head of Corporate, Capital and Technology (CCT) • Mr Tommy Conroy, Head of Finance • Mr Pdraig O'Sullivan, Buildings Officer • Ms Trisha Tierney, Executive Support

Apologies:	<ul style="list-style-type: none"> • Cllr. Cathal Foley, Board Member • Ms Joan McCrohan, Board Member • Cllr. Maura Healy-Rae, Board Member • Cllr. Michael Cahill, Board Member • Mr Niall Lucey, Board Member • Cllr. Terry O'Brien, Board Member • Mr Zaid Kassoob, Board Member • Ms Betty Corkey, Head of Human Resources
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12/2023/0	CONFLICT OF INTEREST COIMHLINT LEASA
	<p>As per Section 1.18 of Circular Letter (CL) 0002/2019, a conflict of interest form was circulated to each Board Member before the meeting for signature. Furthermore, the Cathaoirleach, Cllr. Jim Finucane asked Board Members to disclose any conflicts of interest prior to the commencement of the meeting.</p> <p>There were no conflicts of interest disclosed relevant to the meeting's agenda items, as discussed.</p>

12/2023/1	<p style="text-align: center;">CONDOLENCES COMHBHRÓN</p>
1.1	<p>Condolences/Comhbhrón An Cathaoirleach expressed his sympathy and that of the Board to:</p> <ul style="list-style-type: none"> • Ms Catherine Barry, Two Mile Community National School, on the death of her father, Mr Bill Barry. • Ms Catherine Lyons, Youth Work Development Office, on the death of her uncle, Mr John Lyons. • Ms Aoife McCormack, Quality Assurance Unit, on the death of her aunt, Ms Betty Coughlan. • Mr George Emerson, Kerry College, on the death of his mother, Ms Brigid Emerson. • Ms Lisa de Róiste, Gaelcholaiste Chiarraí, on the death of her uncle, Mr Patrick Lenihan. • Ms Lorraine Feeney, Kerry College, on the death of her father, Mr Declan Kerrisk. • Ms Bernie Walsh, Head Office, on the death of her aunt, Ms Hanah Gleeson. • Ms Geraldine Collins, Kerry College, on the death of her aunt, Ms Mary-Ann Duggan. • Ms Anne McHugh, Donegal Education and Training Board, on the death of her mother, Ms Maureen McHugh. • Mr Joseph Collins, Education and Training Boards Ireland, on the death of his brother, Mr Denis Collins.

12/2023/2	CONGRATULATIONS COMHGHAIRDEAS
	<p>Congratulations/Comhghairdeas The Cathaoirleach shared congratulations to the following:</p> <ul style="list-style-type: none"> • Ms Celia O’Shea, Board Member, on winning the John Kelly Award for Universal Design in the Further and Higher Education Sector. • Kerry ETB and Cork ETB for winning the Chairperson's Award at the Tech Industry Alliance Leaders Awards on November 10th, 2023. <p>Cllr. Marie Moloney commended Ms O’Shea’s project and proposed sharing same with Education and Training Boards Ireland.</p> <p style="text-align: center;">Proposed: Cllr. Marie Moloney Seconded: Cllr. Niall O’Callaghan</p> <p>Congratulations were also shared to:</p> <ul style="list-style-type: none"> • Mercy Mounthawk students and staff, including the Principal and fellow Board Member, Mr John O’Roarke, for their inaugural win of the O’Sullivan Cup. • Coláiste na Sceilge’s Intergenerational Connect Group for winning the Judges' Special Recognition Award at the Age Friendly Ireland Awards 2023 for their project, “Youth Action Addressing IT Poverty among Older People in South Kerry.”

12/2023/3	<p style="text-align: center;">MINUTES - FOR ADOPTION MIONTUAIRISCÍ - LE GLACADH</p>
<p>3.1</p>	<p>The minutes of the previous Board meeting held on November 7th, 2023, were circulated to Board Members in advance of the meeting.</p> <p>The minutes were presented to the Board for approval.</p> <p style="text-align: center;">Proposed: Cllr. Johnnie Wall Seconded: Cllr. Niall O'Callaghan</p> <p>The minutes were adopted and signed at the meeting.</p>
<p>3.2</p>	<p>A proposal to amend the minutes of the Board meeting minutes from September 26th, 2023, was presented. The revision pertained to the figure for the FAR 4 submission to SOLAS, which required adjustment from €44,105,432 to €44,082,632.</p> <p>The proposed amendment was presented to the Board for approval.</p> <p style="text-align: center;">Proposed: Cllr. Aoife Thornton Seconded: Cllr. Niall O'Callaghan</p> <p>It was noted that a record of the minutes as amended would be retained on file for the purpose of future audit.</p>

12/2023/4	<p style="text-align: center;">MATTERS ARISING FROM MINUTES NITHE ATÁ AG ÉIRÍ AS NA MIONTUAIRISCÍ</p>														
	<p>The 'Matters Arising From Minutes' were addressed under the relevant reports as follows:</p> <table border="1" data-bbox="550 510 1423 1518"> <tbody> <tr> <td data-bbox="550 510 632 651">4.1</td> <td data-bbox="632 510 1423 651"> Section 44 Committees: Appointments and Vacancies – see <i>Governance Report Section 6.4</i> </td> </tr> <tr> <td data-bbox="550 651 632 792">4.2</td> <td data-bbox="632 651 1423 792"> High Court Summons – see <i>Organisation Support and Development Report Section 7.3</i> </td> </tr> <tr> <td data-bbox="550 792 632 976">4.3</td> <td data-bbox="632 792 1423 976"> Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – see <i>Finance Report Section 7.4</i> </td> </tr> <tr> <td data-bbox="550 976 632 1084">4.4</td> <td data-bbox="632 976 1423 1084"> SOLAS Funding 2023 – see <i>Finance Report Section 7.4</i> </td> </tr> <tr> <td data-bbox="550 1084 632 1227">4.5</td> <td data-bbox="632 1084 1423 1227"> Schedule of Fees (Section 50 of the ETB Act, 2013) – see <i>Finance Report Section 7.4</i> </td> </tr> <tr> <td data-bbox="550 1227 632 1370">4.6</td> <td data-bbox="632 1227 1423 1370"> Community National School Budgets – see <i>Finance Report Section 7.4</i> </td> </tr> <tr> <td data-bbox="550 1370 632 1518">4.7</td> <td data-bbox="632 1370 1423 1518"> Kerry College Killarney Campus Building Project – see <i>Capital and Buildings Report Section 7.6</i> </td> </tr> </tbody> </table>	4.1	Section 44 Committees: Appointments and Vacancies – see <i>Governance Report Section 6.4</i>	4.2	High Court Summons – see <i>Organisation Support and Development Report Section 7.3</i>	4.3	Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – see <i>Finance Report Section 7.4</i>	4.4	SOLAS Funding 2023 – see <i>Finance Report Section 7.4</i>	4.5	Schedule of Fees (Section 50 of the ETB Act, 2013) – see <i>Finance Report Section 7.4</i>	4.6	Community National School Budgets – see <i>Finance Report Section 7.4</i>	4.7	Kerry College Killarney Campus Building Project – see <i>Capital and Buildings Report Section 7.6</i>
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12/2023/5	GOVERNANCE RIALACHAS
5.1	<p>Risk Management Update</p> <p>In line with the provisions of Circular 0002/2019, Provision 7.3, Ms Maria Brennan, Director of OS&D and Chief Risk Officer, welcomed feedback from the Board in relation to the register as circulated. Members advised no additional notes/actions to those already identified by the Executive in the register. It was noted that the Corporate Risk Register Version 1.3 had been circulated in advance of the meeting with the Board meeting pack for both the November and December Board meetings.</p> <p>In addition to the above, the Chief Risk Officer advised that Kerry ETB's annual review of its risk management documentation, which supports its framework, is progressing well. The revised documentation was presented at the Audit and Risk Committee meeting on November 29th, 2023. Minor changes have been advised.</p> <p>It was noted that the revised documentation, i.e. Risk Management Policy (Revision) and Risk Appetite Statement 2024, will be presented for approval at the January 2024 Board meeting.</p> <p>Members noted same and thanked the Chief Risk Officer for her update.</p>
5.2	<p>Governance and Policy Framework</p> <p>Ms Maria Brennan, Director of OS&D, presented the following policies and procedures, which were circulated with the agenda, for approval:</p> <ul style="list-style-type: none"> • ICT Child Safeguarding Policy and Procedure (Revision) - Corporate Compliance with Children First Act (2015) and the DES Child Protection Procedures for Primary and Post-Primary Schools (2023) • Conflict of Interest Policy (Revision) • Health and Safety Procedure for Events Management • Health and Safety Training Register Procedure • Outreach Inspection Policy (Revision) • Overpayments Policy and Procedure (Revision) <p>The Board approved the above-listed policies and procedures as presented.</p> <p style="text-align: center;">Proposed: Cllr. Aoife Thornton Seconded: Mr Tim Daly</p>

5.3

Section 44 Committees: Minutes

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

Section 44 Committee	Date of Meeting	Board Member in Attendance
Tahilla Community National School	24.01.23	N/A
	02.05.23	N/A
Castleisland Community College	21.09.23	Cllr. Fionnán Fitzgerald, Mr Tim Daly
Causeway Comprehensive School	12.06.23	Cllr. Aoife Thornton, Ms Maria O'Gorman
Coláiste na Ríochta	07.06.23	Nil
Gaelcholáiste Chiarraí	20.04.23	Mr Niall Lucey
	22.06.23	Mr Niall Lucey
Killorglin Community College	17.01.23	Cllr. Fionnán Fitzgerald
	18.04.23	Nil
	07.06.23	Cllr. Michael Cahill
Youthreach	17.05.23	Cllr. Deirdre Ferris, Mr Zaid Kassoob
Kerry College	07.03.23	Cllr. Jim Finucane, Cllr. Norma Moriarty
	30.05.23	Cllr. Terry O'Brien
Further Education and Training Centres	24.05.23	Cllr. Norma Moriarty, Cllr. Norma Moriarty
Youth Work	04.07.23	Cllr. Norma Moriarty

The Board approved the above-listed minutes.

Proposed: Ms Celia O'Shea
Seconded: Cllr. Aoife Thornton

5.4

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

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

Section 44 Committee	Nomination
Scoil an Ghleanna Scoil Náisiúnta Phobail	John O'Connor, <i>Community Nominee</i> Mary Scannell, <i>Community Nominee</i>
Killorglin Community College	Vincent Horgan, <i>Parents' Nominee (replacing Karl Sloan)</i>

Proposed: Cllr. Jim Finucane
Seconded: Cllr. Niall O'Callaghan

In reference to discussions held during the September 26th, 2023 (*Ref: Board meeting minutes*), and November 7th, 2023 (*Ref: Board meeting minutes*), Board meetings concerning potential conflicts of interest arising from the appointment of a grantee to the Youth Work Committee, it was agreed, in line with good governance practices, not to the process with this proposed appointment. The proposed appointment to the Youth Work Committee related to a senior staff member from a grantee organisation in receipt of significant and recurring funding.

As was addressed at previous meetings, the advice provided by Kerry ETB's legal representatives, Mason, Hayes and Curran, was also noted.

Accordingly, the proposed amendment to the Kerry ETB Written Charter and Terms of Reference for Section 44 Committees (including the Youth Work Committee), incorporating text drafted by the Director of SY&M and the Youth Work Development Officer, was presented to the Board as follows:

In the interest of good governance, organisations in receipt of significant funding from Kerry ETB will not be eligible to sit on a Section 44 Committee due to the perceived conflict of interest represented.

This amendment to the Written Charter and Terms of Reference, as proposed was approved by the Board.

Proposer: Cllr. Jim Finucane
Seconded: Cllr. Norma Moriarty

<p>5.5</p>	<p>Section 45 Committees: Meeting Notes and Minutes Ms Maria Brennan, Director of OS&D presented the following Section 45 Committees' meeting notes and minutes, as circulated with the agenda, for noting:</p> <table border="1" data-bbox="509 425 1461 665"> <thead> <tr> <th>Section 45 Committee</th> <th>Document</th> <th>Date of Meeting</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Audit & Risk Committee</td> <td>Meeting Note</td> <td>29.11.23</td> </tr> <tr> <td>Minutes</td> <td>11.10.23</td> </tr> <tr> <td>Finance</td> <td>Meeting Note</td> <td>27.10.23</td> </tr> </tbody> </table> <p>The Board noted same.</p>	Section 45 Committee	Document	Date of Meeting	Audit & Risk Committee	Meeting Note	29.11.23	Minutes	11.10.23	Finance	Meeting Note	27.10.23
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Audit & Risk Committee	Meeting Note	29.11.23										
	Minutes	11.10.23										
Finance	Meeting Note	27.10.23										
<p>5.6</p>	<p>Partnership Schools' Boards of Management: Minutes <i>Nil at this time.</i></p>											
<p>5.7</p>	<p>Partnership Schools' Boards of Management: Membership Kerry ETB is a Joint Patron/Trustee to three schools in the county:</p> <ul style="list-style-type: none"> • Pobalscoil Chorca Dhuibhne • Pobalscoil Inbhear Scéine • Scoil Phobail Sliabh Luachra <p>As a joint patron, the organisation plays a role in approving the respective Board of Management (BOM) compositions. It was noted that the Chief Executive signed confirmation of the membership for Pobalscoil Chorca Dhuibhne and Scoil Phobail Sliabh Luachra on November 15th, 2023, returning both documents to CEIST for onward signature by the fellow joint patrons.</p> <p>A copy of the signed statement was circulated with the December 2023 Board pack for Board Members' information.</p> <p>The terms of office of these BOMs is until July 31, 2026.</p> <p>The Board noted same.</p>											

<p>5.8</p>	<p>Letter of Representation 2021</p> <p>The Letter of Representation 2021 was presented by the Head of Finance, Mr Tommy Conroy.</p> <p>The Head of Finance advised that subsequent to the audit of the Annual Financial Statements 2021, Kerry ETB has received clearance from the Comptroller and Auditor General (C&AG). Consequently, the C&AG have issued a Letter of Representation intended for signature by the Cathaoirleach and Chief Executive.</p> <p>It was noted that the Letter of Representation addresses:</p> <ul style="list-style-type: none"> • Acknowledgement of Responsibilities • Compliance with Legal and Other Authorities of Responsibility • Confirmation of Key Account Items • Adequacy of Controls and Security of ICT Systems • Annual report <p>The Letter of Representation makes 23 representations around the responsibilities, compliance, account items, control systems and the annual report within Kerry ETB.</p> <p>As per the Code of Practice for the Governance of Education and Training Boards (Circular 0002/2019), the Letter of Representation accompanying the Annual Financial Statements 2021 has been reviewed by the Audit and Risk Committee at its meeting on November 29th, 2023 (as per Appendix 11 of the Code - Terms of Reference for Audit & Risk Committee) and has been agreed by the Chairperson of the Finance Committee (as per Appendix 14 of the Code – Terms of Reference for the Finance Committee), before signing by the Cathaoirleach and Chief Executive.</p> <p>The Board approved the Letter of Representation 2021 as presented by the Head of Finance.</p> <p style="text-align: center;">Proposed: Cllr. Aoife Thornton Seconded: Cllr Johnnie Wall</p>
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<p>5.9</p>	<p>Letter of Representation 2022</p> <p>The Letter of Representation 2022 was presented by the Head of Finance, Mr Tommy Conroy.</p> <p>The Head of Finance advised that upon confirmation from the C&AG regarding the closure of the audit on the Annual Financial Statements 2022, indicating no material changes, the Letter of Representation 2022 and the Financial Statements for 2022 will be presented to the Cathaoirleach and Chief Executive for signature.</p> <p>It was noted that the Letter of Representation addresses:</p> <ul style="list-style-type: none"> • Acknowledgement of Responsibilities • Compliance with Legal and Other Authorities of Responsibility • Confirmation of Key Account Items • Adequacy of Controls and Security of ICT Systems • Annual Report <p>The Letter of Representation makes 23 representations around the responsibilities, compliance, account items, control systems and the annual report within Kerry ETB.</p> <p>As per the Code of Practice for the Governance of Education and Training Boards (Circular 0002/2019), the Letter of Representation accompanying the Annual Financial Statements 2021 has been reviewed by the Audit & Risk Committee at its meeting on November 29th, 2023 (as per Appendix 11 of the Code - Terms of Reference for Audit & Risk Committee) and agreed by the Chairperson of the Finance Committee (as per Appendix 14 of the Code – Terms of Reference for the Finance Committee) before signing by the Cathaoirleach and Chief Executive.</p> <p>The Board approved the Letter of Representation 2022 as presented by the Head of Finance.</p> <p style="text-align: center;">Proposed: Cllr. Niall O’ Callaghan Seconded: Mr John O’Roarke</p>
<p>5.10</p>	<p>Kerry ETB Head Office Christmas Closure Notice</p> <p>Members of the Board noted receipt of Kerry ETB’s Head Office Christmas operating arrangements as presented by the Director of OS&D.</p>

12/2023/6	<p style="text-align: center;">EXECUTIVE UPDATES UASDÁTÚ ÓN BHFEIDHMEANNAS</p>
<p>6.1</p>	<p>Schools, Youth and Music Report The Schools, Youth, and Music Report, which had been circulated in advance of the meeting, was presented by the Director of SY&M, Ms Ann O’Dwyer, and was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Ukrainian Response Update • Schools FET Synergy Update • UDL Update • CNS Update • Ethos / Provision Mapping Update • Spikeball School Event • Correspondence from the Department of Education re National Parents’ Council Appointments to ETB Boards <p><u>Correspondence from the Department of Education re National Parents’ Council Appointments to ETB Boards</u> The Director of SY&M informed the Board of correspondence received from the Department of Education (DE) on November 6th, 2023. It was noted that the National Parents’ Council Primary is undergoing a name change to National Parents’ Council (only), a legal process anticipated to conclude by year-end.</p> <p>Consequently, in accordance with Section 30(1)(c) of the Education and Training Boards Act, 2013, upon the establishment of the new Kerry ETB Board in 2024, the Executive will solicit parent nominations from both its primary and post-primary schools.</p> <p>Board Members noted this and thanked the Director of SY&M for her update.</p>
<p>6.2</p>	<p>Further Education and Training Report The Director of FET, Mr Owen O’Donnell, advised there was no Further Education and Training Report for the December 2023 Board meeting.</p> <p>The Director of FET addressed correspondence from SOLAS addressing the final allocation for 2023 amounting to €45,339,257, which was received earlier on December 5th, 2023.</p> <p>The Board noted same.</p>

6.3

Organisation Support and Development Report

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

- High Court Case – as per Matters Arising Section 4.2
- Governance, Compliance and Risk System
- Internal Controls

High Court Summons

Further to the discussions held at the September 26th and November 7th, 2023 Board meetings (*Ref: September 26th, and November 7th, 2023, Board meeting minutes*), the Director of OS&D provided an update to the Board regarding the status of the High Court summons. This summons pertains to pension matters concerning staff who transferred to Kerry ETB from Kerry Diocesan Youth Service in 2018 and their pension entitlements. Kerry ETB is the second named defendant. This update included the following:

- Kerry ETB received the initial draft Notice of Particulars, prepared by Counsel, on November 20th, 2023. After a thorough review, the finalised Notice of Particulars was officially delivered to the plaintiffs' solicitors on November 22nd.
- A legal invoice for c. €8,000 for works to date has been received.

In addition to the above, the Director of OS&D informed the Board that on November 22nd, she had notified the Principal Officer of the Department's ETB Financial/Administrative Personnel Section about the significant exceptional expenditure anticipated by Kerry ETB concerning this legal case.

In the ensuing discussion, Cllr Aoife Thornton advised that, in her view, the Department should indemnify Kerry ETB.

A further update will be provided at the next meeting.

The Board Members thanked the Director of OS&D for her report.

6.4

Finance Report

The Finance Report was presented by the Head of Finance, Mr Tommy Conroy. The report addressed the following:

- Finance Update
- Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – as per Matters Arising Section 4.3
- SOLAS Funding 2023 – as per Matters Arising Section 4.4
- Schedule of Fees (Section 50 of the ETB Act, 2013) – as per Matters Arising Section 4.5
- Community National School Budget Allocation – as per Matters Arising Section 4.6
- Insurance Premium 2024
- Prompt Payment Update
- Travel and Subsistence Update

In addition to the above, the Head of Finance presented an update on the Overdraft Proposal/Facility.

Finance Update

The Head of Finance, Mr Tommy Conroy, presented a summary of finances as of October 30th, 2023, as follows:

KERRY ETB CASH GRANTS AS AT 31st OCTOBER 2023					
ITEM	Opening Grant Cash Balance *	Receipts	Payments	Closing Grant Cash Balance	
Main Scheme					
Pay			(24,187,990)		
Non Pay			(2,121,948)		
Main Scheme Total	360,447	24,430,870	(26,309,937)		(1,518,620)
Associated Main Scheme	952,347	786,427	(1,021,341)		717,432
Capital	4,611,247	7,038,723	(10,278,108)		1,371,862
Further Education	1,938,910	36,201,048	(37,937,811)		202,148
Youth Affairs	92,933	1,067,064	(1,086,962)		73,034
Agency	445,171	900,423	(1,082,632)		262,962
Self-Financing	912,130	763,345	(985,341)		690,133
Total:	9,313,184.66	71,187,899.76	(78,702,133.02)		1,798,951.40

Legal Summons by Valley Healthcare Infrastructure Investment Fund ICAV (Head Office Service Charges) – as per Matters Arising Section 4.3

At the September 26th, 2023, Board meeting, a comprehensive update was provided regarding the legal summons received by Kerry ETB's legal advisers, Murphy Ramsey Walsh (MRW) Solicitors, on September 7th, 2023, concerning the ongoing service charge and oil matters.

Regarding the service charge, it was noted that Kerry ETB has committed to paying the arrears, and this has been communicated to the landlord's solicitors. It is expected that the payment will be processed in December 2023.

As previously advised, the issue of oil charges has been referred to arbitration with MRW. A letter was sent to the landlord's legal representatives on September 13th, 2023, requesting arbitration regarding the oil charges. Both Kerry ETB and MRW are still awaiting a response.

In addition, it was noted that the Cathaoirleach, Chief Executive, Director of OS&D and Head of Finance attended a meeting with MRW on November 20th, 2023. At this meeting, it was agreed to write to the landlord seeking a meeting.

A further update will be provided at the next meeting.

SOLAS Funding 2023 – as per Matters Arising Section 4.4

On October 20th, 2023, Kerry ETB submitted its Quarter 3 Financial Return to SOLAS, forecasting an expenditure of €44,954,288 (*Ref: November 7th, 2023, Board meeting minutes*).

As previously discussed in Section 6.2, the final allocation for 2023 amounts to €45,339,257, and correspondence confirming this allocation from SOLAS was received on December 5th, 2023.

The Board welcomed this update.

Schedule of Fees (Section 50 of the ETB Act, 2013) – as per Matters Arising Section 4.5

In line with the provisions of Section 50 of the ETB Act, 2013, an overview of the current level of contributions charged (revised fee structure) by Kerry ETB post-primary schools was included in the Head of Finance's December 2023 Report as follows:

School	Contribution (1 student)	Revised Contribution	Reduction
Castleisland Community College	€130	€120	€10
Causeway Comprehensive School	€180	€160	€20
Colaiste Gleann Li	€120	€120	-
Colaiste Na Ríochta	€140	€120	€20
Colaiste Na Sceilge	€170	€160	€10
Gaelcholaiste Chiarraí	€140	€120	€20
Killarney Community College	€185	€160	€25
Killorglin Community College	€160	€120	€40

The Head of Finance and the Director of SY&M addressed the school contributions for the Board Members.

	<p>The schedule of contributions as presented was noted by the Board. These contributions will be published on the schools' websites as per the provision of Section 50 of the Act.</p> <p>It was noted that the FET fees and remaining fees under the SY&M pillar for 2024 would be presented during the January 2024 Board meeting.</p> <p><u>Community National School Budget Allocation – as per Matters Arising Section 4.6</u></p> <p>The Head of Finance provided an update indicating that the three Community National Schools (CNS) continue to operate with deficits.</p> <p>As of October 31st, 2023, the combined deficit across these schools totalled c. €30,997. It was noted that, primarily, this deficit is attributed to the cost of ancillary staff, which has amounted to c. €27,280 to date. It was added that the Department will commence funding the cost of the ancillary staff from September onwards.</p> <p>Concluding the discussion, the Head of Finance advised that this matter is due for discussion at the next Finance Committee meeting on December 8th, 2023.</p> <p>A further update will be provided at the next meeting.</p> <p><u>Insurance Premium 2024</u></p> <p>It was noted that IPB had submitted a quotation for the 2024 insurance premium of €440,700, a reduction of €12,994 on the 2023 premium. A meeting to review the portfolio with IPB Insurance is anticipated to take place in the forthcoming weeks.</p> <p>A list detailing the policy portfolio was included in the meeting pack for Members' reference and is included below.</p> <p>The Cathaoirleach queried the level of the 2023 IPB dividend, with the Head of Finance undertaking to address same at the January 2024 Board meeting.</p>
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Kerry Education and Training Board – 2024 Indicative Pricing Changes (inclusive of levy)

Kerry Education and Training Board							
Renewal on Existing Basis of Coverage							
Class	2023 GWP	Band	Rate Adjustment	Ranking	Adj't %	GWP Adjustment	2024 GWP
Public Liability	€107,414	1 to 2 3 to 5 6 to 9 10 to 14 15 to 15 16 to 16	-20.00% -15.00% -12.50% -10.00% -5.00% +2.50%	7	-12.50%	-€13,427	€93,987
Employers Liability	€91,714	1 to 5 6 to 10 11 to 11 12 to 12 13 to 14 15 to 16	-10.00% -7.50% -2.50% +2.50% +5.00% +7.50%	1	-10.00%	-€9,171	€82,543
Motor Fleet*	€6,903				-0.93%	-€65	€6,838
Property	€103,903				+7.19%	+€7,467	€111,369
Prof Indemnity	€20,162				+0.00%	+€0	€20,162
Engineering	€33,883				+6.50%	+€2,202	€36,086
CDC	€8,866				+0.00%	+€0	€8,866
Personal Accident	€29,357				+0.00%	+€0	€29,357
Computer	€3,495				+0.00%	+€0	€3,495
Marine	€14,050				+0.00%	+€0	€14,050
Employment Practices Liability	€11,088				+0.00%	+€0	€11,088
Crime	€14,984				+0.00%	+€0	€14,984
Cyber Liability	€0					+€0	€0
Environmental Impairment Liability	€7,875				+0.00%	+€0	€7,875
All Lines Combined	€453,694				-2.86%	-€12,994	€440,700

*The levy on Motor Fleet Insurance is reduced from 7% to 6% from 1 January 2024

NOTE: The above synopsis of premiums is based on IPB records as of mid June 2023. Subsequent mid-term changes to the insurance portfolio may result in marginal deviations to amounts and percentages.

Prompt Payment Update

The Head of Finance advised that, as of November 30th, 2023, prompt payment interest of c. €36,944.73 had been incurred. Monitoring of the prompt payment costs is ongoing on a weekly basis, and, there has been a significant reduction in the figure over the past three payment runs.

Travel and Subsistence Update

As of November 15th, 2023, the expenditure on travel and subsistence had reached €167,996, accounting for 81% of the allocated 2023 budget of €207,279.

Overdraft Proposal

In addition to the above, the Head of Finance presented an update on the overdraft as follows:

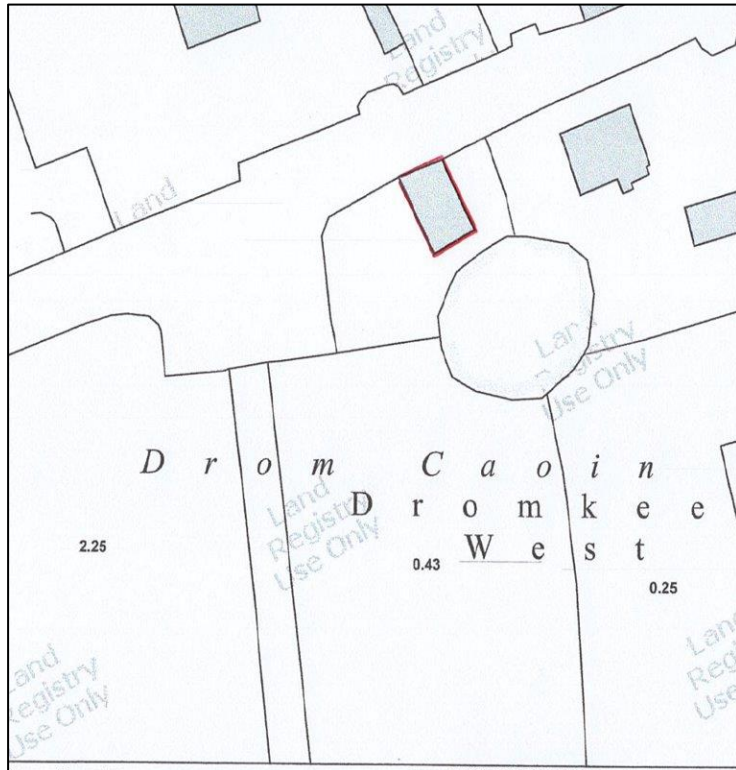
- At the November 7th, 2023 Board meeting, following Ministerial approval, the Board agreed to pursue a €2 million overdraft.
- The Head of Finance initiated discussions with the Bank of Ireland on November 20th. By November 28th, the Head of Finance advised that the Bank entered an overdrawn position, averaging at c. (€549,000). Subsequently, after submitting financial statements, cashflows, and the Ministerial approval letter, an extension to the overdraft by Bank of Ireland was secured until January 31st, 2024.

	<ul style="list-style-type: none"> • On December 5th, the situation was rectified with receipts of €9,236,527 from SOLAS and €1,558,979 from the Department of Education. The current balance stands at €10,107,113. • Interest at a rate of 3.65% per annum, applicable for each day the account was overdrawn. Estimated interest cost c. €329. <p>In the following discussion, the Chief Executive informed that the initial proposal was for a 12-month overdraft (up to October 31st, 2024) amounting to €2,000,000. This matter will be addressed with BOI, considering that the current approval stands until January 31st, 2024. Cash flows until October 31st, 2024, are being prepared for BOI regarding this.</p> <p>The Board noted the Finance report as presented.</p>
6.5	<p>Corporate, Capital and Technology Report</p> <p>The Corporate, Capital and Technology Report, which had been circulated in advance of the meeting, was presented by the Head of CCT, Ms Aileen O'Connor. The report was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Sustainability/ Climate Action Update • Health and Safety Update • Cyber Security Update <p><u>Cyber Security Update</u></p> <p>The Head of CCT advised that, on November 9th and 10th, 2023, Kerry ETB welcomed two auditors (IAU-ETB and KOSI), initiating the process of conducting a gap analysis within Kerry ETB against the Public Sector Cyber Security Baseline Standards. These auditors will collaborate with Kerry ETB in the upcoming months, aiming to ensure acceptable security standards and a broad framework of control measures. The objective is to ensure that Kerry ETB meets the requirements of the Public Sector Cyber Security Baseline Standards, which are expected to be incorporated into Irish Law by October 17th, 2024. Compliance with these Baseline Standards is mandated for all ETBs by 2026.</p> <p>The Head of CCT advised that the Board would be kept fully advised of progress in addressing these matters.</p> <p><u>Finance Committee Proposal</u></p> <p>The Head of CCT addressed the proposal received from the Finance Committee, titled 'Proposal for the Strategic Expansion of the Functions of the Building Unit.' Essentially this proposal addresses the possibility of a more expanded role for Kerry ETB outside of the organisation's schools, in the building area, including the areas of the schools' retrofitting programme etc.</p>

	<p>The proposal received unanimous support for submission to the DE for consideration.</p> <p>An Cathaoirleach thanked the Head of CCT for her updates.</p>
<p>6.6</p>	<p>Capital and Buildings Report</p> <p>The Capital and Buildings Report, which had been circulated in advance of the meeting, was presented by the Buildings Officer, Mr Padraig O’Sullivan. The report was noted by the Board and taken as read. The report addressed the following topics:</p> <ul style="list-style-type: none"> • Kerry College Killarney Campus Building Project – Matters Arising Section 4.7 • Gaelcholáiste Chiarraí – Campus Nua • RAAC • Stage 1- Preliminary Designs Kerry ETB Projects • Land & Leases <ul style="list-style-type: none"> • Office Accommodation, Business Case Moyderwell Building • Scamps and Scholars Lease • Proposed Purchase of House & Lands Listowel • Kenmare MD Local Area Plan 2023-2029 • Causeway GAA • Lease Approvals <ul style="list-style-type: none"> • Unit at Island Point Castleisland • Unit 7&8 Monavalley • Unit at 37 High St Killarney Co. Kerry • Units 2A, 3H, 3I, 5D & 5F, Liber House, Monavalley Tralee. • Block E, South Campus, MTU. • Use of Seal • Applications awaiting DoE/DFHERIS Approval <p><u>Kerry College Killarney Campus Building Project – Matters Arising Section 5.8</u></p> <p>The Building Officer advised that the draft Preliminary Business Case had been submitted to SOLAS for review and feedback during the week commencing November 27th, 2023.</p> <p>Additionally, it was noted that members of Kerry ETB's Executive and Senior Management met with Kerry County Council Executives and representatives from Killarney Municipal District on November 24th, 2023, to brief them on the work to date, addressing in detail the plans for the site’s future development should it be acquired by Kerry ETB.</p> <p>This update was welcomed by the Board.</p>

	<p><u>Gaelcholáiste Chiarraí Campus Nua</u> The Board was advised that a conciliation meeting was convened on November 8th, 2023 involving all parties. Prior to this meeting, the Department's senior quantity surveyor held discussions with Kerry ETB representatives (McGahon Surveyors) regarding the conciliation claim.</p> <p>On November 17th, 2023, a recommendation from Mr John Hughes of Rogerson, Reddan and Associates was received. This recommendation advised an additional confidential sum to be added to previous determinations.</p> <p>According to sub-clause 13.2.10 of the contract, if neither party raises dissatisfaction within 42 days after receiving this recommendation, it becomes conclusive and binding, i.e. December 29th, 2023.</p> <p>Kerry ETB, via email on November 22nd, requested feedback from the Department regarding this matter. No response has been received to date. Importantly, the Buildings Officer highlighted the necessity for funding from the Department to meet the conciliator's recommendation.</p> <p>A further update will be provided at the next meeting.</p> <p><u>Causeway Comprehensive School Land Matters</u> As addressed at the ETB Board meeting on February 23rd 2021, Kerry ETB received correspondence and maps from Bailys Solicitors representing Mr Wym O'Connell of Causeway. This correspondence pertained to Mr Wym O'Connell's claim of ownership concerning a shed on the lands north of Causeway Comprehensive School - Folio KY 75869F, initially known as 'Plan 51' in 1980.</p> <p>A thorough review of this claim has been conducted by Kerry ETB, including extensive investigations with MRW, searches through Board minutes from the 1970s and 80s, examination of old OSI maps, aerial footage from the Kennelly Archives, and statements from individuals involved, including former Principal John O'Regan.</p> <p>On June 6th, 2023, Kerry ETB received a written statement from Mr Wym O'Connell. This statement provides historical context to the matter, dating back to the period before the County Kerry Vocational Education Committee's acquisition of the site. Mr Wym O'Connell's family claim sole occupation of the property for years, dating back to approximately 1910.</p> <p>Kerry ETB is proposing to, following approval of the Board and Department, transfer the 'shed' to Mr O'C. This will mean transferring to Mr Wym O'Connell's the land on which the shed stands, i.e. area of land marked</p>
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below in red, along with a right-of-way around the shed for maintenance purposes.



The Executive sought the approval of the Board to execute a deed of rectification in respect of this matter in favour of Mr Wym O'Connell, subject to a final engineer's map being agreed by all parties and the DE in line with the provisions of the ETB Act 2013, Section 12(2)(n).

Proposed: Cllr. Deirdre Ferris

Seconded: Cllr. Johnnie Wall

The Board formally approved the execution of a deed of rectification in respect of this matter in favour of Mr Wym O'Connell, subject to finalisation of matters re the right of way (for maintenance only) at a future meeting. It was noted that the right of way would be brought back to the Board once identified in the map, as per the above-referenced engineer's report.

Finally, the Board was advised that Department approval would be required for the proposed deed of rectification.

Causeway GAA

On November 9th, 2023, Kerry ETB received a letter from Mr E B, solicitor representing Causeway GAA, stating that Causeway GAA had decided not to proceed with the new proposed licence agreement. Instead, they intend to continue operating under the terms of the licence agreement dated January 26th, 1982, between Causeway Comprehensive School's Board of

	<p>Management and Causeway GAA. Notably, the original 1982 agreement has no expiration date.</p> <p>Kerry ETB will now correspond with the Department of Education, informing them of the club's decision on this matter.</p> <p><u>Lease Approvals</u> Lease approvals from the Department of Further Higher Education, Innovation and Science, as circulated were noted.</p> <ul style="list-style-type: none"> • Island Point, Castleisland • 7 and 8, Monavalley, Tralee • 37 High Street, Killarney • 2A, 3H, 3I, 5D and 5F, Liber House, Monavalley, Tralee • Block E, South Campus, Munster Technological University <p><u>Use of the Seal</u> In accordance with Schedule 3, Paragraph (2) of the Education and Training Boards Act 2013, the seal was used to execute the following document at the December 5th 2023, Board meeting:</p> <ul style="list-style-type: none"> • Lease between Kerry ETB and Liber House Developments with respect to Units 2A, 3H, 3I, 5D & 5F, Liber House, Monavalley Tralee <p>The Board thanked the Buildings Officer for his comprehensive report.</p>
6.7	<p>Chief Executive's Report As circulated with the agenda, the Chief Executive's Report was noted by the Board and taken as read. The report addressed the following:</p> <ul style="list-style-type: none"> • Strategy Statement 2023-2027 • Tralee Regional Sports and Leisure Centre Update • Over the Water Sports Centre Company Limited by Guarantee • Schools' Voluntary Contributions/Fees (Section 50 of the ETB Act, 2013) • Head Office Accommodation Update • Tech Industry Alliance Leaders' Awards <p>Thanks were shared with the Chief Executive for his report.</p>

12/2023/7	CORRESPONDENCE COMHFHREAGRAS
7.1	DE Correspondence: Noted as listed
7.2	DE Circular Letters: Noted as listed
7.3	DE Press Releases: Noted as listed
7.4	DFHERIS Correspondence: Noted as listed
7.5	DFHERIS Press Releases: Noted as listed
7.6	Department of Children, Equality, Disability, Integration and Youth Correspondence: Noted as listed
7.7	ETBI Correspondence Noted as listed
7.8	SOLAS Correspondence Noted as listed
7.9	Other Correspondence Noted as listed

12/2023/8	MEMBERS' BUSINESS GNÓ NA GCOMHALTAÍ
8.1	<p>Visit from the Minister of Further Education, Innovation and Science The Cathaoirleach advised his intention to extend an invitation to Mr Simon Harris T.D and Minister of Further Education, Innovation, and Science, to attend the January 2024 Board meeting. The Chief Executive advised that he would issue a letter of invitation.</p> <p>Active Prevention Against Racism Ms Celia O'Shea inquired if the Executive had any plans to address the mounting concerns surrounding racism and the escalating presence of far-right extremism, particularly evident in the media locally and nationally. In response to the query raised, the Director of FET and SY&M highlighted ongoing initiatives within their respective domains. The Director of OS&D added that forthcoming plans for the new year, focusing on the implementation of the Public Sector Equality and Human Rights Duty will specifically target training on racism while encompassing broader efforts aimed at eradicating discrimination and fostering equal opportunities for all staff and learners.</p> <p>Further details in relation to the implementation of this plan will be tabled in the new year.</p> <p>Moyderwell Prefab Cllr. Deirdre Ferris inquired about the potential repurposing of the prefabs from the former Gaelcholáiste Chiarraí Moyderwell building for use at the An Tóchar FET Centre.</p> <p>The Buildings Officer highlighted that these units are unsuitable for the intended purpose or movement due to their age. He added that a tender is in progress for their demolition.</p> <p>Killarney Community College Caretaker Following a query raised by Cllr. Marie Moloney, it was noted that the vacant caretaker position in Killarney Community College had been addressed.</p>

12/2023/9	<p style="text-align: center;">ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p>
	<p>Next Kerry ETB Board Meeting: The date for the January 2024 Board meeting was noted as follows:</p> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <p>Date: Tuesday, January 30th, 2024</p> <p>Time: 04:15 pm</p> <p>Location: Kerry ETB Head Office Centrepoint Building, Tralee</p> </div>

Sínithe/Signed: _____

Dáta/Date: _____