

Kerry Education and Training Board
Bord Oideachais agus Oiliúna Chiarraí

Minutes of the Kerry Education and Training Board (Kerry ETB) meeting held via Video Conference on Wednesday, October 13th 2021.

In Attendance:

Cllr. Jim Finucane
Cllr. Fionnán Fitzgerald
Cllr. Norma Moriarty
Cllr. Aoife Thornton
Cllr. Marie Moloney
Ms. Maria O’Gorman
Mr. Joseph Brennan

Cllr. Terry O’Brien
Cllr. Deirdre Ferris
Cllr. Niall O’Callaghan
Cllr. Johnnie Wall
Mr. Zaid Kassoob
Mr. Noel Keenan

Mr. Colm Mc Evoy, Chief Executive Officer (CEO), Ms. Maria Brennan, Director of Organisation Support and Development (OS&D), Mr. Owen O’Donnell, Director of Further Education and Training (FET), Ms. Ann O’Dwyer, Director of Schools, Youth and Music (SYM), Mr. Tommy Conroy, Head of Finance, Ms. Aileen O’Connor, Head of Corporate, Capital and Technology (CCT) Department, Ms. Betty Corkey, Head of Human Resources (HR), Ms. Patricia Tierney, Executive Support, Ms. Karen Griffin, Executive Support and Ms. Catherine Horgan, Executive Support were also in attendance.

As per Section 1.18 of Circular Letter 0002/2019, the conflict of interest document was circulated electronically to be signed prior to the meeting to the Members (a copy of which is attached to the minutes). The Chairperson asked Board Members to verbally declare any conflicts of interest before commencing with the meeting.

| 10/2021/1 | APOLOGIES & CONDOLENCES LEITHSCÉALTA AGUS COMHBHRÓN |
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| 1.1 | <p>Apologies/Leithscéalta:</p> <ul style="list-style-type: none"> ➤ Ms. Celia O’Shea ➤ Mr. John O’Roarke ➤ Cllr. Cathal Foley |
| 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"> ➤ Ms. Teresa Foley, Kerry College, Killorglin Campus, on the death of her Brother, Mr. Patrick Foley. |

| 10/2021/2 | AGENDA CLÁR |
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| 2.1 | <p>Kerry Diocesan Youth Service (KDYS) and Kerry ETB Mediation Process Update</p> <p>The CEO, Mr. Colm Mc Evoy provided the following update:</p> <ul style="list-style-type: none"> ➤ At a meeting on July 15th 2020, the Kerry ETB Board agreed to enter into mediation with KDYS. ➤ The basis for entering into mediation had been agreed at a meeting with Mr. Shane O'Donoghue (KDYS Board Member) on July 6th 2020. This meeting was attended by the CEO and An Cathaoirleach of Kerry ETB. ➤ At the July 6th 2020 meeting, the following was agreed and recorded in the minutes: <ul style="list-style-type: none"> <i>The claim for the additional costs for circa €1,355,000 plus interest would not form part of the mediation and if the issues to be dealt with at mediation are successfully resolved then KDYS would not pursue its claim for the additional costs.</i> ➤ Therefore, the issues to be dealt with at the mediation amounted to €143,377. <p>The mediation process was conducted on November 2nd 2020.</p> <ul style="list-style-type: none"> ➤ The proposed mediation agreement was discussed and accepted by the Board of KDYS at their meeting held on October 12th 2021. ➤ In accordance with the provisions of DPER Circular Letter 17/2017, the Department of Education (DoE) and the Department of Public Expenditure and Reform (DPER) approval is required and will be sought by the ETB if the mediation agreement is approved by the Kerry ETB Board. <p>The mediation agreement together with the legal advice, received from Mr. Ian O'Herlihy, Mason Hayes and Curran Solicitors, on November 12th 2020, recommending acceptance of the agreement were set out for the Board.</p> <ul style="list-style-type: none"> ➤ The Board were advised that the mediation agreement will be signed by both parties on the strict understanding that the July 6th 2020 agreement will be honoured and KDYS would never pursue the claim for additional costs of c. €1,355,000 against the ETB or any other entity (inter alia SOLAS, DoE). Written confirmation of same was provided on October 13th 2021. <p>Following discussions, the Board unanimously approved the payment in line with the mediation agreement as presented.</p> <p>The Head of Finance highlighted that, in accordance with the provisions of DPER Circular Letter 17/2017, Kerry ETB would now engage with the DoE to secure their approval of the mediation agreement.</p> |

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| | <p>Proposed: Ms. Maria O’Gorman Seconded: Mr. Noel Keenan</p> <p>The CEO advised that approval would now be sought from the DoE.</p> |
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| 10/2021/3 | <p>ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p> |
| | <p>Next Kerry ETB Board Meeting:</p> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <p>Tuesday, October 26th 2021 at 4.15 pm</p> </div> |

Signed/Sínithe: _____ Date/Dáta: _____