



# **ARTICLES OF MANAGEMENT FOR CATHOLIC SECONDARY SCHOOLS**

## **FRANCISCAN COLLEGE GORMANSTON**

1. In these articles, unless the context otherwise requires, the following words or expressions have the meaning hereby assigned to them respectively: “The School” means the Secondary School referred to in the first Schedule hereto. “Institute” means the Religious Institute or Congregation referred to in the said first schedule hereto, “The Trustees” means the major religious superiors (or such person or persons as may be duly authorised by him or her to act on behalf of such Major Superior) of the aforesaid Religious Institute or Congregation, and in the case of a Diocesan School, the Roman Catholic Archbishop or Bishop, as the case may be, of the Diocese in which the school is situated.

“The Archbishop” or the “Bishop” means the person for the time being holding in accordance with the Canon Law of the Roman Catholic Church the office of Archbishop or Bishop of . . . , and during any vacancy in such Diocese, the person or persons who according to the regulations and practice of the Roman Catholic Church is or are for the time being entitled to exercise ecclesiastical jurisdiction as Ordinary over Roman Catholics living in the said Archdiocese or Diocese.

2. (a) The conduct, management and financial administration of the school shall be under the control of the Board of Management (hereinafter called “the Board”) which shall exercise the powers hereinafter conferred, subject to the general supervision and control of the Trustees for the time being.

(b) The Trustees hereby grant to the Board of Management the necessary license to enter and use the school premises for the purpose of the management and administration of the School during such periods as shall be determined by the said Trustees.

(c) The School shall be conducted in accordance with the religious and educational philosophy of the aforesaid Institute as contained in the second schedule hereto and in accordance with such Statutory Rules and Regulations of the Department of Education and Science of the Republic of Ireland as may be in force from time to time and as may have been agreed by the Trustees, and in accordance with the provisions of these Articles, and shall not be conducted for personal gain or farmed out to the Principal or any other person.

**3. (A)** The Board of Management shall consist of eight persons (hereinafter called “the Members”) appointed by the Trustees as follows:

(i) By nomination of the Trustees: four members.

(ii) By election of parents/legal guardians of children currently in the school: two members.

(iii) By election of all the current pro-rata contracted, non-casual part-time, job-sharing and current full-time teachers on the staff of the school on the date of the election: two members.

(b) Electoral Procedures:

(i) Parents:

- Candidates for election as parents’ representatives should be nominated and elected through a formal nomination and election process notified to all parents.
- In the event of a tie, the elected parent will be determined by lot.
- Should an elected parent or legal guardian no longer have a child attending the school as a pupil, such parent shall cease to be a member of the Board.
- The Trustees or their representatives may retain the voting returns from the election of parents for the purpose of co-option to fill vacancies occurring during the term of office of the Board.

(ii) Teachers:

- The elected teachers shall have completed at least one year of service in the school, except in the case of new or amalgamated schools and shall be lay members of the staff.
- The candidates shall be proposed and seconded at properly convened staff meetings; elections shall be by secret ballot and arrangements for ballot shall be made by agreement at staff meetings.
- Should the elected teacher cease to be a teacher at the school, as defined in 3(a) (iii) above, he or she shall cease to be a member of the Board.

(c) The term of office of a Board shall be deemed to expire on the 15th day of October in the third year after the Board was constituted.

(d) The members nominated and elected as prescribed shall remain members until the 15th day of October in the third year after the date when the Board was first constituted to the intent that the term of membership of any Board of Management shall not exceed three years.

(e) The nomination and election of members of an incoming Board shall be made and done at least one month before the date of expiry of the term of office of the then existing Board and the Board so constituted shall assume office forthwith on that expiry date.

(f) Each member of the Board of Management, before entering on his/her duties, shall sign in a book to be kept for the purpose, a declaration of his/her willingness to act as a member of the Board.

**4.** Retiring members will be eligible for re-nomination or re-election as the case may be, unless otherwise disqualified by these Articles.

**5.** Should a casual vacancy occur in the membership of the Board, the Trustees shall fill such vacancy as follows:

(a) When a vacancy occurs amongst the members of the Board who were nominated by the Trustees, the latter shall nominate a replacement.

(b) When a vacancy occurs among parent nominees, the Board of Management may recommend to the Trustees the election or the co-option of a parent in accordance with Art 3 (b) (i).

(c) When a vacancy occurs among teacher nominees, such vacancy shall be filled by election in accordance with Art 3 (b) (ii).

Any member of the Board appointed to fill a casual vacancy shall hold office for the same period as the member would have held in whose place he/she has been appointed.

**6. (a)** Members of the Board shall not participate in discussions or vote on any matters in which they, or any company or partnership or firm of which the member is a director or partner, may have a personal/financial interest, and to that intent shall on request from the Chairperson retire from that part of a meeting at which such discussion and/or decision shall take place. It shall be the duty of members of the Board to declare any such interest.

Nothing hereinbefore contained shall be so construed as to preclude a member of the school teaching staff, as defined in 3(a) (iii), from membership of the Board.

(b) No member of the Board shall receive any financial remuneration for his or her services as a member of the Board.

**7.** After due notice, any member of the Board may be removed from office by his/her nominator or by the electorate in the case of the Parents' or Teachers' nominees.

**8. (A)** No proxy or substitute shall be permitted to replace any member at any meeting of the Board.

(b) Whenever any member of the Board shall fail to attend all meetings of the Board for one year, without satisfactorily accounting for such absence, or shall die, or resign under his/her hand, or refuse to act, or become incapable of acting, or in the opinion of the nominating body concerned render himself/herself unfit to continue as a member of the Board, his/her office shall become vacant and such vacancy shall be recorded in the Minutes of the next meeting of the Board, which shall thereupon proceed to fill the vacancy in accordance with Article 5 above.

**9.** The Board shall, in addition to holding a meeting at least once in every school term, hold such other meetings as may be necessary for the efficient discharge of its functions. Not less than seven clear days' notice of every ordinary meeting of the Board, together with a copy of the agenda for the meeting, shall be sent to every member. At least four members shall form a quorum.

**10. (A)** The Chairperson will be appointed by the Trustees.

(b) The Chairperson, if present, will preside at all meetings of the Board. If the Chairperson is absent from any meetings, the voting members present shall, before any other business is transacted, choose one of their number to preside at that meeting.

**11. (A)** The Principal of the school shall be entitled to attend and speak at meetings of the Board but shall not be entitled to vote.

(b) The Principal of the school shall act as secretary to the Board. If, in the opinion of the Board, the duties of the secretary are such that he or she requires the services of a paid official, then the Board may appoint such paid official at such salary as they shall consider fit and just, and shall have power to appoint to such paid post any person employed in the school who shall thereupon discharge the duties of both offices. Such paid official shall not be a member of the Board.

**12.** In the proceedings of the Board, a simple majority of votes shall normally decide, and in the case of equality, the presiding Chairperson shall have a second or casting vote.

**13. (A)** The Chairperson shall have discretionary power to direct the Secretary to summon a special meeting. Not less than three clear days' notice of such special meetings, stating the business to be transacted thereat, shall be given to every member of the Board; and no business other than that specified in the notice shall be dealt with at such special meetings.

(b) On receipt of a requisition signed by not less than three of the members of the Board, such requisition stating the business to be transacted, the Secretary shall convene a special meeting of the Board and no business other than that specified in the notice shall be dealt with at such special meeting.

**14. Role of Secretary**

(a) The Secretary shall summon and, if possible, attend all the meetings of the Board and keep the minutes thereof. In the absence of the Secretary at any meeting, the meeting shall make such arrangements as may be necessary for the performance of the Secretary's duties at such meeting.

(b) The Secretary shall draw up the agenda for the meeting in consultation with the Chairperson. The agenda shall be issued with the notice of the meeting. Requests for the inclusion of any additional items on the agenda must reach the Secretary a minimum of three days before the meeting.

(c) The Secretary shall have charge of the books and papers of the Board and shall act as correspondent for the Board unless, in special circumstances, the Board shall determine otherwise.

(d) Privacy of Meetings

The business of the Board shall be conducted in private and no disclosure of the business shall be made without the authority of the Board. Nothing however in this clause prohibits the issue of an agreed report on meetings of the Board to interested parties.

**15. (A)** The Board shall be responsible for all business carried on in connection with or on account of the School. It shall provide and cause to be kept proper books for the entering of the accounts of the School and the Minutes of the proceedings. The Board shall open an account in a Bank, in the State, in its name to which all monies received in relation to the School shall be lodged.

(b) The Board shall be responsible for a sufficient annual contribution to the Trustees to service any debts as to interest, capital and license fee on the school property, but the Trustees may, in exceptional circumstances, waive all or any part of this commitment in any one year.

(c) The Board shall be responsible for day-to-day running expenses and shall be charged with the responsibility of ensuring that expenditure does not exceed income. It shall submit a forward budget and financial report to the trustees annually.

(d) The Board shall set up a Sub-Committee on Finance consisting of the Principal and two Board members, and shall have powers to invite additional persons having specific expertise in financial matters to membership of the Sub-Committee. The Sub-Committee shall propose, prior to the commencement of the accounting year the annual budget to the Board for adoption. This Sub-Committee shall meet regularly and shall report to the board at least once in each school term.

(e) All payments shall be made by order of the Board by cheques drawn on the Bank and signed by the Principal and by one other person approved by the Board.

(f) Subject to the approval of the Trustees, the Board shall have power to sanction the use of the School premises outside school hours by outside bodies. The Board shall have discretion in determining such charges and conditions as it may consider appropriate for such use of the premises.

(g) (i) The Board shall ensure that the School premises are kept in good repair and condition, that the furnishings and equipment are suitable and adequate, and that the School premises, furnishings and equipment are adequately insured.

(ii) The Board shall ensure that all such insurances are effected and maintained as are necessary to safeguard the School, the Board and the Trustees against all public liability and against the consequences of negligence on the part of any person employed by the Board or any defect in the buildings, premises, furnishings or equipment of the School whereby loss or damage might result to any person in or upon the School premises.

(iii) All insurances shall be in the name of the Trustees. The terms of the school insurance policy or policies shall be reviewed by the Board at its first meeting in each school year.

#### **16. Special Committees**

(a) Apart from its obligation to set up a Finance Sub-Committee, the Board may delegate any of the powers hereby given it to a sub-committee or sub-committees of its own members, who shall execute the functions entrusted to them by the Board. Such committees shall furnish to the Board a report on action taken.

(b) The Board shall be responsible for the setting up by the Principal of an Advisory Board of Studies, to be elected by and from the full-time teaching staff. The role of this Board of Studies shall be to advise the Principal in his/her academic administration.

**17.** No member of the Board in his/her individual capacity shall in any way interfere with the administration of the School by the Principal or with the duties assigned to any officer or any member of the staff, teaching or non-teaching.

**18.** No criticism of an individual teacher shall take place at Board meetings without notice from the Principal to that teacher (and if necessary or appropriate to the School Steward). An opportunity shall be afforded to the teacher to be present and heard and/or to be represented at the Board before the matter at issue is concluded.

**19. (A)** The Board shall lay down such guidelines as it may deem necessary for the admission by the Principal of pupils to the School with due regard to 2(a) above.

(b) The Principal may suspend any pupil for a limited period and shall report any such suspension to the Board of Management at its next ordinary meeting. The maximum term in these circumstances unless approval by BOM Chairperson to extend on the advice of the Principal shall be three days.

(c) If, in the judgement of the Principal, a pupil should be expelled, the Principal shall refer the matter to the Board of Management for decision.

(d) Where the circumstances of the School permit, the Board shall, subject to the approval of the Trustees, have power to fix, alter or amend the scale of fees to be charged in respect of pupils.

**20.** If the trustees of the Religious Order(s) or of the Diocesan College concerned wish to nominate a cleric/member of the Order(s) to the post of Principal, the Board of Management shall, subject to the prior approval of the Trustees, appoint the person proposed by these authorities, provided that person is qualified for the post in question. The terms of appointment, the duration of which shall be determined by the Trustees shall provide that should such aforementioned member cease to be a cleric/member of the said Order(s) his or her contract shall thereupon terminate.

## **21. (A) Post of Principal**

Where the authorities of the Religious Order(s)/Diocesan College do not wish to appoint a cleric/member of the Order(s) to the post of Principal in the manner proposed in (20) above the appointment shall be made as follows:

The Board of Management shall publicly advertise the post and set up a Selection Committee consisting of two nominees of the Trustees, two nominees of the Board of Management and an independent external assessor to be agreed on by the Board. The Committee shall select its own Chairperson from among its members. The Board of Management shall have due regard to gender balance in the setting up of the Selection Committee.

### **(b) Post of Deputy Principal**

In the case of the post of Deputy Principal the appointment shall be made as follows:

The Board of Management shall publicly advertise the post (except in schools of less than 17 teachers when the post shall be advertised in the school) and set up a Selection Committee consisting of two nominees of the Trustees, two nominees of the Board of Management (one of whom may be the Principal of the school) and an independent external assessor to be agreed by the Board. The Committee shall select its own Chairperson from among its members. The Board of Management shall have due regard to gender balance in the setting up of the Selection Committee.

### **(c) Selection Committee: Disclosure of Interest**

A member of a Selection Committee who stands in a relationship to a person who is a candidate shall disclose to the Board of Management the fact of the relationship and the nature thereof. In this context the Selection Committee members are required to make a disclosure not only in the case of a family relationship but in respect of any personal, business or other relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.

Unless the Board is fully satisfied that the participation of the Selection Committee member during the Selection process would not be prejudicial, the Board of Management shall direct that the Selection Committee member withdraw and another person shall be nominated in the appropriate manner to replace that person.

### **(d) Selection Committee: Procedure**

(i) The Selection Committee shall draw up a short list from the applications received and shall interview the candidates on that list.

(ii) Having interviewed such candidates as present themselves, the Selection Committee shall submit a written report to the Board of Management. In the report the Selection Committee shall nominate the candidate whom it considers most suitable for appointment unless it deems no candidate to be suitable for appointment to the particular post; in which case it shall include a statement to that effect in its report. A list of candidates in order of

merit who are deemed suitable may be retained by the Selection Committee. In the event of the post not being filled by the first nominee the Selection Committee shall nominate the next candidate in order of merit for the post.

(iii) The Board of Management shall appoint the person so nominated save where in any particular instance the Board shall consider that there is good and sufficient reason for not making the appointment, in which event the Board shall submit the matter to the Trustees for determination.

**22.** Subject to such direction as may be given from time to time by the Board, the Principal shall control the internal organisation, management and discipline of the School, including the assignment of duties to members of the teaching and non-teaching staff. The Principal shall submit, in writing, to the Board all such statements and reports affecting the conduct of the School as the Board shall require.

**23.** (a) Where the authorities of the Religious Order(s) or Diocese wish to nominate a cleric/member of the Order(s) to a teaching post on the school staff, the Board of Management shall, subject to prior approval of the Trustees, appoint the person proposed by these authorities, provided that the person is qualified for the post in question. The terms of appointment, the duration of which shall be determined by the Trustees, shall provide that should such aforementioned member cease to be a member of the said Order(s), his or her contract shall thereupon terminate.

(b) Where the authorities of the Religious Order(s)/Diocesan College concerned do not wish to nominate a cleric/member of the Order(s) in the manner proposed in (a) above and subject to the provisions of the Redeployment Scheme for Secondary Teachers, the Board shall publicly advertise the post(s) and shall appoint members of the teaching staff on the advice of a Selection Committee, subject to 23 (c) below. The membership of this Committee will consist of the Principal, a nominee of the Trustees and nominee of the Board of Management of the School. At least one of the members of the Selection Committee shall be a woman and at least one a man. The committee shall select its own Chairperson from among its members.

(i) The Selection Committee shall draw up a short list from the applications received and shall interview the candidates on that list.

(ii) Having interviewed such candidates as present themselves, the Selection Committee shall submit a written report to the Board of Management. In the report the Selection Committee shall nominate the candidate whom it considers most suitable for appointment unless it deems no candidate to be suitable for appointment to the particular post; in which case it shall include a statement to that effect in its report. A list of candidates in order of merit who are deemed suitable may be retained by the Selection Committee. In the event of the post not being filled by the first nominee the Selection Committee shall nominate the next candidate in order of merit for the post.

(iii) The Board of Management shall appoint the person so nominated save where in any particular instance the Board shall consider that there is good and sufficient reason for not



making the appointment, in which event the Board shall submit the matter to the Trustees for determination.

(c) In exceptional circumstances, the Principal may appoint a casual part-time or full-time substitute teacher subject to subsequent ratification by the Board of Management.

**24.** Appointments to Posts of Responsibility shall be made by the Board in accordance with the terms of the relevant Department of Education and Science Circulars and any other terms which may be agreed from time to time between the parties.

**25.** The Principal with the approval of the Chairperson shall have power to call an emergency meeting of the Board of Management should the need arise. This meeting should be held as soon as possible after notification of such meeting has been conveyed to all available members. The usual quorum of four members would be required.

**26.** The Principal shall, with the approval of the Board, appoint all members of the non-teaching staff. The salaries and conditions of appointment of such staff shall be as approved by the Board. The Principal shall have the right of suspension of such staff. If the question of dismissal arises, it shall be a matter for decision by the Board.

**27. (A)** No extension, improvement or replacement of the School building shall be undertaken by the Board unless and until such have been approved in writing by the Trustees.

(b) The Board shall not enter into any contract or contracts by way of hire purchase or otherwise which could involve the Trustees in a total liability exceeding a sum to be determined annually by the Trustees, provided that this Article shall not apply to any contract which shall be approved in advance in writing by the Trustees, and excepting always contracts of employment of teaching and non-teaching staff as provided in Articles 23(c) and 26. In all circumstances the BOM to consult via the secretary to the BOM the College Trustees.

**28.** The Trustees shall indemnify the Board and each member thereof against any claim for capital debts or expenditure properly incurred, and provided always Articles 15(c) and 27(a) of these Articles of Management have been complied with by the Board.

**29.** The Board and the Trustees shall be bound by the terms of Contracts of Employment entered into by the Headmaster/Headmistress, Manager or Principal for the time being of the School with lay teachers on the staff of the same and which said contracts are in existence on the date when these Articles of Management shall come into operation.

**30.** In the event of any question arising relating to the conduct, management and financial administration of the School, not specifically provided for in the foregoing Articles, such

question shall be decided by the Trustees, who, upon decision, shall give the necessary instructions and authority to the Board to take the requisite and proper action.

**31.** Subject to the provisions of the Education Act, 1998 the Trustees may at any time resume the direct management of the school or may nominate another Manager.

**32.** A copy of these articles shall be given to every member of the Board, and to the Principal and to members of the teaching staff, upon their entry into office or employment.

**33.** These Articles of Management shall come into operation on the 28th November 2016

Signed by:

As agent for and on behalf of the Trustees, in the presence of

## **Appendix**

### **1) ROLE OF COLLEGE RECTOR:**

#### **1. Appointment**

1.1 The Rector of the College shall be nominated by the Provincial and his Definitory of the Order of Friars Minor and appointed by the Patron.

1.2 The Rector of the College, by virtue of his office, shall automatically be one of the nominees of the Patron to the Board of Management in accordance with the Articles of Management of Gormanston College.

#### **2. Responsibility**

2.1 The Rector shall be responsible to the Provincial and his Definitory for the performance of his duties as Rector.

2.2 The Rector of the College, as representative of the Provincial and his Definitory is charged to maintain and promote the Catholic and Franciscan ethos of the College as outlined in the College Charter and Articles of Management for Catholic Secondary Schools 1998 and in the Rule and Constitutions of the Order of Friars Minor.

2.3 The Rector in conjunction with the Principal shall be responsible for the welfare of the students and for the implementation of College policy.

2.4 In the performance of his duties, the Rector shall work collaboratively with the Principal, with particular reference to the ethos of the College, its students and responsible staff, general care, safety and welfare.

2.5 Outside of the Principal's hours of attendance or for any temporary absence from the College, the Principal may, in consultation with the Rector and the Board of Management, delegate responsibility to the Rector, for the provision of care and welfare of students within the College grounds and those duties which do not

automatically fall under the remit of the Deputy Principal under Section 23(2) of the Education Act 1998.

2.6 The Rector will undertake such responsibility in consultation with the Principal and will report to the Principal in this regard *if necessary*.

2.7 In the temporary absence of the Rector, the Principal will liaise with another member of the Order of Friars Minor designated by the Provincial and his Definitory to act in his stead.

### **3. General Provisions**

3.1 In addition, the Rector is fully bound by the provisions of the following:

- Education Act 1998, (and all statutory modifications thereto)
- Articles of Management for Catholic Secondary Schools 1998,
- Articles of Management for Gormanston College 2016
- College Policies or Procedure documents as ratified by the Board of Management.

#### **2) ROLE OF PRINCIPAL:**

2) The Principal shall be appointed by the Board of Management of the College in accordance with Section 23 (1) of the Education Act 1998 and Section 21(a) of the Articles of Management for Catholic Secondary Schools 1998.

#### **3) Responsibility of the Principal**

4) In accordance with Section 22 of the Education Act 1998, the Principal shall have responsibility for the intellectual welfare of the students, for the maintenance of discipline and academic standards and the management of the class and study programme in the College.

5) The Principal shall be responsible to the Board of Management for the fulfilment of the duties outlined in Sections 23 (2) of the Education Act 1998; for day-to-day management of the school; leadership to the teachers, other staff and students of the school; promoting a learning environment and encouragement of involvement of parents, students and teachers in the setting and achievement of the objectives of the school.

6) The Principal has authority under the overall control of the Board of Management for the day to day management of the school as provided for under Article 22 of the Articles of Management for Catholic Secondary Schools 1998; including the assignment of duties to the teaching and non-teaching staff, i.e. the Administrative and caretaking staff and others who are charged with carrying out the day-to-day management functions in the performance of their duties.

- 7) The Principal shall also carry out functions and responsibilities as detailed in his contract of employment with the Board of Management of the College.
- 8) The Board of Management may delegate to and confer upon the Principal any of the powers exercisable by the Board of Management upon such conditions as they may think fit and may at any time revoke, withdraw or vary all or any of such powers
- 9) The Board shall ensure that proper remuneration is provided for any duties incumbent on the Principal over and above those outlined in Sections 22 and 23(2) of the Education Act 1998. Such remuneration must be the object of a separate contract between the Board and the Principal.

**10) Functions of the Principal as Secretary to the Board of Management**

- 11) The Principal shall act as Secretary to the Board of Management as provided for under Section 11(b) of the Articles of Management for Catholic Secondary Schools.
- 12) The role of the Principal as Secretary to the Board of Management shall be carried out as provided for under Section 14 of the Articles of Management for Catholic Secondary Schools.

**13) Other**

- 14) The Principal shall be entitled to be a member of any and every committee appointed by the Board as referenced under Section 23 (4) of the Education Act 1998.

**15) Relationship of the Principal and the Rector of the College**

- 16) In the performance of his duties, the Principal shall work collaboratively with the Rector, with particular reference to the ethos of the College, its students, and responsible staff, general care, safety and welfare.
- 17) *In the performance of his duties, the Rector shall work collaboratively with the Principal with particular reference to the management and organisation of all administrative and ancillary staff including the authority to challenge poor or unacceptable work related performance.*
- 18) Outside of the Principal's hours of attendance or for any temporary absence from the College, the Principal may, in consultation with the Rector and the Board of Management, delegate responsibility to the Rector, for the provision of care and welfare of students within the College grounds and those duties which do not automatically fall under the remit of the Deputy Principal under Section 23(2) of the Education Act 1998.

**19) Relationship with the College Board of Management:**

20) When the transfer of Patronage of the College from the Definitory of the Franciscan Province of Ireland to the Board of Management of Franciscan Gormanston College the Principal shall have the same responsibilities to the Board of Management of the College as to the existing Patron in accordance with the provisions for the Education Act 1998 and any other statutory modification thereof.

**21) General Provisions**

22) In accordance with the Education Act 1998, for the purpose of carrying out his or her functions, the Principal shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with such policies as may be determined from time to time by the board.

23) In addition, the Principal is fully bound by the provisions of the following:

24) Education Act 1998, (and all statutory modifications thereto)

25) Articles of Management for Catholic Secondary Schools 1998,

26) Articles of Management for Gormanston College 2016

27) Contract of Employment, and

28) And any other College Policies or Procedure documents as ratified by the Board of Management.

3) SCHOOL CURTILAGE AND BOUNDARY – SEE MAP ATTACHED