

# Information Pack and Handbook for Vocational Education Committee Members



IRISH VOCATIONAL EDUCATION ASSOCIATION  
AN CUMANN GAIRMOIDEACHAIS IN ÉIRINN

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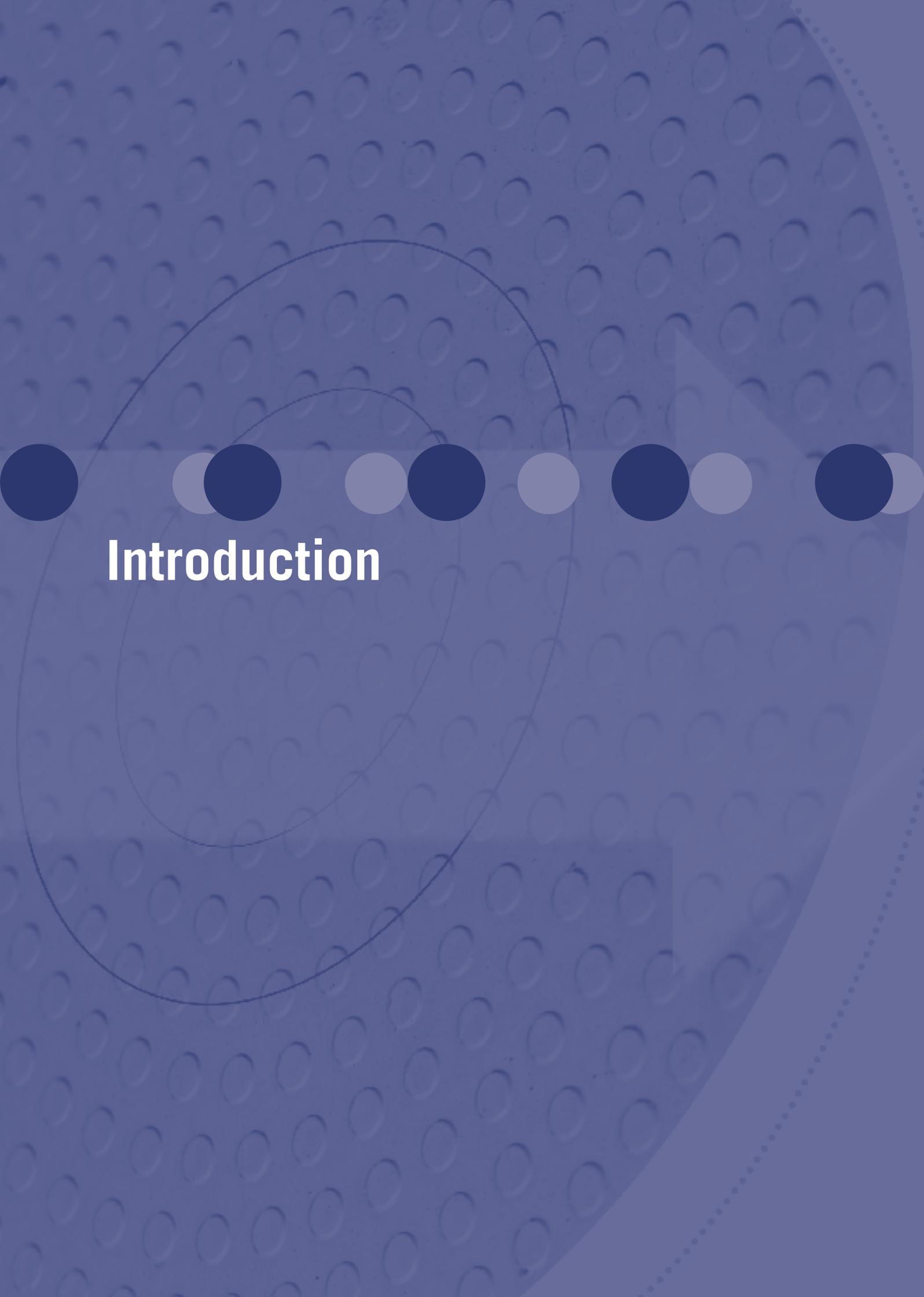
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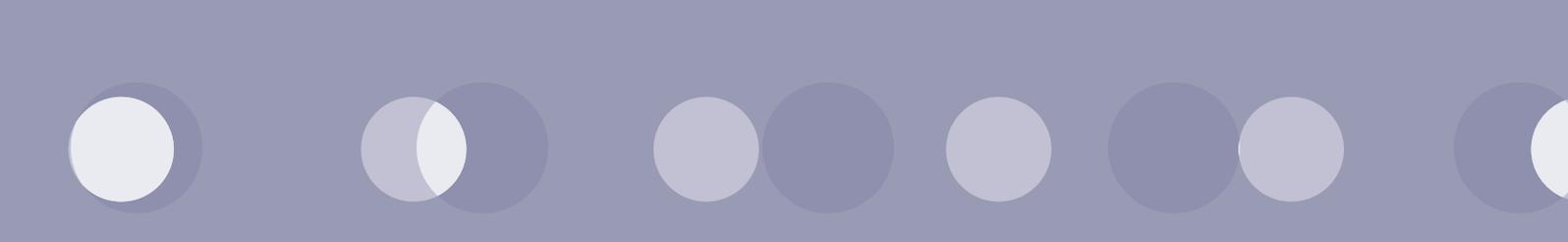
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# Introduction



# INTRODUCTION

The material in this pack has been prepared by the Irish Vocational Educational Association (IVEA), with the collaboration of the Department of Education and Science, for the assistance of the staff and members of vocational education committees (VECs). The material is presented as a set of guidelines for adoption by Committees as part of their governance policy framework.

The documentation includes the *Code of Practice for the Governance of VECs*, as well as a *Code of Best Practice for VEC Members and Staff* and related documents as advised to Committees by Circular Letter. Committees are required to adopt these as part of their accountability framework.

The *Code of Practice for Public Bodies* was published by the Department of Finance in 2001. The documentation presented in this pack is a version of the Code as adapted specifically to the circumstances of VECs as public sector bodies, together with support documentation provided to VECs as templates for the necessary policies and processes required by the Code.

The remaining documentation may be considered by Committees and VEC management as guidelines to provide assistance in the implementation and the operation of the Codes, and they may be amended as VECs judge appropriate.

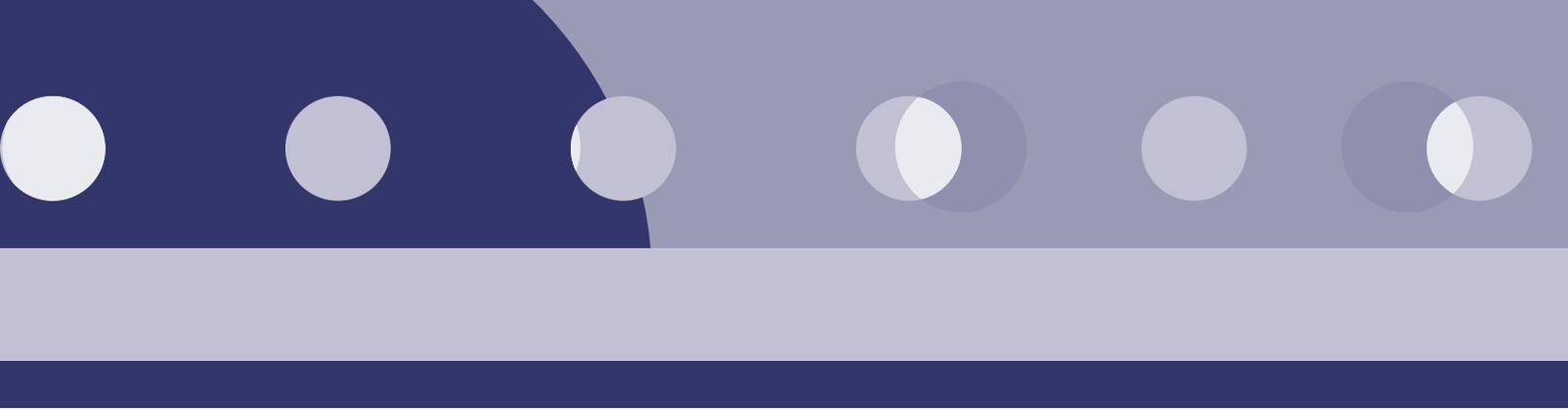
IVEA promotes best practice in all areas of governance and management in the VEC system and it is anticipated that these documents will facilitate Committees and CEOs in meeting the obligations on VECs as public bodies in respect of integrity, accountability and openness.

This documentation will also be of assistance to Committee members and staff in developing a clear understanding of their responsibilities and in the conduct of the business of Committees.

IVEA gratefully acknowledges the assistance of the joint IVEA/Department of Education and Science task group and in particular, the contribution of Dr Barney O'Reilly in the development of this *Information Pack and Handbook for Vocational Educational Committee Members*.

Michael Moriarty  
General Secretary, IVEA

December, 2004



# Section One

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## Section 1: The Legislative Framework

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# SECTION ONE - The Legislative Framework

## 1 Legislation pertaining to the operation of VECS

Legislation which directly or indirectly impacts on the work of the (Name of VEC) is listed below. This listing does not purport to be comprehensive. A wide range of legislative provision in the areas of public administration, contract law, employment law and other areas apply to the activities of vocational education committees. The legislation listed below contains those legislative provisions of most significance. The text of these acts, and others, may be acquired on the internet at <http://www.irishstatutebook.ie> or from the head office of your Committee. The commentaries presented here do not purport to be legal interpretations and should not be represented as such.

*(Much of the material in this section is provided courtesy of Co. Dublin VEC and first appeared in 'Strategic Plan 2004-2008' published by Co. Dublin VEC, May 2004. The assistance of Co. Dublin VEC is gratefully acknowledged).*

### **The Principal Acts:**

**Vocational Education Act 1930, and Vocational Education (Amendment) Acts, 1936, 1944, 1970 & 2001.**

### **Related Education Acts:**

Education Act, 1998  
Education (Welfare) Act, 2000  
Education for Persons with Special Educational Needs Acts 2004  
The Qualifications (Education and Training) Act, 1999  
Youth Work Act, 2001  
The Teaching Council Act, 2001

### **Acts with Direct Implications for VECs**

Comptroller and Auditor General (Amendment) Act, 1993  
Ethics in Public Office Act, 1995  
Standards in Public Office Act, 2001  
The Official Languages Act, 2003  
The Children Act, 2001  
The Ombudsman for Children Act, 2002  
Data Protection Acts, 1988 to 2003  
Freedom of Information Act, 1997, as amended 2003  
Public Service Management (Recruitment and Appointments) Act, 2004

### **Relevant Employment Legislation - a Selection**

The Organisation of Working Time Act, 1997  
The Employment Equality Act, 1998 (& Bill, 2004)  
The Equal Status Act, 2000  
The Protection of Employees (Part-time Work) Act, 2001  
The Protection of Employees (Fixed Term Work) Act, 2003  
Maternity Protection (Amendment) Act, 2004  
Safety, Health and Welfare at Work Bill, 2004

### **Other legislation with application to vocational education committees:**

Redundancy Payment Act, 1967-1991  
Minimum Notice and Terms of Employment Act, 1973-2001  
Safety, Health & Welfare at Work Act, 1989 & related Regulations  
Industrial Relations Act, 1990  
Payment of Wages Act, 1991  
Maternity Protection Act, 1994  
Terms of Employment (Information) Act, 1994  
Adoptive Leave Act, 1995  
Protection of Young Persons (Employment) Act, 1996  
Prompt Payment of Accounts Act, 1996  
The Unfair Dismissals Acts, 1997-1993  
Parental Leave Act, 1998  
Carers' Leave Act, 2001  
The Finance Acts - various years

## THE PRINCIPAL ACTS:

**Vocational Education Act, 1930 as amended, inclusive of Vocational Education (Amendment) Acts, 1936, 1944, 1970 & 2001.** These acts are to be construed together as one act.

### THE VOCATIONAL EDUCATION ACT, 1930

The Vocational Education Act, 1930 is the foundation act for VEC organisation and services and is read in the light of amending acts as listed, particularly the 2001 Act. It empowers VECs to provide continuation education, technical education and higher technical education and to make provision for their progressive development. VECs are also empowered to make grants to students in accordance with schemes approved by the Minister for Education. These provisions are the basis of the establishment and maintenance of post-primary schools. They also establish the authority for the provision of further education and adult education services and for student supports by VECs. The Act also set out the basic guidelines for the operation of the Committee in terms of the frequency and conduct of meetings. Some of these provisions have been amended by the 2001 Amendment Act.

*The Appendix to this section contains the provisions in this Act that regulate the conduct of meetings of VECs.*

### VOCATIONAL EDUCATION (AMENDMENT) ACT, 1936

The major ongoing implication of this Act relates to the manner in which it regulates the disposal of surplus lands owned by the VEC. **Section 2** of this Act re disposal of surplus lands, is a reserved function of the Committee under the terms of the VE (Amendment) Act, 2001.

*See the Appendix to this section for the relevant text.*

### VOCATIONAL EDUCATION (AMENDMENT) ACT, 1944

The most significant current provisions of this Act are in Sections 7 and 8 which provide for the suspension of officers and removal from office by the Minister for Education and Science.

*See the Appendix to this section for the relevant text.*

The suspension of officers is a reserved function of the Committee under the terms of the VE (Amendment) Act, 2001.

### VOCATIONAL EDUCATION (AMENDMENT) ACT, 1970

This Act empowers Committees to co-operate with other education providers to provide for continuation schools or to provide for a system of continuation schools. This Act is the legal basis for the participation of VECs in the establishment and governance of Community Colleges and Community Schools since 1970.

### THE VOCATIONAL EDUCATION (AMENDMENT) ACT, 2001

The Act reforms and updates the Vocational Education Act, 1930 and its various amendments. The Act provides structures and procedures in order that each VEC can meet, in as effective and efficient a manner as possible, the needs of vocational education in the area which it serves. The principal aims of the Act are:

- (i) Revise the composition of VECs to include representation on VECs for parents of students registered in VEC institutions and staff of VECs;
- (ii) Help modernise accountability structures by classifying the functions exercised by VECs into reserved and executive functions;
- (iii) Provide for additional functions for VECs in areas such as the preparation of education plans;
- (iv) Provide for additional functions for VECs, and
- (v) Provide for revised reporting, accounting and financial procedures.

**The following are identified as the functions of the VEC:**

**Section 9. — (1) Functions of vocational education committees**  
*Without prejudice to the operation of any other enactment by or under which functions are conferred on a vocational education committee, a vocational education committee shall—*

- (a) *plan, co-ordinate and review the provision of education and services ancillary thereto in recognised schools and centres for education established or maintained by that committee,*
- (b) *assess whether the manner in which it performs its functions is economical, efficient and effective,*

- (c) adopt and submit, in accordance with section 30, an education plan,
  - (d) adopt and submit a service plan to the Minister in accordance with section 25,
  - (e) where it considers appropriate, make all reasonable efforts to consult, in relation to the performance by it of its functions, with—
    - (i) boards of management of schools established or maintained by that vocational education committee,
    - (ii) persons performing, in relation to centres of education established or maintained by that vocational education committee, functions the same as, or substantially the same as, those exercised by boards of management in relation to schools referred to in sub-paragraph (i),
    - (iii) students registered at such schools or centres for education,
    - (iv) parents of students who are so registered and who have not reached the age of 18 years,
    - (v) members of the staff of that vocational education committee, and
    - (vi) such other persons as it considers are likely to be affected as a result of the performance by it of its functions, or as it considers have a particular interest or experience in relation to the education or training provided in recognised schools or centres for education established or maintained by it;
  - (f) in the performance of its functions and in so far as is practicable, co-operate with other vocational education committees, schools and such persons providing services similar to or connected with those provided by the vocational education committee concerned in relation to the vocational education area of that committee as the vocational education committee considers appropriate.
- (2)(a) A vocational education committee may, with the consent of the Minister, cause such one or more private companies to be formed and registered under the Companies Acts, 1963 to 1999, as it considers appropriate, to perform such of its functions, as it considers appropriate.

There is a requirement for each VEC to develop service plans and education plans as well as an annual report. It will also be necessary for the VEC to organise its management structures to enable the effective operation of the reserved and executive model of management with appropriate procedures and safeguards.

**Accountability Provisions:**

Section 12(6) of this Act provides that:  
*A chief executive officer shall, in relation to the performance of his or her functions, be accountable to the vocational education committee for which he or she is the chief executive officer.*

The duties of accounting officer, in accordance with Section 19 of this Act, are the responsibility of the CEO. They may be delegated by him or her in accordance with the provisions of Section 16 of the VE (Amendment) Act, 2001. Sections 17 and 18 provide for the accountability of the chief executive officer to the Public Accounts Committee and to other Oireachtas Committees:

**Accountability of Chief Executive Officer to Public Accounts Committee**

*17.—(1) The chief executive officer of a vocational education committee shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (hereafter in this section referred to as the “Committee”), give evidence to that committee on—*

- a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that vocational education committee is required by this Act to prepare,
- b) the economy and efficiency of the vocational education committee in the use of its resources,
- c) the systems, procedures and practices employed by the vocational education committee for the purpose of evaluating the effectiveness of its operations, and
- d) any matter affecting the vocational education committee referred to in a special report of the

*Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c)) that is laid before Dáil Éireann.*

- 2) *In the performance of his or her duties under this section, the chief executive officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.*

#### **Accountability of Chief Executive Officer to other Oireachtas Committees**

**18.** —(1) *In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in section 17 or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.*

- 2) *Subject to subsection (3), the chief executive officer of a vocational education committee shall, at the request in writing of a Committee, attend before it to give account for the general administration of the vocational education committee concerned.*
- 3) *The chief executive officer of a vocational education committee shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.*
- 4) *Where the chief executive officer of a vocational education committee is of the opinion that a matter in respect of which the chief executive officer is requested to give an account before a Committee is a matter to which subsection (3) applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive officer is before it, the information shall be so conveyed in writing.*
- 5) *Where the chief executive officer of a vocational education committee has informed a Committee of his or her opinion in accordance with subsection (4) and*

*the Committee does not withdraw the request referred to in subsection (2) in so far as it relates to a matter the subject of that opinion—*

- a) *the chief executive officer may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which subsection (3) applies, or*
  - b) *the Chairperson of the Committee may, on behalf of the Committee, make such an application, and the High Court shall determine the matter.*
- 6) *Pending the determination of an application under subsection (5), the chief executive officer of the vocational education committee concerned shall not attend before the Committee to give account for the matter the subject of the application.*
  - 7) *If the High Court determines that the matter concerned is one to which subsection (3) applies, the Committee shall withdraw the request referred to in subsection (2), but if the High Court determines that subsection (3) does not apply, the chief executive officer of the vocational education committee concerned shall attend before the Committee to give account for the matter.*

#### **Application of Section 19 of Comptroller and Auditor General (Amendment) Act, 1993, to vocational education committees**

**19.**—*Section 19 of the Comptroller and Auditor General (Amendment) Act, 1993, shall apply to vocational education committees as it applies to Departments of State and accordingly references therein to a Department, an accounting officer and appropriation accounts shall be construed as including references to a vocational education committee, a chief executive officer of a vocational education committee and the accounts of a vocational education committee.*

**(See also p.11-12 below for the provisions of Sections 7 and 19 of the Comptroller and Auditor General (Amendment) Act, 1993)**

## RELATED EDUCATION ACTS:

These Acts impinge in a variety of ways on the operation of VECs and allocate functions to VECs as education service providers and to schools, their boards of management, principals and teachers and regulate the operations of each in particular ways.

## EDUCATION ACT, 1998

The provision of a high quality education to each person, including persons with special educational needs, is the central aim of the Education Act. To facilitate this, the Act sets out for the first time a clear statutory framework for Irish education at first and second levels. The rights and roles of all the partners are clearly laid out in the Act and considerable emphasis is placed on the principle of partnership throughout the Act. This principle is particularly evident in the provisions relating to boards of management of schools. Patrons, teachers and parents will all be represented on the boards of management which, it is envisaged, will be established in all recognised schools. The Act also seeks to respect the traditions and diversity in the school system and, in addition to partnership, stresses the principles of transparency and accountability.

### The main elements of the Act are as follows:

13. It defines clearly the functions of the Minister for Education and Science and places an obligation on him to ensure that there is made available to each person, including every person with a disability or other special educational needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person.
14. It makes provision for the recognition of schools and the establishment of boards of management in all schools in receipt of public funding. Patrons, teachers and parents will all be represented on the boards of management.
15. It places the Inspectorate of the Department of Education and Science on a statutory basis and defines its role and functions.
16. It sets out the functions of principals and teachers.
17. It makes provision for procedures for appeals by students or their parents.
18. It makes provision for the establishment of a statutory body to promote the teaching of Irish.
19. It makes provision for the establishment of a committee to advise the Minister on strategies to combat educational disadvantage.
20. It provides a statutory basis for the education support services and the National Council for Curriculum and Assessment.
21. It provides a statutory basis for the State examinations system and sets out provisions designed to prevent the publication of school league tables.
22. It contains provisions enabling the Minister, with the concurrence of the Government, to establish statutory bodies to carry out functions in or in relation to the provision of support services.

The Act places an obligation on VECs to uphold the 'Objects of the Education Act' as set out in Section 6:

### **Section 6—Object of the Education Act, 1998**

*Every person concerned in the implementation of this Act shall have regard to the following objects in pursuance of which the Oireachtas has enacted this Act:*

- (a) *to give practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs, as they relate to education;*
- (b) *to provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people;*
- (c) *to promote equality of access to and participation in education and to promote the means whereby students may benefit from education;*
- (d) *to promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education;*
- (e) *to promote the right of parents to send their children to a school of the parents' choice having regard to the rights of patrons and the effective and efficient use of resources;*

- (f) to promote best practice in teaching methods with regard to the diverse needs of students and the development of the skills and competences of teachers;
- (g) to promote effective liaison and consultation between schools and centres for education, patrons, teachers, parents, the communities served by schools, local authorities, health boards, persons or groups of persons who have a special interest in, or experience of, the education of students with special educational needs and the Minister;
- (h) to contribute to the realisation of national educational policies and objectives;
- (i) to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community;
- (j) to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas;
- (k) to promote the language and cultural needs of students having regard to the choices of their parents;
- (l) to enhance the accountability of the education system, and
- (m) to enhance transparency in the making of decisions in the education system both locally and nationally.

**Key implications for schools** include the need for record keeping and student access to records, greater efficiency and effectiveness, the development of an admissions policy and maximum access and a school plan.

**Key implications for VECs:** These are the concept and interpretation of the “Body Corporate” and School Boards of Management and the role of VECs as patrons of schools.

## EDUCATION (WELFARE) ACT, 2000

The Act provides a framework within which issues relating to the educational welfare of children, including the causes and effects of truancy and school attendance problems generally, can be addressed effectively. The legislation provides a statutory underpinning for addressing the factors behind educational disadvantage and promoting equality of opportunity in education. In dealing with these issues, provision is made for drawing upon the experience and knowledge of experts in the field of education and welfare

of children. The legislation will encourage the attendance of, and active participation by, children in school and seek to promote stronger and closer ties between the partners in education and the various State agencies responsible for developing programmes to deal with children and families affected by problems relating to school attendance.

### The main provisions of the Act are –

- To establish the National Educational Welfare Board on a statutory basis whose main functions will be to ensure that each child attends a recognised school or otherwise receives a certain minimum education and to assist in the formulation and implementation of Government policies and objectives concerning the education of children
- To provide for the appointment of Education Welfare Officers
- To provide for a register of children being educated outside the recognised school system in order to ensure they receive their Constitutional entitlement to a certain minimum education
- To put in place mechanisms at school level in order to ensure that children are attending school
- To facilitate schools in developing school attendance strategies and codes of behaviour
- To ensure that a person who has left school before the age of 18 years is provided with appropriate education or training.

### Key implications for VECs:

VECs must operate a service/scheme-wide approach regarding records and reporting, data protection and release, codes of behaviour and appeals and statements of strategy. Under previous structures, the region did not have the benefit of school attendance officers as the Garda Síochána had responsibility to follow up on truancy. The implementation of the Act and the subsequent appointment of Education Welfare Officers will bridge identified gaps in the system.

*(Furthermore, the Act refers to alternative centres of education for specific groups who are under sixteen years but does not specify modes of implementation. Therefore, a certain ambiguity exists regarding potential alternative education and training for this age group).*

## EDUCATION FOR PERSONS WITH SPECIAL EDUCATIONAL NEEDS ACT, 2004

The Act adopts a rights based approach to education and will enable the parents of children with special educational needs to enforce the right to education through a dedicated mediation and appeals system and, ultimately, if necessary, through the courts.

### The main provisions of the Act are –

- The Act defines a child as a person who is not older than 18 years of age
- A child with special educational needs is to be educated in an integrated setting, unless this is not in the child's interests or there are very good reasons why it is not practical
- Where a child appears to have a learning difficulty he or she will be entitled to an assessment by appropriate professionals
- Each child with special educational needs is to be registered with the National Council for Special Education
- Registration can occur from birth
- Each registered child will have an individual education plan (IEP) prepared for him or her either by the school which the child is attending or the Council. The plan will set out the child's educational needs, the special education and related support services to be provided to him or her and the goals which the child is to achieve over a period of not more than 12 months
- Provision is made for regular review and amendment of an IEP
- Parents will have a right in law to close involvement in decisions concerning their child's educational needs and the provision made for them
- The Act establishes a system of mediation and appeals which will allow parents to have all significant decisions concerning their child's education with which they do not agree submitted to independent review
- The Minister for Education and Science will have a statutory duty to set national policy and provide necessary resources
- The Act establishes the National Council for Special Education. The Council will have a combination of planning, assessment, service delivery, research and policy functions

- The central role of the health boards in the education of children with special educational needs is recognised and detailed provision is made to ensure as far as practical, that the services which children need and which are provided by the boards are made available to them.

### Key implications for the VEC:

The key concept and obligation proposed is that of 'Integrated education': Section 2 says:

*'A child with special educational needs shall be educated in an inclusive environment with children who do not have such needs unless the nature or degree of those needs of the child is such that to do so would be inconsistent with—*

- (a) the best interests of the child as determined in accordance with any assessment carried out under this Act, or*
- (b) the effective provision of education for children with whom the child is to be educated'.*

This formulation – especially (b) above - introduces the idea of balancing the rights of the child with special educational needs with the rights of other children with whom the child is to be educated. This provision may be very difficult to operationalise and the difficulty will be one for school principals and boards of management. Admission policies will have to include procedures to deal with these issues.

## THE QUALIFICATIONS (EDUCATION AND TRAINING) ACT, 1999

A major reason for introducing the Act was the need for greater partnership, co-operation and cohesion between the education and training sector on the one hand and industry, business and the wider community on the other. It is an important function of each of the three bodies set up under this Act that they inform themselves of the relevant needs of business and industry. This will inform their key role in setting national standards for awards.

The development of a national framework of qualifications is a key part of the Act and this will set out arrangements for access, transfer and progression for learners. Thus each learner will be able to determine her or his own educational goals and see how they can be fulfilled. This will make education and training goals a continuing and lifelong ambition.

The Act provides for the setting up of the National Qualifications Authority of Ireland to establish and maintain a framework of qualifications, to act as the overall guarantor of the quality of awards and to facilitate and promote access, transfer and progression. A Further Education and Training Awards Council and a Higher Education and Training Awards Council are also established to provide certification within the framework of qualifications. Any provider of further or higher education and training may apply to the relevant Council for validation of a programme. Equally, a learner may apply to a Council for an award or recognition of an award.

**The main elements of the Act are as follows:**

- Establish and develop standards of knowledge, skill or competence
- Promote the quality of further education and training and higher education and training
- Provide a system for co-ordinating and comparing education and training awards
- Promote and maintain procedures for access, transfer and progression.

**Key implications for VECs:**

Curriculum and accreditation options must meet the requirements of the NQAI, and of the Qualifications, Curriculum and Assessment Policy Unit of the Department of Education and Science. Programmes accredited by FETAC will have to meet particular requirements in relation to Quality Assurance systems and individual programme validation.

**YOUTH WORK ACT, 2001**

The purpose of this Act is to provide a legal framework for the provision of youth work programmes and services by the Minister and VECs.

The Act provides for the following –

- Definition of the functions of VECs regarding Youth Work. These include the preparation and implementation of Youth Work Development Plans for each VEC area, the drafting of annual Youth Work Budgets for each VEC area, and reporting on Youth Work Services in the VEC area to the Minister

- The establishment of Youth Work Committees for each VEC
- The establishment of Local Voluntary Youth Councils for each VEC area
- The definition of the composition and functions of the National Youth Work Advisory Committee (NYWAC)
- The definition of the role of the National Youth Work Assessor
- The definition of the functions of the Minister regarding Youth Work

The Youth Work Act was enacted on 1 December 2001. Part 1 (which includes repeal of the Youth Work Act, 1997) and sections 17 and 18 (dealing with the National Youth Work Advisory Committee) have been commenced. Committee members have been appointed.

**Key implications for the VEC:**

The VEC has been allocated functions in relation to the implementation of the Act within the region and must provide Youth Work services, development, planning, monitoring and evaluation on a service/scheme-wide basis.

**THE TEACHING COUNCIL ACT, 2001**

The purpose of this Act is to provide for the establishment of a self-regulating Teaching Council for first and second level teachers similar to the Medical Council.

The Council's primary role will be to set and promote the highest standards amongst teachers and it will play an important part in enhancing the status of the teaching profession.

The Teaching Council will be an autonomous, statutory, self-regulating body, with the role of setting and promoting the highest professional standards for first and second level teachers.

The main objective of the Council will be to enhance the quality of the education service by providing teachers, assisted by the education partners, with a formal structure to regulate their profession. Its functions will include the overseeing of teacher training and registration, research on issues relating to the teaching profession and advising the Minister on a range of issues including teacher supply.

### Key implications for VECs:

The Act provides policies and procedures for the registration and regulation of teachers and the enhancement of professional standards and competencies.

## OTHER ACTS WITH IMPLICATIONS FOR VECs

### COMPTROLLER AND AUDITOR GENERAL (AMENDMENT) ACT, 1993

This Act outlines the functions of the Comptroller and Auditor General. Section 7 sets out the provisions for the audit of accounts of vocational education committees. Section 19 outlines the duties of public sector accounting officers. For the information of members, these sections are reproduced below.

#### **Audit of accounts of vocational education committees**

7. —(1) *Accounts of vocational education committees shall be audited by the Comptroller and Auditor General.*

(2) *In the course of the audit of such accounts, the Comptroller and Auditor General shall carry out such audit tests as he considers appropriate in order to satisfy himself as to—*

- (a) *whether the income and expenditure recorded therein are supported by substantiating documentation*
- (b) *whether the committee concerned has applied such expenditure for the purposes for which the sums paid to the committee, whether out of moneys provided by the Oireachtas or otherwise, were intended, and*
- (c) *whether the transactions conform with the authority under which they purport to have been carried out.*

(3) *Upon the completion of his audit of the accounts of a vocational education committee for a financial year, the Comptroller and Auditor General shall attach to the accounts a certificate stating whether, in his opinion—*

- (a) *the accounts properly present the income and expenditure of the committee,*

- (b) *the statement of balances properly presents the state of affairs of the committee at the end of the financial year concerned, and*
- (c) *the accounts are in accordance with any accounting policies laid down by the Minister for Education and referring to any material case in which—*

- (i) *the committee has failed to apply expenditure recorded in the accounts for a purpose for which the sums paid to the committee and out of which the expenditure was made, were intended, or*
- (ii) *transactions recorded in the accounts do not conform to the authority under which they purport to have been carried out.*

(4) *Upon the completion of his audit of the accounts of a vocational education committee, the Comptroller and Auditor General shall also draw up a report in writing on—*

- (a) *such matters arising on the audit as he considers it appropriate to report on, and*
- (b) *such matters as he considers it appropriate to report on arising from his examination of the system of internal control operated by the committee to ensure—*
  - (i) *the regularity of its financial transactions,*
  - (ii) *the correctness of its income and expenditure,*
  - (iii) *the reliability and completeness of its accounting records, and*
  - (iv) *the safeguarding of the assets owned or controlled by it.*

(5) *The accounts of a vocational education committee shall be submitted to the Comptroller and Auditor General for audit on or before such date in the year following the financial year to which they relate as may stand specified for the time being by order made for the purposes of this subsection by the Minister after consultation with the Minister for Education.*

(6) *Upon the completion of the audit of the accounts of a vocational education committee, the Comptroller and Auditor General shall submit copies of the accounts together with his certificate under*

subsection (3), and report under subsection (4), in relation to the accounts to the committee and to the Minister for Education who shall cause copies thereof to be laid before each House of the Oireachtas on or before such date as may stand specified for the time being by order made for the purposes of this subsection by the Minister after consultation with the Minister for Education and then the committee shall publish the accounts, certificate and report.

(7) The Minister may by order made after consultation with the Minister for Education vary either or both of the dates standing specified for the time being under subsections (5) and (6).

(8) This section shall have effect as respects the accounts of a vocational education committee for a financial year of the committee beginning not less than 3 months after the commencement of this section.

**Duties of accounting officers (In this section references to ‘the Department’ may be read as references to ‘the VEC’)**

19. —(1) In addition to performing his duty under section 22 of the Act of 1866, an accounting officer shall, whenever he is so required by the committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts, give evidence to that committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any account subject to audit by the Comptroller and Auditor General which he or the Department concerned is required by or under statute to prepare,
- (b) the economy and efficiency of the Department in the use of its resources,
- (c) the systems, procedures and practices employed by the Department for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Department referred to in a special report of the Comptroller and Auditor General under section 11 (2) or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c) ) that is laid before Dáil Éireann.

2) In the performance of his duty under this section an accounting officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

In the VEC system these duties are the responsibility of the CEO (**See also p.5–6 above**).

**Key implications for the VEC:**

Committees will be audited by the Comptroller and Auditor General. The Accounting Officer and each sub-accounting officer will be required to present all documentation requested at audit and to assist in the conduct of the audit. Records of all transactions at office, school and centre for education level will be required to be available to auditors. The Accounting Officer may be required to attend and to give evidence arising out of the accounts and the Audit Reports to a meeting of the Committee of Public Accounts.

**ETHICS IN PUBLIC OFFICE ACT, 1995**

This Act provides for the disclosure of interests of holders of certain public offices and designated persons employed in designated positions in certain public bodies. The Act also provides for the establishment of guidelines for compliance with the Act and a commission to investigate contraventions. The Act also prohibits the retention of valuable gifts by holders of certain public offices.

**Key implications for the VEC:**

The provisions of this Act are incorporated into the draft Framework Code of Conduct presented with this documentation as part of the members handbook. Committees should formally adopt the terms of the Framework Code.

**STANDARDS IN PUBLIC OFFICE ACT, 2001**

This Act provides for the establishment of a ‘Standards in Public Office Commission’ to deal with contraventions and complaints in respect of standards in public office.

## THE OFFICIAL LANGUAGES ACT, 2003

This Act is the first piece of legislation to provide a statutory framework for the delivery of services through the Irish language. The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. This will be achieved by placing a statutory obligation on government departments and public bodies to make specific provision for the delivery of such services. Examples of this are a requirement for correspondence to be replied to in the language in which it was written, providing information to the public in the Irish language (or in Irish and English), the publication of bilingual documents and the use of Irish in courts.

### Key implications for the VEC:

These include the use of Irish and English on advertisements, stationery and signage; the duty to reply to correspondence in the language in which that correspondence was written; the requirement to communicate (in writing or by electronic mail) in both Irish and English and to publish certain documents e.g. annual reports in bilingual format. The VEC will, on the basis of a formal request made by the Department of Community, Rural and Gaeltacht affairs, be asked to draw up an initial 3 year scéim identifying the services it will provide through Irish. The VEC will have six months to consult with its customers and to draw up this 3 year scéim. The Act does recognise that it is not possible to provide all services through Irish during the first 3 year scéim and that gradually, with each published scéim, services through Irish will be improved on a planned basis.

## THE CHILDREN'S ACT, 2001

The primary purpose of the Act is to replace the remaining provisions of the Children Act 1908, and associated legislation, with a modern comprehensive statute.

The Act covers three main areas of law. Firstly, it provides the framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for a family welfare conference and other new provisions for dealing with out of control non-offending children.

Part 10 of the Act (sections 157 to 224) deals with children detention schools. It abolishes reformatory and industrial schools, the functions of which are vested in the Minister for Education and Science and replaces them with children detention schools. These will be managed by boards of management appointed by the Minister and will be used for the detention of children under the age of 16 years who have been referred to them by the courts on being found guilty of offences.

Many of the matters dealt with in Part 10 relating to the operation and running of children detention schools reflect what is the current provision and position in industrial and reformatory schools. To a large extent the Act merely places on a statutory basis and reflects what is considered best practice in this sector and provides a formal framework within which the schools' functions will operate.

### Key implications for the VEC:

The Act has implications for staff in terms of their roles and responsibilities and their need for support and release from school or centre duties in order to attend Family Conferences.

## THE OMBUDSMAN FOR CHILDREN'S ACT, 2002

This Act creates the Office of Ombudsman for Children.

The Ombudsman has two major functions:

- i) promoting children's rights and welfare
- ii) examining and investigating complaints against public bodies, voluntary hospitals and schools.

The Ombudsman for Children may, following the conclusion of any remedies under the Education Act, 1998, investigate any administrative action taken by or on behalf of a school that has or may adversely affect a child and was:

- i) taken without proper authority, on irrelevant grounds,
- ii) the result of negligence or carelessness,
- iii) improperly discriminatory,
- iv) based on erroneous or incomplete information,
- v) based on undesirable administrative practice, or
- vi) otherwise contrary to fair or sound administration.

### Key implications for the VEC:

The Ombudsman for Children will raise awareness of children's welfare and children's rights and will provide an additional forum of redress for complaints which cannot be appealed to the structures established under Section 29 of the Education Act, 1998.

## **PROTECTION OF PERSONS REPORTING CHILD ABUSE ACT, 1998**

This Act provides protection from civil liability to persons who report child abuse to a member of the Garda Síochána or a designated officer of the Health Board in certain circumstances and provides protection to such persons from penalisation by their employers. It provides also for an offence in respect of the false reporting of child abuse and for the appointment of a designated officer within each Health Board for the purposes of the Act.

### **Key implications for the VEC:**

To ensure that cases of child abuse are advised to the Garda Síochána or appropriate Health Board designated officer and to comply with the provisions of the Act as employer.

## **DATA PROTECTION ACTS, 1988 TO 2003**

The 1988 Data Protection Act gave effect to the 'Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, 1981, and regulates the collection, processing, keeping, use and disclosure of certain information relating to individuals that is processed automatically.

The Data Protection (Amendment) Act, 2003, gives effect to Directive 95/16/EC on the protection of the individual with regard to the processing of personal data and on the free movement of such data and extends the operation of the 1988 Act to 'manual data' – that is, information held in a filing system in such a way that specific information relating to a particular individual is readily accessible.

### **Key Implications for VECs:**

The need to register with the Data Commissioner and to designate a Data Controller for the organisation with the responsibility to ensure compliance with the legislation.

## **FREEDOM OF INFORMATION ACTS, 1997 TO 2003**

The provisions of the 1997 Act enable members of the public to obtain access to the greatest extent possible consistent with the public interest and the right to privacy, to access information in the possession of public bodies. The Act provides for a right to access records held by such bodies, for necessary exceptions to that right and

for assistance to persons to enable them to exercise that right. The Act provides for the independent review of the decisions of public bodies re the release of records and establishes the office of Information Commissioner. The Act further provides for the publication by public bodies of certain information about them.

The Freedom of Information (Amendment) Act, 2003, amends the 1997 Act to extend additional protection to sensitive government records and clarifies certain technical procedures.

**Key Implications for VECs:** To date, VECs have not been designated for the purposes of this legislation but are advised that this will occur shortly. At this point it will be necessary for VECs to designate Freedom of Information Officers and put in place procedures for the management of applications for information under the terms of the legislation.

## **LEGISLATION RELEVANT TO VECs AS EMPLOYERS**

### **THE ORGANISATION OF WORKING TIME ACT, 1997**

The Act sets out the statutory rights for employees in respect of rest, maximum working time, holidays and public holidays. Part-time employees are also included in the Act.

The need for continuous development of systems and structures within the administrative area to comply with this and other related Acts; dissemination of information to employees regarding their entitlements; and VEC procedures and records.

### **THE EMPLOYMENT EQUALITY ACT, 1998**

This Act replaces the Anti-Discrimination (Pay) Act, 1974 and the Employment Equality Act, 1977. While retaining the protection afforded employees embedded in both of the above acts, this new Employment Equality Act increases the number of groups covered by anti-discrimination law and includes important changes in relation to dealing with complaints. The Act establishes the Equality Authority.

### **Key implications for the VEC:**

New or revised policies and procedures will be required by each VEC in matters relating to the appointment and promotion of staff to ensure that it fully complies with the terms of the Act.

### **THE EQUAL STATUS ACT, 2000**

This Act is linked to the Employment Equality Act, 1998 and amends the Refugee Act, 1996. The Equal Status Act further extended the powers of the Equality Authority to equality and anti-discrimination on nine grounds: gender, marital status, family status, age, disability, race, sexual orientation, religion and membership of the Traveller Community. It also provides for employer responsibility regarding harassment.

### **Key implications for the VEC:**

The organisation must comply fully with the Act in terms of student access to services, practices in schools, colleges and centres and in curriculum development. There must also be policies regarding harassment and bullying.

### **THE EQUALITY ACT, 2004**

This Act amends the Employment Equality Act, 1998 and Equal Status Act, 2000 for the purpose of making further provision in relation to equality of treatment in the workplace and elsewhere and transposes into Irish Law, all outstanding European Union Equality Directives.

Among the main amendments of the Employment Equality Act, 1998 are provision for the extension of positive action provisions to all nine grounds covered by the Act; the extension of the provisions of the Act to persons over the school leaving age (16) but under 18 and over 65; refinements of the requirements on employers in respect of reasonable accommodation for persons with disabilities; discriminatory dismissal cases transferred from the jurisdiction of the Labour Court to the Equality Tribunal.

Among the main amendments of the Equal Status Act, 2000 are provision for the shifting of the evidential burden of proof from the complainant to the respondent once the complainant has established a prima facie case; allowing claimants and respondents to choose any person, including an organisation to represent them before the

equality tribunal, ODEI – the Office of the Director of Equality Investigations.

### **Key Implications for the VEC:**

VECs must comply fully with the provisions of the legislation in terms of their role as employers and service providers. The provision for the shifting of the evidential burden of proof from the complainant to the respondent once the complainant has established a prima facie case, has implications for the recording of employment related decisions by VECs.

### **THE PROTECTION OF EMPLOYEES (PART-TIME WORK) ACT, 2001**

This Act emanates from EU Directives and provides for the protection and rights of employees engaged on a part-time basis with the key principle being that they should not be treated less favourably than full-time employees.

### **Key implications for the VEC:**

A high percentage of VEC employees are employed on a part-time basis. Consequently, the organisation needs to have service/scheme-wide policies, procedures and practices regarding the conditions of employment of part-time staff.

### **THE PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT, 2003**

The purpose of the Act, which emanates from EU Directives, is to improve the quality of fixed-term work by ensuring the application of the principle of non-discrimination and to prevent abuse arising from the use of successive fixed-term contracts.

### **Key implications for the VEC:**

Arising from the development of services in recent years, VECs have employed an increasing number of staff on a fixed-term contract basis. The organisation will need to adopt policies, procedures and practices regarding the ongoing employment of fixed-term contract staff as well as making appropriate provision for contracts of indefinite duration.

### **PUBLIC SERVICE MANAGEMENT (RECRUITMENT AND APPOINTMENTS) ACT, 2004**

The purpose of this Act is to introduce a new framework for recruitment, which will allow for increased flexibility while maintaining the current high standards of probity. The Civil

Service Commission and the Local Appointments Commission (LAC) will be replaced by an oversight body - the Commission for Public Service Appointments (CPSA), a centralised recruitment body - the Public Appointments Service (PAS), and a system of voluntary recruitment licensing.

The recruitment framework established by the Act will apply to appointments to certain managerial, professional and technical posts in Local Authorities, Health Boards and VECs, which are currently recruited by the LAC. The application of the Act may later be extended, by order of the Minister for Finance, the application of the Act to certain appointments to which the Bill will not initially apply (these include the generality of posts in Public Bodies, including VECs).

The PAS will automatically be granted a recruitment licence by the CPSA and will make its services available to Public Bodies as a centralised recruitment body in the same way as the LAC has done heretofore.

Under the voluntary licensing system, Heads of Office may apply to the CPSA for a recruitment licence in order to recruit staff directly themselves, rather than using the PAS. Eligible public service bodies will be granted licences to recruit if they can satisfy certain terms and conditions which will be specified by the CPSA under the Act. There will be no obligation upon Public Bodies to apply for recruitment licences and the services of the PAS will be made available to those who do not wish to recruit themselves.

Recruitment under licence will be subject to codes of practice which will be drawn up by the CPSA. These will prescribe the necessary standards of fairness, equality and probity for all those who recruit under the Act and will set out requirements in relation to the conduct of candidates at competitions, thereby ensuring that a standardised approach to recruitment is taken by licence holders.

## **MATERNITY PROTECTION (AMENDMENT) ACT, 2004**

The Act amends the Maternity Protection Act, 1994 to improve maternity protection for employees. The BiAct implements the recommendations made by the *Working Group on the Review and Improvement of the Maternity Protection Legislation* which was set up in accordance with commitments in the Government Action Programme for the Millennium and the Programme for Prosperity and

Fairness. The implementation of the Working Group's recommendations will fulfil a statutory component of the Work/Life Balance Programmes to which the Government is committed under Sustaining Progress. The recommendation to increase maternity leave and (unpaid) additional maternity leave was implemented by means of the Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2001 (S.I. No. 29 of 2001) and is incorporated into this Act.

## **SAFETY, HEALTH AND WELFARE AT WORK BILL, 2004**

*(currently before the Oireachtas)*

The purpose of this bill is to consolidate and update the Safety, Health and Welfare at Work Act, 1989 (the 1989 Act) and to include relevant provisions of the Safety, Health and Welfare at Work (General Application) Regulations, 1993 which implement, in part, requirements of Directive No. 89/391/EEC of 12 June, 1989, of the Council of the European Union on the introduction of measures to encourage improvements in the health and safety of workers in the workplace and of Council Directive 91/383/EEC of the 25th June, 1991 or measures to improve the safety and health at work of workers with a fixed-duration or temporary employment relationship.

***In addition to the above, attention is drawn to the following pieces of legislation with application to vocational education committees:***

*Redundancy Payment Act, 1967 –1991*

*Minimum Notice and Terms of Employment Act, 1973-2001*

*Safety, Health & Welfare at Work Act, 1989 & related Regulations*

*Industrial Relations Act, 1990*

*Payment of Wages Act, 1991*

*Maternity Protection Act, 1994*

*Terms of Employment (Information) Act, 1994*

*Adoptive Leave Act, 1995*

*Protection of Young Persons (Employment) Act, 1996*

*Prompt Payment of Accounts Act, 1996*

*The Unfair Dismissals Acts, 1997- 1993*

*Parental Leave Act, 1998*

*Carers' Leave Act, 2001*

*The Finance Acts – various years.*

*[Disclaimer: The listings above do not purport to be comprehensive or to be an exhaustive list of legislation relevant to the operation of VECs]*

## PROCEDURES FOR OBTAINING INFORMATION ON RELEVANT NEW LAWS AND REGULATIONS

The chief executive officer or the appropriate delegated member of staff shall advise the Committee of relevant new legislation and regulations pertaining to the operations of the VEC and shall assist members in their consideration of the implications of such legislation and regulations.

The agenda for Committee meetings shall be such as to permit prompt notice to members of relevant new legislation and regulations and the opportunity to consider the implications for the operation of the VEC.

Relevant legislation may be obtained from the VEC head office or may be acquired on the internet at <http://www.irishstatutebook.ie> Copies of regulations may be obtained from the VEC head office.

## APPENDIX re LEGISLATION

**Vocational Education Act, 1930** – Extracts relating to the conduct of meetings of VECs (In this extract references to ‘triennial meetings’ should be construed as ‘the first meeting of a new committee following local elections’)

### **Meetings of vocational education committees**

- 13.**—(1) Every vocational education committee shall hold its first meeting on such day, at such time and in such place as the Minister shall appoint.
- (2) Every vocational education committee shall, in every local financial year and before the 1st day of December in such year, hold a meeting in this Act referred to as the annual meeting.
- (3) Every vocational education committee shall hold at least one meeting in every month other than the months of July, August and September.
- (4) Every vocational education committee shall hold at least one meeting during the period commencing on the 1st day of July and ending on the 30th day of September in every year.

- (5) Subject to the provisions of this section and the next following section, every vocational education committee shall hold such and so many meetings, at such times, and in such places as it thinks proper.

### **Meetings of vocational education committees following local elections**

- 14.**—(1) Every vocational education committee shall in every election year hold a meeting on the day appointed under this section in respect of such year for the holding of such meeting by such committee.
- (2) Every vocational education committee shall on or before the 31st day of May in every election year appoint a day (not being earlier than three days nor later than ten days after the completion of the elections in such year of the members of such committee) for the holding of the triennial meeting in such year by such committee.
- (3) Where in any election year no day has been appointed under the foregoing sub-section for the holding of a triennial meeting of a vocational education committee in that year, the day for the holding of such meeting in such year shall be the seventh day after the completion of the elections in such year of the members of such committee.
- (4) Where a triennial meeting of a vocational education committee is for any reason (including a quorum not being present) not held on the day appointed under this section for the holding of such meeting, the chief executive officer of such committee shall as soon as may be summon a meeting of such committee for a convenient hour on the day which appears to him to be the earliest convenient date for the purpose and the meeting held in pursuance of such summons shall be for all purposes a triennial meeting held on a date appointed under this section.
- (5) Where the members of a vocational education committee are required by this Act to be elected by two or more local authorities and in any election year such local authorities do not all hold such elections on the same day, the date of the completion of the election of such members shall

for the purposes of this section be the last day on which any of such elections is held.

#### **Chairman of vocational education committee**

- 15.—(1) Every vocational education committee shall, at its first meeting and also at every triennial meeting, elect one of its members to be the chairman of such committee.
- (2) Whenever the office of chairman of a vocational education committee becomes vacant through the death, resignation, or disqualification of the chairman, such committee shall, at its next meeting after the occurrence of such vacancy, elect one of its members to be the chairman of such committee.
- (3) Every person elected to be the chairman of a vocational education committee shall, unless he sooner dies, resigns, or becomes disqualified, hold office as such chairman until the commencement of the next triennial meeting of such committee after the meeting at which he is so elected.
- (4) The chairman of a vocational education committee may at any time resign his office as such chairman by letter addressed to the chief executive officer of such committee and every such resignation shall take effect at the commencement of the meeting, of such committee commencing next after the receipt of such resignation by such officer.
- (5) Whenever the chairman of a vocational education committee ceases during his term of office as such chairman to be a member of such committee he shall be disqualified for being and shall forthwith cease to be such chairman.
- (6) Whenever, at an election of the chairman of a vocational education committee, there is an equality of votes for two or more persons, one of those persons shall be elected by lot.

#### **Vice-chairman of vocational education committees**

- 16.—(1) A vocational education committee may at any time, if it so thinks fit, elect one of its members to be the vice-chairman of such committee.
- (2) Whenever a vice-chairman is elected by a vocational education committee, the provisions of this Act in relation to the term, of office, resignation, and

disqualification of the chairman of such committee shall apply in respect of such vice-chairman in like manner as they apply in respect of such chairman.

#### **Temporary Chairman at first meetings and triennial meetings**

- 17.—(1) At the first meeting of a vocational education committee the chief executive officer of such committee or, if there is such officer, the person acting at such first meeting as secretary of such committee shall, until the chairman of such committee has been elected, act as chairman of such meeting. At every triennial meeting of a vocational education committee the chief executive officer of such committee shall, until chairman of such committee has been elected, act as chairman of such meeting. A person acting in pursuance of this section as chairman of a meeting of a vocational education committee shall not be allowed to vote on any question which is to be decided by a vote of the members of such committee.

#### **Procedure at meetings of committees**

- 18.—(1) The quorum for a meeting of a vocational education committee shall be one-fourth of the whole number of the members of such committee. At a meeting of a vocational education committee—
- a) the chairman of such committee shall, if he is present, be the chairman of the meeting;
- b) if the chairman of such committee is not present or if the office of chairman is vacant, the vice-chairman (if any) of such committee shall, if he is present, be the chairman of the meeting;
- c) if the chairman of such committee is not present or the office of chairman is vacant and there is no vice-chairman of such committee or the vice-chairman is not present, the members of the committee who are present shall (subject to the provisions of this Act in relation to the first meeting and to triennial meetings) choose one of their number to be the chairman of the meeting.
- (3) Every question at a meeting of a vocational education committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal

division of votes the chairman of the meeting shall be given a second or casting vote save where the question is the election of the chairman of the committee.

- (4) A vocational education committee may act notwithstanding one or more vacancies amongst its members.
- (5) An inspector shall be entitled to be present at any meeting of the vocational education committee or of a sub-committee of any such committee and to address such meeting, but shall not be entitled to vote on any matter to be decided at such meeting.
- (6) Subject to the provisions of this Act, the Minister may by regulations made by him under this Act prescribe the procedure to be observed at meetings of vocational education committees.
- (7) Subject to the provisions of this Act and of regulations made thereunder, every vocational education committee shall regulate, by standing orders or otherwise, the procedure to be observed and the business to be transacted at its meetings.

#### **Meetings abandoned for want of quorum**

**19.**— Whenever a meeting of a vocational education committee is abandoned owing to failure to obtain a quorum, the names of the members attending at the time and place appointed for such meeting shall be recorded forthwith and, for the purposes of the provisions of this Act relating to disqualification of members by absence from meetings and the provisions of this Act relating to the payment of travelling expenses of members of certain committees, a meeting of such committee shall be deemed to have been held at such time and place and the members whose names are so recorded shall be deemed to have attended such meeting.

#### **Minutes, registers and records to be kept by committees**

**20.**—(1) Every vocational education committee shall keep, in a book to be provided by it for the purpose, minutes of the proceedings at every meeting of such committee, and all such minutes shall be signed either at the meeting to which they relate by the

chairman of that meeting or at the next meeting by the chairman of such last-mentioned meeting and when so signed shall be admitted in evidence.

- (2) Every vocational education committee shall keep all such registers and records as shall be prescribed, and all such registers and records shall be open to inspection at all reasonable times by an inspector.
- (3) Every vocational education committee shall make to the Minister such reports and returns and furnish to the Minister such information as he may from time to time require.

## **VOCATIONAL EDUCATION (AMENDMENT) ACT, 1936, SECTION 2**

#### **Disposal by vocational education committees of surplus land**

- 2.**—(1) A vocational education committee may, with the consent of the Minister for Education, sell or let any land which is vested in such committee.
- (2) All moneys received by a vocational education committee on sale under this section or by way of fine on a letting under this section shall in the first instance be applied towards the payment of any principal moneys which are charged on the vocational education fund maintained by such committee, and the balance (if any) of such moneys remaining shall be paid into such fund.
  - (3) Any moneys received by a vocational education committee by way of rent on a letting made this section shall be paid into the vocational education fund maintained by such committee.
  - (4) Sub-section (1) of this section shall have and be deemed to have had effect as from the 21st day of July, 1930.

## **VOCATIONAL EDUCATION (AMENDMENT) ACT, 1944, SECTIONS 7 & 8**

#### **Suspension of officers**

- 7.**—(1) Whenever in respect of the holder of an office under a vocational education committee there is, in the opinion of such committee or of the Minister,

reason to believe that such holder has failed to perform satisfactorily the duties of such officer or has misconducted himself in relation to such office or is otherwise unfit to hold such office, such committee or the Minister (as the case may be) may suspend such holder from the performance of the duties of such office while such alleged failure, misconduct, or unfitness is being inquired into and the disciplinary action (if any) to be taken in regard thereto is being determined and such inquiry shall be held as soon as conveniently may be after the date of the suspension.

- (2) Whenever a vocational education committee suspend a person under this section, such committee shall forthwith report the suspension and the reasons therefore to the Minister.
- (3) The Minister may terminate a suspension under this section and every such suspension shall continue until so terminated.
- (4) Whenever the holder of an office under a vocational education committee is suspended under this section, he shall forthwith hand over to such committee all books, deeds, contracts, accounts, vouchers, maps, plans and other documents in his possession, custody, or control which relate to such office.
- (5) The holder of an office who is suspended under this section shall not be paid any remuneration in respect of such office during the continuance of his suspension and, upon the termination of his suspension, the remuneration which he would, had he not been suspended, have been paid during the period of suspension shall be wholly or partly forfeited, or paid to him, or otherwise disposed of, as the Minister shall direct.
- (6) Section 11 of the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), shall cease to have effect in relation to officers and servants of vocational education committees.

### **Removal from office by Minister**

- 8.—(1) For the purposes of this section, the following shall be the statutory grounds for the removal of the holder of an office from such office, that is to say:—
- (a) unfitness of such holder for such office,
  - (b) the fact that such holder has refused to obey or carry into effect any order lawfully given to him as the holder of such office, or has otherwise misconducted himself in such office, and, in this section, the expression “statutory grounds for removal from office” shall be construed accordingly.
- (2) Where the Minister is satisfied as a result of a local inquiry that any of the statutory grounds for removal from office exists as regards the holder of an office, the Minister may by order remove such holder from such office.
  - (3) Where the Minister is satisfied that the holder of an office has failed to perform satisfactorily the duties of such office and is of opinion that he is unfit to hold such office, the Minister may—
    - (a) send by registered post to such holder at the principal office of the vocational education committee under which he holds such office a notice stating the said opinion, and
    - (b) on the day on which he sends the notice, send by registered post a copy thereof to the said vocational education committee, and if the Minister, after the expiration of fourteen days from the day on which he sends the notice and the copy thereof and after consideration of the representations (if any) made to him by such holder or the vocational education committee, remains of the said opinion, he may by order remove such holder from such office.
  - (4) Where the holder of an office is convicted of an offence which, in the opinion of the Minister, renders him unfit for such office, the Minister may by order remove such holder from such office.

# SECTION ONE - The Legislative Framework

## 2 Schedule of Functions Reserved to Committee under the terms of the Vocational Education (Amendment) Act, 2001

### INTRODUCTION

The Code of Practice for the Governance for State Bodies issued by the Government in 2001, requires all State bodies and all VECs to have a formal schedule of matters specifically reserved for decision, to ensure that the direction and control of the Body is firmly in its hands (some of these matters may require Ministerial approval and this should be noted). This schedule of matters is a set of guidelines on the responsibilities of those who act as Members of the Committee of (Name of VEC).

The Vocational Education (Amendment) Act, 2001, Section 11 establishes the category of 'Reserved Functions' for VECs as follows:

#### **Reserved Functions:**

- 11.—(1) *Each vocational education committee shall, subject to section 31, perform by resolution of the vocational education committee concerned such of its functions as are declared by or under this Act to be reserved functions and “reserved functions” shall in this Act be construed and have effect accordingly.*
- (2) *A function of a vocational education committee under an enactment specified in column (3) of Schedule 2 is hereby declared to be a reserved function.*
- (3) *The Minister may by order declare any function conferred by him or her on a vocational education committee under section 10 to be a reserved function.*
- (4) *Any dispute as to whether or not a particular function is a reserved function shall be determined by the Minister.*
- (5) *The chief executive officer of a vocational education committee shall assist the vocational education committee for which he or she is the chief executive officer in the performance of its functions, in such manner as that vocational education committee may require.*
- (6) *The Minister may by order amend or revoke an order under this section (including an order under this subsection).*
- (7) *A vocational education committee shall not perform by resolution of its members, or give a direction*

*in relation to the performance of, a function of that vocational education committee that is not a reserved function.*

#### **Reserved Functions of the Committee: Vocational Education (Amendment) Act, 2001**

Reserved functions are performed by resolution of the Committee and include the following matters: -

#### **A: As per text of VE (Amendment) Act, 2001**

- |                 |   |
|-----------------|---|
| Section 15 (2)  | - Appointment of a CEO  |
| Section 25 (6)  | - Adoption and submission of Service Plan   |
| Section 29 (2)  | - Adoption of the Annual Report   |
| Section 30 (10) | - Deciding on “other persons” (in addition to teachers, students and parents) to be consulted on the Education Plan |
|                 | - the adoption of the Education Plan  |
|                 | - the amendment of the Education Plan   |
| Section 31 (13) | - the establishment or dissolution of a sub-committee   |
|                 | - determination of terms of reference and procedural regulations for sub-committees                                 |
|                 | - the removal from office of a member of a sub-committee  |
|                 | - the appointment of a Chairperson for a sub-committee  |
|                 | - the confirmation of an act of a sub-committee   |
| Section 32 (6)  | - Establish a Finance sub-committee   |
|                 | - determine terms of reference and regulate procedures of Finance Sub-Committee                                     |
|                 | - removal from office of a member of the Finance Sub-Committee  |
|                 | - appointment of a Chairperson to the Finance Sub-Committee   |
| Section 33 (4)  | - authorise one or more of its members to represent it at a relevant conference, seminar, other meeting or event.   |

**B: As per Schedule 2 of VE (Amendment) Act, 2001 from Vocational Education Act, 1930**

Section 22	- Payment of travelling expenses in respect of attendance at meetings of Committee and sub-committees
Section 28	- The purchase or taking on lease of any land
Section 29	- Acceptance of educational endowment or charity
Section 39	- Establishment or assisting the establishment of scholarships
Section 49	- Borrow by means of bank overdraft or otherwise
Section 55	- Subscription to institutions, agencies, organisations or associations

**C: As per Schedule 2 of VE (Amendment) Act, 2001 from VE (Amendment) Acts, 1936 & 1944**

VE (Amendment) Act, 1936 - Section 2  
- Disposal of surplus lands

VE (Amendment) Act, 1944 - Section 7  
- Suspension of officers

Reserved functions are performed by the adoption of resolutions at Committee meetings.

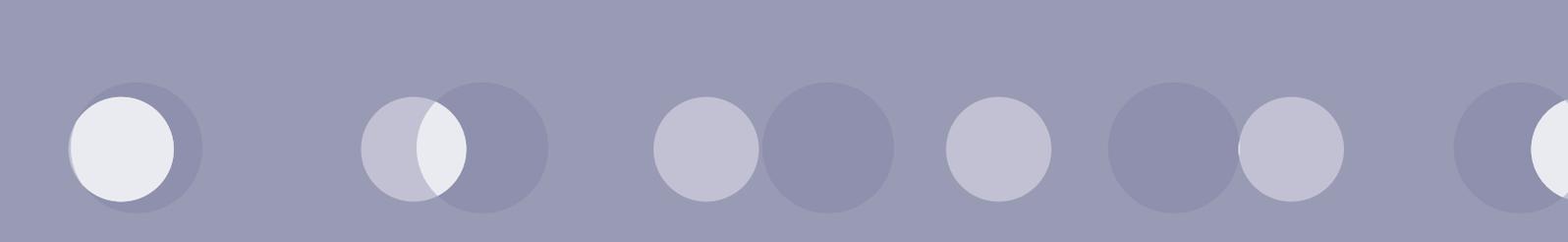
Committee members have access to the advice and services of the CEO who is responsible to the Committee for ensuring that Committee procedures are followed and compliance with applicable rules and regulations.

If it becomes necessary for Committee members, in the furtherance of their duties, to take independent professional advice, the CEO will make such arrangements.

All information on relevant legislation may be obtained from the VEC head office or may be acquired on the internet at <http://www.irishstatutebook.ie>

**Procedures to be followed when, exceptionally, decisions are required between meetings**

In the exceptional event that a reserved decision of the committee is required and it is not possible to provide standard notice to members of the intention to hold a meeting, in such a circumstance a meeting may be conveyed by way of appropriate notice. The requirement for a quorum, in accordance with Sections 18 and 19 of the Vocational Education Act, 1930, will apply.



# SECTION ONE - The Legislative Framework

## 3 VEC Legal Reporting Requirements

### **(List of existing reporting requirements of (VEC to DES), 'as set out in the relevant legislation'– Code 8.1)**

VECs are required by their legislation to make a number of regular reports on their activities to the Minister for Education and Science. Section 20 (3) of the Vocational Education Act, 1930 requires that:

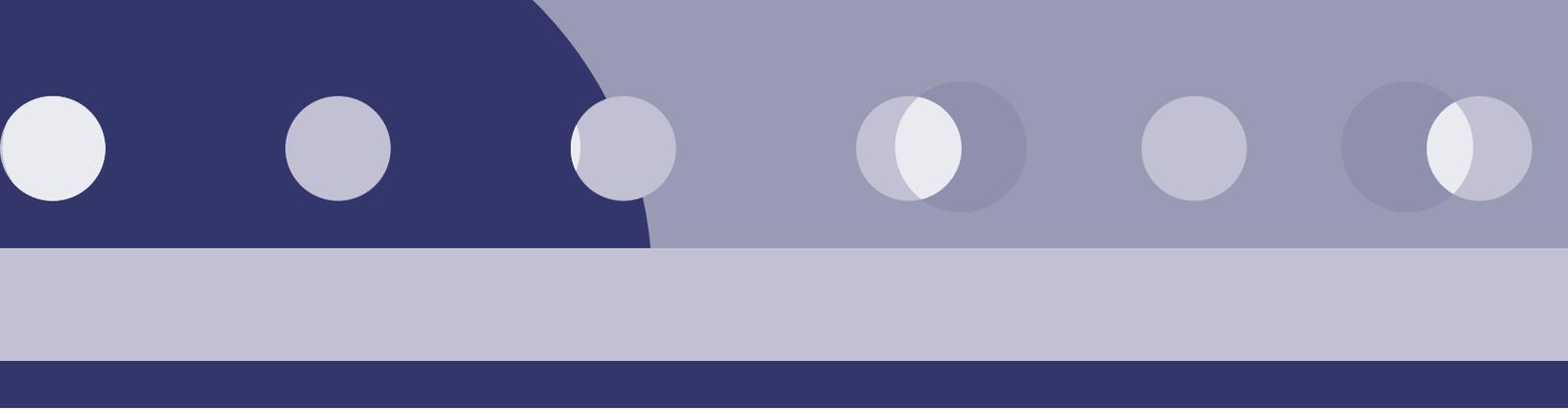
*'Every vocational education committee shall make to the Minister such reports and returns and furnish to the Minister such information as he may from time to time require.'*

Significant reporting requirements are stipulated in the Vocational Education (Amendment) Act, 2001. These reporting requirements provide the principal elements of the accountability framework for Vocational Education Committees.

### **8.1 Reporting requirements of VECs under the terms of the V.E. (Amendment) Act, 2001, are as follows:**

Items 1-3 are reserved functions of the Committee; items 4 & 5 are executive functions of the CEO as Accounting Officer

1. Submit an education plan in accordance with section 30, V.E. (Amendment) Act, 2001.
2. Submit a service plan in accordance with section 25, in accordance with section 30, V.E. (Amendment) Act, 2001.
3. Submit a report on the performance of its functions during the year in accordance with section 29, V.E. (Amendment) Act, 2001 (Annual Report).
4. Give evidence when required by the Dáil Committee of Public Accounts on
  - (i) the regularity and propriety of the transactions recorded at audit
  - (ii) the economy and efficiency of the use of resources
  - (iii) the systems procedures and practices in place to evaluate the effectiveness of operations
  - (iv) any other matter raised in the report of the Comptroller and Auditor General.
5. Attend and give account for the general administration of the VEC when required by another Oireachtas Committee.



# Section Two

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## Section 2: The Governance Framework

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# SECTION TWO - The Governance Framework

## 4 General Code of Practice for the Governance of VECs

- as issued by the Department of Education and Science

### Introduction

**1.1** Corporate governance comprises the systems and procedures by which entities are directed and controlled. In the interests of transparency and accountability, it is important that corporate governance of vocational education committees (VECs) should operate to the highest standards applicable. This Code of Practice sets out, at Appendix A, a suggested corporate governance best practice framework.

VECs are required in the conduct of their operations to adopt this Code of Practice and, in accordance with paragraph 8.2, to confirm to the Minister for Education and Science that this has been done. The requirements of this Code of Practice are supplementary to and do not affect existing statutory requirements including the specific statutory provisions relating to the VEC itself and any other relevant legislation (including equality legislation). The Chief Executive Officer should ensure that the members of the Committee are informed as to their legal responsibilities and that they are familiar with the requirements of any statutory provisions, which have relevance for them in the exercise of their functions as members.

**1.2** It is not feasible to have a code of practice that will specifically provide for all situations that may arise. members and employees of VECs should bear in mind, therefore, that it is primarily their responsibility to ensure that all of their activities, whether covered specifically or otherwise in this document, are governed by the ethical and other considerations implicit in it.

### Codes of Conduct

**2.1** Each VEC should have a written Code of Conduct for employees and members of the Committee. A template for such a code is listed in Appendix B to this document. The code, a copy of which should be made available to every Employee and Member of the Committee, should be developed via a participative approach and should embrace such matters as duty to the VEC, avoidance of conflict of interest, limits on outside activities, acceptance of gifts and honesty in dealings. The up to date Code of

Conduct should be available upon request with a copy of each such code being accessible through the VEC's web site (where relevant).

**2.2** As part of the report to be furnished in accordance with paragraph 8.2, the Chairperson of the Committee, following resolution of the Committee, should affirm to the Minister for Education and Science that Codes of Conduct for employees and members of the Committee have been put in place and are being observed.

**2.3** In addition to the requirements of their governing legislation, each Member of the VEC and each person holding a designated position of employment with a VEC should ensure his/her compliance with relevant provisions of the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001.<sup>1</sup>

**2.4** VECs should promote the standards of service and the initiatives outlined in the "Principles of Quality Customer Service for Customers and Clients of the Public Service" which was originally launched in 1997 and was revised in 2000, having regard to the VEC's own quality systems and resources permitting. A copy of these Principles is reproduced at Appendix C.

### Internal Audit

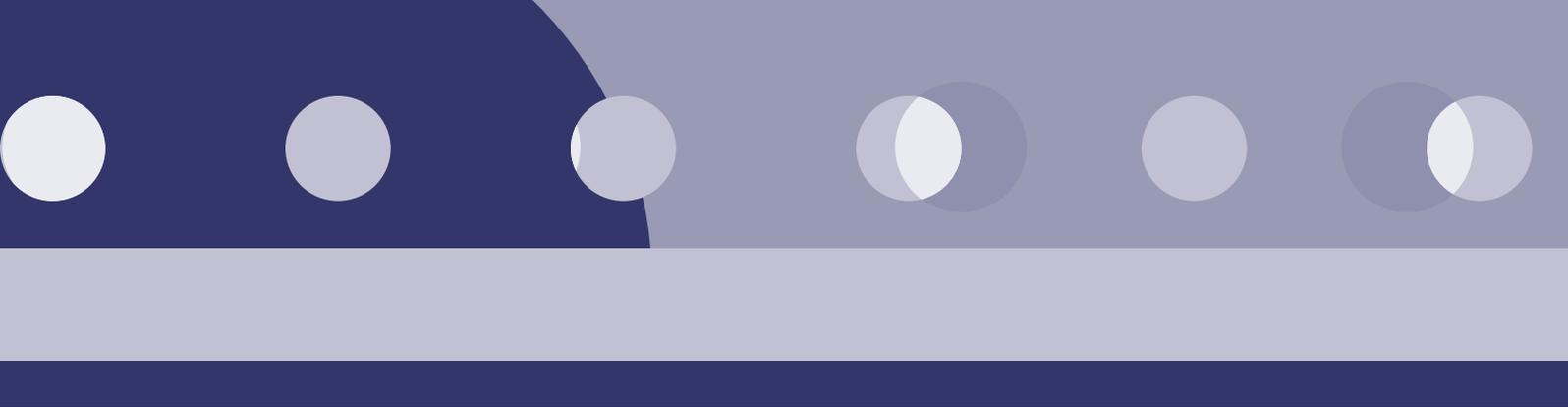
**3.1** Each VEC is required to have access to a properly constituted internal audit function which should operate in accordance with the suggested Framework Code of Best Practice set out in Appendix A.

### Procurement<sup>2</sup>

**4.1** Competitive tendering should be normal procedure in the procurement process of VECs. It is the specific responsibility of the Committee to ensure that this procedure is implemented and that it is fully conversant with the current value thresholds for the application of procurement rules. The detailed procurement procedures, as set out in the Public Procurement Booklet (1994), in respect of competitive tendering should be applied. It is

<sup>1</sup>In brief, the Act requires inter alia that persons in State bodies who hold designated directorships and designated positions of employment must make an annual statement or declaration of those interests (as defined in the Act) which could materially influence them in the performance of their functions and refrain from exercising such functions in accordance with the Act. The annual statement, which may be updated if interests change, must be made to a designated person within the State body, in accordance with the provisions of the Act, and, in the case of those who hold designated directorships, to the Public Offices Commission established under the Act. The Commission will provide advice and publish mandatory procedures concerning steps to be taken by designated directors and holders of designated positions (among others) to ensure compliance with the Act. Where a person who holds a designated directorship or designated position of employment in a State body is advised by the Commission, or it appears from guidelines published by the Commission that his/her interest or the interest of a connected person should be disclosed, that person must make an appropriate statement to the relevant authority in the State body.

<sup>2</sup>Attention is drawn to the documentation issued by the Vocational Support Services Unit (VSSU), 'Purchasing & Tendering Procedures for VECs', January, 2004, which provides additional guidelines for VECs.



stressed that, in addition to the national guidelines, the relevant EU Directives, which have the force of law in this and all Member States, should be complied with. It is the responsibility of the Committee through the VEC management to ensure such compliance. The Chairperson, following a formal resolution of the Committee, should in the report to the Minister for Education and Science (see paragraph 8.2), affirm compliance with the procurement procedures outlined above.

#### **Importance of procurement function**

**4.2** The management, and ultimately the VEC, should ensure that there is a strong focus on the role and expertise of the procurement function and that purchasing personnel are properly conversant with all developments in this area.

#### **Tax Clearance Procedures**

**4.3** VECs must ensure that the tax clearance requirements set out in Department of Finance Circular of 30 July 1991 (F 49/13/87), as regards the payment of grants, subsidies and similar type payments, and Department of Finance Circular 22/95, as regards public sector contracts, are fully adhered to.

#### **Disposal of Assets and Access to Assets by Third Parties**

**5.1** Each VEC is required to comply with the statutory provisions (VE (Amendment) Act, 1936) and procedures in the Department of Education's Circular Letter 7/88 concerning the disposal of assets or the granting of access to property or infrastructure for commercial arrangements. The disposal of assets, where such assets are surplus to general educational requirements, should be by auction or competitive tendering process, other than in exceptional circumstances (such as a sale to a charitable body). The method used should be both transparent and likely to achieve a fair market related price. The reserve value for the asset being disposed of should be determined on foot of a professional valuation, normally by the Valuation Office and recorded in advance in the VEC's records.

**5.2** If an auction or competitive tendering process takes place and the highest bid is not accepted, it is desirable that specific Committee approval be required before the disposal of the asset, or the granting of access to property or infrastructure for commercial arrangements with third parties, can be completed. For reasons of transparency, such approval together with the reason why a lower bid was permitted to be accepted should be noted in the minutes of the VEC.

**5.3** If an auction or competitive tendering process does not take place, then specific Committee approval is required before negotiations start and also before the disposal of the asset or granting of access to property or infrastructure for commercial joint venture arrangements with third parties can be completed.

**5.4** No disposal of an asset or grant of access to property or infrastructure for commercial arrangements with third parties should be completed until the officer authorising the disposal or grant of access has certified formally that (i) specific Committee approval is not necessary, with the reasons therefore, or (ii) specific Committee approval, where necessary, has been obtained.

**5.5** In accordance with best practice, the disposal of assets to members of VECs, employees or their families or connected persons,<sup>3</sup> should, as with all disposals, be by a transparent method and at a fair market-related price. A record of all such disposals to such persons (to include details of the asset disposed of, price paid and name of the buyer) should be noted in a register kept for this purpose (minor disposals below a threshold approved by the Committee may be omitted from the register). This register should be available for inspection, if requested, by the Committee or by any individual member. The Committee may retain a requirement that any disposal above an approved threshold may not be made without having been formally endorsed by the Committee, which may impose specific restrictions with regard to any such disposal.

**5.6** In accordance with best practice, details of all disposals of assets or grants of access to property or infrastructure for commercial arrangements with third parties (save for connected third parties which is dealt with

in paragraph 5.5) without auction or competitive tendering process should be formally reported, with the paid price and the name of the buyer to the Committee on an annual basis.

**5.7** The Chairperson, following a formal resolution of the Committee, should in the report to the Minister for Education and Science (see paragraph 8.2), affirm that the disposal procedures, as outlined above, are been observed.

## **Appraisal and Management of Capital Expenditure**

**6.1** Guidelines for the Appraisal and Management of Capital Expenditure Proposals were issued by the Department of Finance in July 1994. These procedures outline best practice for the management of significant capital expenditure proposals in the public sector. VECs should have regard to these guidelines in the planning, appraisal and management of significant expenditure projects.

**6.2** The Chairperson, following a formal resolution of the Committee, should in the report to the Minister for Education and Science (see paragraph 8.2), affirm that these guidelines are been observed.

## **Remuneration**

**7.1** VECs are reminded that they are required to implement Government pay policy (including procedures and systems in relation to travel and subsistence), as expressed from time to time, in relation to Committee members and employees and that the arrangements authorised from time to time cover total remuneration.

**7.2** The Department of Education and Science should be consulted in good time on pay issues which could have implications for general government pay policy.

## **Reporting Arrangements**

### **Reports and Accounts of VECs**

**8.1** Existing reporting requirements as set out in the relevant legislation should be adhered to. In addition to these requirements, the Chairperson's statement in the report to the Minister for Education and Science regarding the system of internal financial control (paragraph 8.2 (iii)) should be included in the annual accounts of the VEC.

This statement should be reviewed by the Comptroller & Auditor General (C&AG) to confirm that it reflects the audited VEC's compliance with the requirements of paragraph 8.2 and they should consider if the statement is inconsistent with the information of which they are aware from their audit work on the financial statements. The C&AG should report their findings accordingly.

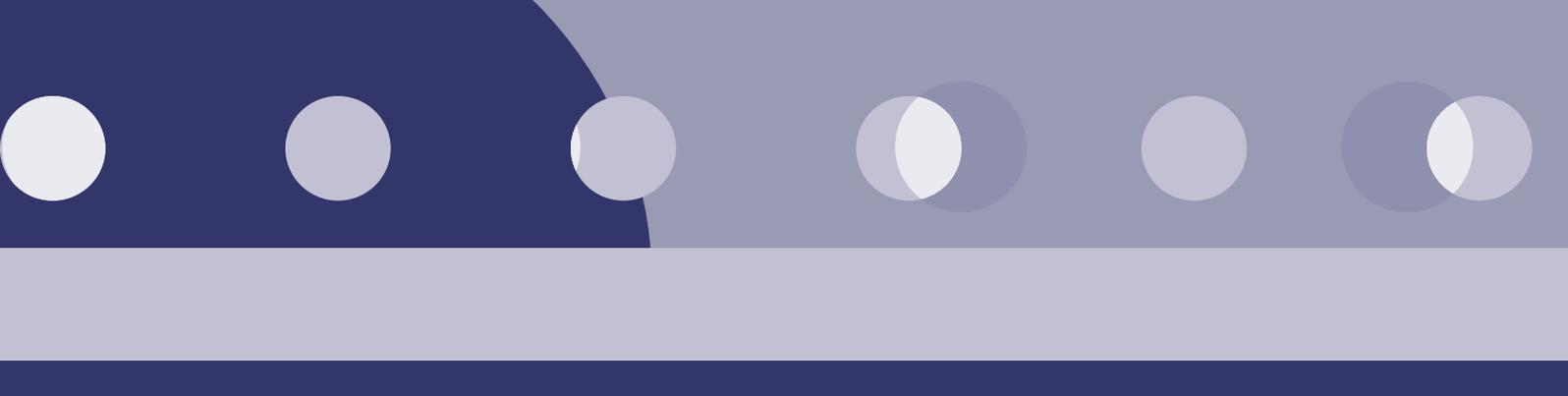
### **8.2 Reporting Additional to Annual Report and Accounts**

The Chairperson should, following formal resolution of the Committee, furnish separately to the Minister for Education and Science with the annual report and accounts of the VEC, a comprehensive report covering the VEC:

- i) outlining all financially significant developments affecting the VEC in the preceding year, including the establishment of any bodies under its aegis, the purchase and sale of land and/or buildings and major issues likely to arise in the short to medium term;
- ii) affirming that all appropriate procedures for financial reporting, internal audit, procurement and assets' disposals are being carried out;
- iii) including a statement on the system of internal financial control in the form set out in Appendix D;
- iv) affirming that Codes of Conduct for Staff and members of the Committee have been put in place and adhered to;
- v) affirming that Government policy on pay is being complied with (see paragraph 7);
- vi) explaining failure to comply with any of the above and stating any corrective action taken or contemplated;
- vii) outlining significant post balance sheet events;
- ix) confirming that the Guidelines for the Appraisal and Management of Capital Expenditure Proposals are being adhered to, where appropriate
- x) confirming that this Code of Practice has been adopted and is being complied with.

### **Tax Compliance**

**9.1** VECs should be exemplary in their compliance with taxation laws and should ensure that all tax liabilities are paid on or before the relevant due dates. In addition to the reporting requirements set out in paragraph 8, a report on the VEC's compliance with tax laws should be



included each year in the Annual Accounts of the VEC. The report should confirm that the VEC has complied with its obligations under tax law.

#### **Strategic Planning**

**10.** VECs are required to comply with the statutory requirements of their governing legislation, where appropriate, in relation to the preparation of Education Plans.

Sound corporate planning by VECs is desirable. Each VEC is encouraged to produce regular Education Plans. Such Education Plans should be approved by the Committee and should set appropriate objectives and goals and relevant indicators and targets against which performance can be clearly measured.

#### **Diversification**

**11.** A VEC should obtain the approval of the Minister for Education and Science for any intended action which represents substantial departure from the approved Service Plan of the VEC.

#### **Borrowing**

**12.** VECs are required to comply with the statutory provisions of their governing legislation in relation to arrangements for borrowing.

## SECTION TWO - The Governance Framework

### 5 Code of Best Practice for Corporate Governance of VECs

- as issued by the Department of Education and Science (Appendix A)

#### 1. The Vocational Education Committee (VEC)

- With reference to the reserved functions outlined under the governing legislation, the Committee should meet regularly, ensure effective direction over the VEC and monitor the executive management and performance.
- The Committee should have a formal schedule of matters specifically reserved to it for decision to ensure the direction and control of the VEC. With reference to the reserved functions outlined under the governing legislation, this schedule should include the following:
  - Significant acquisitions, disposals and retirement of assets of the VEC or its subsidiaries. The schedule should specify clear quantitative thresholds for contracts above which their approval is required;
  - Acceptance of educational endowments
  - Establishment of scholarships
  - Approval of annual budgets and corporate plans, including service plans
  - Approval of annual reports and accounts
  - Adoption of education plans
  - Establishment and operation of sub-committees
  - Borrowing
  - Appointment of the chief executive officer;
  - Suspension of officers
  - Authorising attendances at and approving expenses for conferences, seminars, meetings or events concerned
  - Subscription to certain agencies and associations.
- The Committee should, (in a Committee resolution), lay down formal procedures whereby members of the Committee, in the furtherance of their duties, may take independent professional advice, if necessary, at the reasonable expense of the VEC. Such procedures should also be set out in the code of conduct for members of the Committee.
- Any business or other interests, which could affect a member's independence, should be dealt with as outlined in section 3.
- It is the Committee duty to ensure that a balanced and understandable assessment of the VEC's position is made in presenting its annual report and accounts to the Minister for Education and Science.
- The Committee should state in the annual report that it is responsible for preparing/approving the accounts. There should also be a statement by the external auditors about their reporting responsibilities.
- The Committee should review annually the effectiveness of the VEC's system of internal controls, including financial, operational and compliance controls and risk management.
- The Committee should report that it has a reasonable expectation, at the time of approving the financial statements, that the VEC has adequate resources to continue its operations for the foreseeable future. For this reason the financial statements have been prepared on the 'going concern' basis.
- The Committee should be supplied, in a timely fashion, with information that is of a suitable quality to enable Committee members to satisfactorily discharge their duties.
- The Committee is responsible for compliance with all statutory obligations applicable to the VEC. Where individual Committee members become aware of non-compliance with any such obligation, they should immediately bring this to the attention of their Committee with a view to having the matter rectified. However, if the matter cannot be rectified and/or constitutes a flagrant breach of members' obligations, the Chairperson should advise the Minister accordingly.
- The Committee has a responsibility to establish procedures for maintaining an appropriate relationship with the external auditors.

The following should also be conveyed to the Committee:

- Major investments and capital projects, delegated authority levels, treasury policy and risk management policies.
- Approval of major contracts.
- The collective responsibility and authority of the Committee should be safeguarded. Excessive influence on Committee decision-making by individual members should be avoided, while allowing Committee members the opportunity to fully contribute to Committee deliberations.
- All members of the Committee should have access to the advice and services of the chief executive officer who is responsible to the Committee for ensuring that Committee procedures are followed and that applicable rules and regulations are complied with.

## 2. Briefing for New Committee Members

Members of VECs have duties under the Acts and it is the responsibility of each member to act in conformity with the applicable provisions of those Acts.

On appointment of new Committee members, the chief executive officer of the VEC should provide them with the following information:

- a formal schedule of matters reserved to the Committee for decision;
- procedures for obtaining information on relevant new laws and regulations;
- procedures to be followed when, exceptionally, decisions are required between Committee meetings;
- a schedule detailing the composition of all VEC Committees and sub-committees and their terms of reference;
- a statement explaining the Committee members' responsibilities in relation to the preparation/approval of the accounts, the VEC's system of internal control and audit with supporting assumptions or qualifications as necessary;
- a statement informing the Committee members that they have access to the advice and services of the chief executive officer, who is responsible to the Committee for ensuring that Committee procedures are followed and the applicable rules and regulations are complied with;
- code of ethics/conduct for Committee members, including disclosure of Committee members' interests;
- specific institution information, and
- a copy of the most up to date version of the "Code of Practice for the Governance of VECs" together with any relevant circulars and/or guidance notes.

## 3. Disclosure of Interests by VEC Members, CEO and other Designated Members of Staff

### 3(a) Disclosure by Members:

Declarations, as set out below, are to be completed by the members on an annual basis and additionally, in the case of a significant change of circumstances between annual declarations.

In addition to the legal requirements under their governing legislation and the requirements of the Ethics in Public Office Act, 1995 and the Code of Ethics as adopted by the Committee based on the draft Code of Ethics provided with this documentation, (*see p. 37 below*) the following procedures should be observed:

- (i) On appointment to a VEC, each Member should furnish to the chief executive officer of the Committee details relating to his/her employment and all other business interests including shareholdings, professional relationships etc., which could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Committee. Any interests of a member's family of which he/she could be expected to be reasonably aware or of a person connected with the member which could involve a conflict of interest or could materially influence the member in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a member should include:
  - a) a spouse/partner, parent, brother, sister, child or step-child;
  - b) a body corporate with which the member is associated;
  - c) a person acting as the trustee of any trust, the beneficiaries of which include the member or the persons at (a) above or the body corporate at (b) above; and
  - d) a person acting as a business partner of the member or of any person or body who, by virtue of (a) - (c) above, is connected with the member.

Each member should furnish to the chief executive officer details of business interests in accordance with the above of which he/she becomes aware during the course of his/her membership of the Committee.

- ii) Where it is relevant in any matter which arises, the member should be required to indicate to the chief executive officer the employment and any other business interests of all persons connected with him/her, as defined at (i).
  - iii) The Committee may exercise discretion regarding the disclosure by members of minor shareholdings. As a general guideline, shareholdings valued at more than €15,000 or of more than 5 per cent of the issued capital of a company should be disclosed.
  - iv) If a Member has a doubt as to whether this Code requires the disclosure of an interest of his/her own or of a connected person, that Member should consult the Chairperson.
  - v) Details of the above interests should be kept by the VEC's chief executive officer in question in a special confidential register and should be updated on an annual basis. Changes in the interim should be notified to the chief executive officer as soon as possible. Only the chief executive officer of the VEC should have access to the register.
  - vi) Should a matter relating to the interests of the Chairperson arise, he/she should depute the Deputy Chairperson or another Committee member to chair the Committee meeting and should absent himself/herself when the Committee is deliberating or deciding on a matter in which the Chairperson or a person or body connected with the Chairperson has an interest.
  - vii) Committee documents on any case which relate to any dealings with the above interests should not be made available to the member concerned prior to a decision being taken. (Such documents should be taken to include those relating to cases involving competitors to the above interests). Decisions once taken should be notified to the member.
  - viii) As it is recognised that the interests of a Committee member and persons connected with him/her can change at short notice, a member should, in cases where he/she receives documents relating to his/her interests or of those connected with him/her, return the revised declaration to the chief executive officer at the earliest opportunity.
  - ix) A member should absent himself/herself when the Committee is deliberating or deciding on matters in which that member (other than in his/her capacity as a member of the Committee) or a person or body connected with the member has an interest. In such cases a separate minute (to which the member would not have access) should be maintained.
  - x) Where a question arises as to whether or not a case relates to the interests of a member or a person or body connected with that member, the Chairperson of the Committee should determine the question.
  - xi) Committee members and former Committee members should treat commercially sensitive information received while acting in that capacity as confidential.
- 3(b) Disclosure by CEO and Other Designated Staff:**  
Declarations, as set out below, are to be completed on an annual basis and additionally in the case of a significant change of circumstances between annual declarations by chief executive officer and other officers in the employment of the VECs, which are designated under the terms of the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001.
- In the case of the chief executive officer, the declarations specified below will be made to the Chairperson of the Committee.
- In addition to the legal requirements under the governing legislation and the requirements of the Ethics in Public Office Act, 1995 and the Code of Ethics as adopted by the Committee based on the draft Code of Ethics provided with this documentation (see p. 39) the following procedures should be observed:
- i) On appointment to a VEC, each holder of a designated post should furnish to the chief executive officer of the Committee details relating to his/her employment and all other business interests including shareholdings, professional relationships etc., which could involve a

conflict of interest or could materially influence the holder of a designated post in relation to the performance of his/her functions as a holder of a designated post of the Committee. Any interests of a holder of a designated post's family of which he/she could be expected to be reasonably aware or of a person connected with the holder of a designated post which could involve a conflict of interest or could materially influence the holder of a designated post in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a holder of a designated post should include:

- a) a spouse/partner, parent, brother, sister, child or step-child;
  - b) a body corporate with which the member is associated;
  - c) a person acting as the trustee of any trust, the beneficiaries of which include the member or the persons at (a) above or the body corporate at (b) above; and
  - (d) a person acting as a business partner of the member or of any person or body who, by virtue of (a) - (c) above, is connected with the member.
- ii) Each holder of a designated post should furnish to the chief executive officer details of business interests in accordance with the above of which he/she becomes aware during the course of his/her being the holder of a designated post in the VEC.
- iii) Where it is relevant in any matter which arises, the holder of a designated post should be required to indicate to the chief executive officer the employment and any other business interests of all persons connected with him/her, as defined at (i)
- iv) The CEO may exercise discretion regarding the disclosure by holder of a designated post of minor shareholdings. As a general guideline, shareholdings valued at more than €15,000 or of more than 5 per cent of the issued capital of a company should be disclosed. In respect of disclosure by the CEO, such discretion shall be exercised by the Chairperson.
- v) If a holder of a designated post has a doubt as to whether this Code requires the disclosure of an interest of his/her own or of a connected person, that holder of a designated post should consult the

CEO. In the case of the CEO, he/she shall consult with the Chairperson.

- vi) Details of the above interests should be kept by the chief executive officer in question in a special confidential register and should be updated on an annual basis. Changes in the interim should be notified to the chief executive officer as soon as possible. With the exception of the Audit Committee, only the chief executive officer of the VEC should have access to the register. In the case of the CEO, the Chairperson should have access to the register.
- vii) Committee documents on any case which relate to any dealings with the above interests should not be made available to the holder of a designated post concerned prior to a decision being taken. (Such documents should be taken to include those relating to cases involving competitors to the above interests). Decisions once taken should be notified to the holder of a designated post.
- viii) As it is recognised that the interests of a holder of a designated post and persons connected with him/her can change at short notice, a holder of a designated post should, in cases where he/she receives documents relating to his/her interests or of those connected with him/her, return the revised declaration to the chief executive officer at the earliest opportunity. In the case of the interests of the CEO, revised declarations should be advised to the Chairperson.
- ix) Where a holder of a designated post normally attends meetings of the VEC Committee, he/she should absent himself/herself when the Committee is deliberating or deciding on matters in which that holder of a designated post (other than in his/her capacity as a holder of a designated post of the Committee) or a person or body connected with the holder of a designated post has an interest.
- x) Where a question arises as to whether or not a case relates to the interests of a holders of a designated post or a person or body connected with that holder of a designated post, the CEO should determine the question. In a case of the interests of the CEO being under consideration, the determination should be made by the Chairperson.

- xi) Holders of a designated post and former holders of a designated post should treat commercially sensitive information received while acting in that capacity as confidential.

#### **VEC Audit Committee**

The Committee should establish a VEC Audit Committee of at most seven non-executive members with written terms of reference, which deal clearly with its authority and duties. (Members of the VEC Audit Committee should not include the Chairperson of the Committee or CEO, who will both, however, have the right of attendance). The VEC Audit Committee may draw on the advice and expertise of the VSSU and/or appropriate advisors. *(A Draft Charter and Terms of Reference are provided at Section 2. 9, Internal Audit and Audit Committee, to assist Committees).*

- The constitution and terms of reference of the VEC Audit Committee and other VEC sub-committees should be reviewed by the main Committee and updated as appropriate.
- The VEC's Audit Committee should normally meet between two and four times a year.
- The VEC Audit Committee as a body is empowered in the discharge of its functions to have full access to all information and be entitled to obtain any information it requires from staff or external parties. The VEC Audit Committee should have a discussion with the C&AG normally once a year.

#### **Internal Audit**

**Charter for Internal Audit:** The principal objective of internal audit is to provide an independent appraisal of the VEC's internal operating procedures. Each VEC should ensure that adequate internal audit arrangements are put in place that are appropriate to the VEC's size and activities. The internal audit should have a formal charter, including terms of reference, which has been approved by the Committee. Where the internal audit function for the VEC is provided by the Vocational Support Service's Unit (VSSU), the VSSU's terms of reference may be adopted by the VEC as its formal charter.

#### **A charter for the internal audit should include the following:**

- **Committee policy statement**

This should state the Committee's policy to support and develop the internal audit.

- **A mission statement**

This should set out the contribution of internal audit to the organisation.

- **Terms of Reference**

The terms of reference of the internal audit should include:

- **Scope and authority**

The VEC Committee should provide the internal audit / VSSU with authority to act on its behalf in carrying out internal audit. There should be no operational areas or levels within the organisation, regardless of how these are funded or regulated, precluded from internal audit review. The internal audit/ VSSU should have access to such records, assets and personnel as are necessary for the proper discharge of its responsibilities.

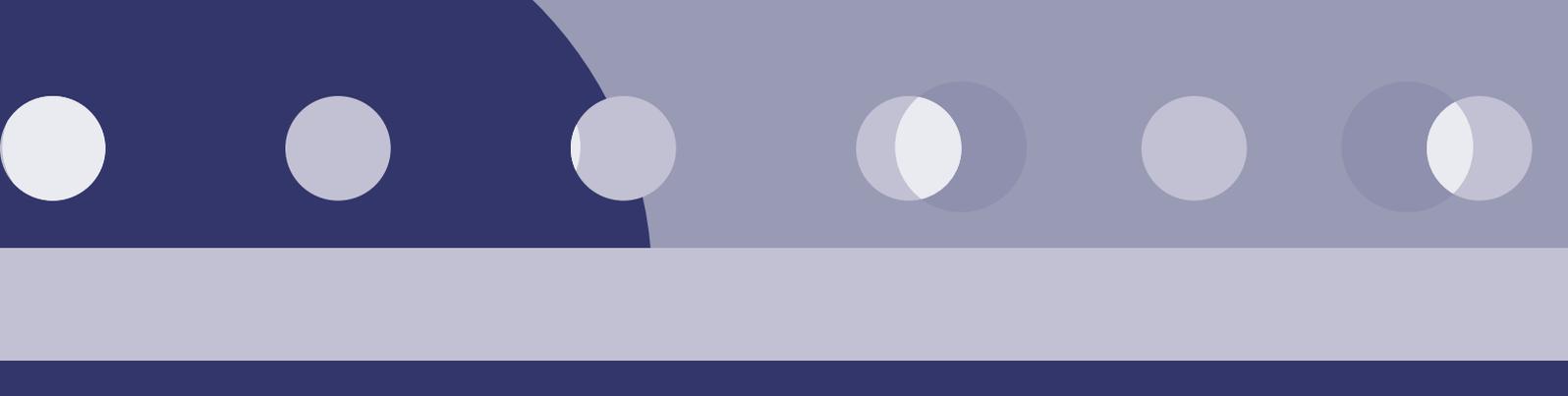
- **Independence, role and responsibilities**

The internal audit/ VSSU should serve the best interests of the VEC as a whole and carry out its work in a manner that is consistent with the Standards for the Professional Practice of Internal Auditors, published by the Institute of Internal Auditors. In order to demonstrate that due professional care has been taken in performing its work, it is necessary to have comprehensive records of activity showing that the work has been performed in accordance with accepted standards of best practice.

In order to ensure objectivity and independence, internal audit staff should be free from all operating responsibility.

#### **The operation of the internal audit should comply with the following procedures:**

- i) the reporting structure for internal audit/VSSU should be clear and formally documented by the VEC. In carrying out its ongoing work, the



internal audit/VSSU should review, appraise and report on systems of internal control on all specific areas covered by the charter in order to ensure that the VEC is fully complying with all requirements and report its findings to the VEC's Audit Committee]

- ii) the internal audit/VSSU should liaise frequently with the external auditors so that the potential for co-operation between the two is maximised.
- iii) in planning, executing and reporting its work, the internal audit/VSSU should ensure that value-for-money auditing receives adequate attention; and
- iv) the internal audit/VSSU should review compliance with procurement and disposal procedures as required by the VEC's Audit Committee, from time to time, and report to the VEC's Audit Committee.

## SECTION TWO - The Governance Framework

### 6 A Framework Code of Ethics for VEC Members and Staff - as issued by the Department of Education and Science (Appendix B)

#### Code of Ethics

This is a suggested framework Code of Ethics for all staff and members of the VE Committees. The code should be prepared via a participative approach and should be approved by the Committee, taking into account the implications of the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001.

#### Introduction

(Name of VEC) has adopted this Code of Ethics for staff and members of the Committee. A copy of the Code will be available upon request and be placed on the VEC's website. The Code consists of this document together with the 'Code of Ethics for Committee Members' and the 'Code of Ethics for VEC Staff' which follow this document.

#### Intent and scope

The purpose of the Code is to provide guidance to the Chairperson, members and staff of the (Name of VEC) in performing their duties.

#### Objectives

The objectives of the Code are:

- To set out an agreed set of ethical principles
- To promote and maintain confidence and trust in the Committee and staff of (Name of VEC)
- To promote the development and acceptance of ethical practices
- To promote the highest legal, management and ethical standards in all the activities of (Name of VEC)
- To promote compliance with best current management practice in all the activities of (Name of VEC).

#### General Principles

It is the policy of (Name of VEC) to maintain its high reputation for ethical behaviour and fair dealing in the conduct of its business.

In many cases, decisions as to what is ethical or fair are clear cut and will be obvious to any reasonable person. In some situations, however, there may be circumstances where an element of doubt or ambiguity arises. To help in those circumstances and to protect and guide individual Committee

members of (Name of VEC), it is appropriate to have a written Code of Ethics for the conduct of VEC business.

It is not possible to provide for every situation in the Code of Ethics. If there is doubt about the probity of any particular situation, the Chairperson of the Committee must be consulted about that situation by the individual concerned.

All members of the Committee and all staff are required to observe the following fundamental principles, as set out under the following headings:

- Integrity
- Confidentiality
- Obligations
- Disclosure of Interest
- Loyalty
- Fairness, and
- Consideration for work/external environment.

#### Integrity

- Members of the Committee are required to disclose outside employment/business interests which they consider may be in conflict or in potential conflict with the business of (Name of VEC);
- Management or staff will not be involved in outside employment/business interests in conflict or in potential conflict with the business of (Name of VEC);
- Members and staff of the Committee will refrain from giving and receiving corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make an independent judgement on business transactions;
- The Committee shall collaborate vigorously, energetically, ethically and honestly with other educational institutions, commercial and other providers of research and advisory services;
- Members and staff of the Committee must be committed to conducting the Committee's purchasing activities of goods/services in accordance with public policy and best business practice and its purchasing regulations reflect this;
- (Name of VEC) is also committed to ensuring that its engagement of consultancy and other services is in compliance with public policy guidelines.

- (Name of VEC) is committed to ensuring that the accounts/reports accurately reflect their business performance and are not misleading or designed to be misleading;
- Members and staff of the Committee are required to avoid the use of VEC resources or time for personal gain, for the benefit of persons/organisations unconnected with the institutions or its activities; and
- (Name of VEC) is committed to acquire information or business secrets by proper means only.

#### **Information**

- (Name of VEC) is committed to providing access to general information relating to its activities in a way that is open and enhances its accountability to the general public.
- Members of the Committee and staff are required to respect the confidentiality of sensitive information held by (Name of VEC). This would constitute material such as:
  - personal information;
  - information received in confidence by (Name of VEC);
  - any commercially sensitive information or other information sensitive to the reputation of (Name of VEC);
  - any other material, release of which might constitute an unlawful or unethical act.
- (Name of VEC) will observe appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.
- (Name of VEC) will comply with all relevant statutory provisions (e.g. Data Protection Acts, 1988 and 2003, and the Freedom of Information Act, 1997) in accordance with the regulations when issued.
- Members of the Committee will observe the strictest confidentiality in relation to all discussions and decisions taken at meetings of the Committee.

#### **Obligations**

- (Name of VEC) will fulfil all regulatory and statutory obligations imposed on (Name of VEC) by the Vocational Education Acts, 1930 to 2001 and other relevant legislation;

- (Name of VEC) will comply with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure;
- (Name of VEC) has introduced controls to prevent fraud and to ensure compliance with prescribed procedures in relation to levels of authority for sanctioning any relevant expenditure including expenses for business travel;
- It is acknowledged that the acceptance of positions following employment and/or engagement by a VEC can give rise to the potential for conflicts of interest and to confidentiality concerns. The Committee will also ensure that any procedures that it may put in place in this regard are monitored and enforced.

#### **Loyalty**

- The Committee members and staff of (Name of VEC) acknowledge the responsibility to be loyal to (Name of VEC) and to be fully committed to all its activities while mindful that (Name of VEC) itself must at all times take into account the interests of its students and funders including tax payers.
- The Committee and staff of (Name of VEC) acknowledge the duty of all to conform to the highest standards of business ethics.

#### **Fairness**

- (Name of VEC) is committed to complying with employment equality and equal status legislation;
- (Name of VEC) is committed to fairness in all business dealings; and
- (Name of VEC) values its students, staff, suppliers, and customers and treats all its students, staff, suppliers and customers equally.

#### **Work/External Environment**

- The Committee and staff of (Name of VEC) place the highest priority on promoting and preserving the health and safety of its staff and students;
- (Name of VEC) will ensure that community concerns are fully considered in its activities and operations;
- (Name of VEC) will minimise any detrimental impact of its operations on the environment.

### **Responsibility**

- (Name of VEC) will circulate this Code of Ethics (and a Policy Document on Disclosure of Interests) to all members of the Committee and staff for their retention;
- (Name of VEC) will ensure that all members of the Committee and staff receive a copy of the Code and understand its contents;
- (Name of VEC) will provide practical guidance and direction as required on such areas as gifts and entertainment and on other ethical considerations, which arise routinely.

### **Review**

- (Name of VEC) will review this Code of Ethics as appropriate.
- Any proposed revisions to this Code must be considered and approved at a meeting of the Committee and submitted to the Minister for approval.

## **Code of Ethics for Committee Members**

### **Intent and scope**

The purpose of the Code is to provide guidance to the Chairperson, members of the (Name of VEC) in performing their duties.

### **Objectives**

The objectives of the Code are:

- To set out an agreed set of ethical principles
- To promote and maintain confidence and trust in the Committee of (Name of VEC)
- To promote the development and acceptance of ethical practices in (Name of VEC)
- To promote the highest legal, management and ethical standards in all the activities of (Name of VEC)
- To promote compliance with best current management practice in all the activities of (Name of VEC).

### **General Principles**

It is the policy of (Name of VEC) to maintain its high reputation for ethical behaviour and fair dealing in the conduct of its business.

In many cases, decisions as to what is ethical or fair are clear cut and will be obvious to any reasonable person. In some situations, however, there may be circumstances where an element of doubt or ambiguity arises. To help in those circumstances and to protect and guide individual Committee members of (Name of VEC), it is appropriate to have a written Code of Ethics for the conduct of VEC business.

It is not possible to provide for every situation in the Code of Ethics. If there is doubt about the probity of any particular situation, the Chairperson of the Committee must be consulted about that situation by the individual concerned.

All members of the Committee are required to observe the following fundamental principles, as set out under the following headings:

- Integrity
- Confidentiality
- Obligations
- Disclosure of Interest
- Loyalty

- Fairness and
- Consideration for work/external environment.

### **Integrity**

Each Committee member is expected to observe the highest standards of honesty and integrity in all his/her dealings as a member of the Committee. Therefore, each Committee member must:

- Ensure that the accounts/reports accurately reflect their business performance and are not misleading or designed to be misleading;
- Ensure that (Name of VEC) collaborate vigorously, energetically, ethically and honestly with other educational institutions, commercial and other providers of research and advisory services;
- Ensure that (Name of VEC) is conducting its purchasing activities of goods/services in accordance with public policy and best business practice and its purchasing regulations reflect this;
- Ensure that (Name of VEC) acquires information or business secrets by proper means only;
- Ensure that engagement of consultancy and other services is in compliance with public policy guidelines;
- Disclose outside employment/business interests which they consider may be in conflict or in potential conflict with the business of (Name of VEC);
- Refrain from giving and receiving corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgement on business transactions and report any such approaches in writing to the Chairperson;
- Avoid the use of (Name of VEC) resources or time for personal gain, for the benefit of persons/organisations unconnected with the institutions or its activities;
- Avoid misrepresentation, being ambiguous or misleading.

### **Information**

- Members of the Committee of (Name of VEC) will ensure the provision of access to general information relating to the VEC's activities in a way that is open and enhances its accountability to the general public. Members of the Committee will respect the confidentiality of sensitive information held by (Name of VEC). This would constitute material such as:

- personal information
- information received in confidence by (Name of VEC);
- any commercially sensitive information or other information sensitive to the reputation of (Name of VEC);
- any other material, release of which might constitute an unlawful or unethical act.

- Members of Committee will ensure that (Name of VEC) complies with all relevant statutory provisions (e.g. Data Protection Acts, 1988 and 2003, and the Freedom of Information Act, 1997 when applicable).
- Members of Committee will ensure that (Name of VEC) observes appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.
- Members of the Committee will observe the strictest confidentiality in relation to all discussions and decisions taken at meetings of the Committee.

### **Obligations**

- Committee members will make every reasonable effort to attend all Committee meetings;
- Members of Committee will ensure that (Name of VEC) fulfils all regulatory and statutory obligations imposed on (Name of VEC) by the Vocational Education Acts, 1930 to 2001 and other relevant legislation;
- Members of Committee will ensure that (Name of VEC) complies with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure;

- Members of Committee will ensure that (Name of VEC) has introduced controls to prevent fraud and to ensure compliance with prescribed procedures in relation to levels of authority for sanctioning any relevant expenditure including expenses for business travel;
- Committee members acknowledge that the acceptance of positions following employment and/or engagement by a VEC can give rise to the potential for conflicts of interest and to confidentiality concerns. The Committee will also ensure that any procedures that it may put in place in this regard are monitored and enforced.

#### **Loyalty**

- The Committee members of (Name of VEC) acknowledge the responsibility to be loyal to (Name of VEC) and to be fully committed to all its activities while mindful that (Name of VEC) itself must at all times take into account the interests of its students and unders, including tax payers.
- The Committee members of (Name of VEC) acknowledge the duty of all to conform to highest standards of business ethics.

#### **Fairness**

Members of Committee will ensure that (Name of VEC) is:

- committed to complying with employment equality and equal status legislation;
- committed to fairness in all business dealings; and
- values its students, staff, suppliers, and customers and treats all its students, staff, suppliers and customers equally.

#### **Work/External Environment**

- The Committee members will ensure that (Name of VEC) places the highest priority on promoting and preserving the health and safety of its staff and students;
- Members of (Name of VEC) will ensure that community concerns are fully considered in its activities and operations;
- Members will ensure that (Name of VEC) will minimise any detrimental impact of its operations on the environment.

#### **Responsibility**

- (Name of VEC) will circulate this Code of Ethics (and a Policy Document on Disclosure of Interests) to all members of the Committee for their retention;
- (Name of VEC) will ensure that all members of the Committee receive a copy of the Code and understand its contents;
- (Name of VEC) will provide practical guidance and direction as required on such areas as gifts and entertainment and on other ethical considerations, which arise routinely.

#### **Review**

- (Name of VEC) will review this Code of Ethics, as appropriate.

Any proposed revisions to this Code must be considered and approved at a meeting of the Committee and submitted to the Minister for approval.

**Note:** Breaches of the Code of Ethics for Committee members will be notified to the Audit Committee and to the Comptroller and Auditor General and may be notified to the Minister for Education and Science with the annual accounts and report.

## **Code of Ethics for VEC Staff Intent and scope**

The purpose of the Code is to provide guidance to all staff of the (Name of VEC) in performing their duties.

#### **Objectives**

The objectives of the Code are:

- To set out an agreed set of ethical principles;
- To promote and maintain confidence and trust in (Name of VEC);
- To promote the development and acceptance of ethical practices in (Name of VEC);
- To promote the highest legal, management and ethical standards in all the activities of (Name of VEC);
- To promote compliance with best current management practice in all the activities of (Name of VEC).

### General Principles

It is the policy of (Name of VEC) to maintain its high reputation for ethical behaviour and fair dealing in the conduct of its business.

In many cases, decisions as to what is ethical or fair are clear cut and will be obvious to any reasonable person. In some situations, however, there may be circumstances where an element of doubt or ambiguity arises. To help in those circumstances and to protect and guide individual staff of (Name of VEC), it is appropriate to have a written Code of Ethics for the conduct of VEC business. It is not possible to provide for every situation in the Code of Ethics. If there is doubt about the probity of any particular situation, the CEO/Personnel Officer should be consulted about that situation by the individual concerned.

All staff are required to observe the following fundamental principles, as set out under the following headings:

- Integrity
- Confidentiality
- Obligations
- Disclosure of Interest
- Loyalty
- Fairness, and
- Consideration for work/external environment.

#### **Integrity**

Each staff member is expected to observe the highest standards of honesty and integrity in all his/her dealings as an employee of the Committee. Therefore, staff must:

- Engage in their duties and collaborate vigorously, energetically, ethically and honestly with other educational institutions, commercial and other providers of research and advisory services;
- Not engage in outside employment/business interests which would reasonably be considered to be in conflict or in potential conflict with the business of (Name of VEC) or their responsibilities as staff of (Name of VEC);
- Acquire information or business secrets by proper means only;
- Refrain from giving and receiving corporate gifts, hospitality, preferential treatment or benefits which might affect or appear to affect the ability of the donor or the recipient to make independent judgement

on business transactions and report any such approaches in writing to the Chairperson;

- Avoid the use of (Name of VEC) resources or time for personal gain, for the benefit of persons/organisations unconnected with the institutions or its activities;
- Avoid misrepresentation, being ambiguous or misleading.

#### **Further, insofar as it is included in their responsibilities, staff must:**

- Ensure that engagement of consultancy and other services is in compliance with public policy guidelines;
- Conduct purchasing activities of goods/ services in accordance with public policy and best business practice and the purchasing regulations of (Name of VEC);
- Ensure that accounts/reports accurately reflect their work performance and are not misleading or designed to be misleading).

#### **Information**

- Staff of (Name of VEC) will ensure the provision of access to general information relating to the VEC's activities in a way that is open and enhances its accountability to the general public.
- Staff will respect the confidentiality of sensitive information held by (Name of VEC). This would constitute material such as:
  - personal information
  - information received in confidence by (Name of VEC)
  - any commercially sensitive information or other information sensitive to the reputation of (Name of VEC)
  - any other material, release of which might constitute an unlawful or unethical act.
- Staff will ensure to the extent that it is in their power and remit, that (Name of VEC) complies with all relevant statutory provisions (e.g. Data Protection Acts, 1988 and 2003, and the Freedom of Information Act, 1997) as they relate to (Name of VEC);
- Staff will ensure to the extent that it is in their power and remit, that (Name of VEC) observes appropriate prior consultation procedures with third parties where, exceptionally, it is proposed to release sensitive information in the public interest.

- Staff will observe the strictest confidentiality in relation to all discussions and decisions taken in (Name of VEC).

### **Obligations**

Staff will ensure, to the extent that it is in their power and remit, that (Name of VEC)

- Fulfils all regulatory and statutory obligations imposed on (Name of VEC) by the Vocational Education Acts, 1930 to 2001 and other relevant legislation;
- Complies with detailed tendering and purchasing procedures, as well as complying with prescribed levels of authority for sanctioning any relevant expenditure;
- Operates controls to prevent fraud and to ensure compliance with prescribed procedures in relation to levels of authority for sanctioning any relevant expenditure including expenses for business travel;
- Staff acknowledge that acceptance of positions following employment and/or engagement by a VEC can give rise to the potential for conflicts of interest and to confidentiality concerns. Staff will comply with procedures that (Name of VEC) may put in place in this regard.

### **Loyalty**

- Staff of (Name of VEC) acknowledge the responsibility to be loyal to (Name of VEC) and to be fully committed to all its activities while mindful that (Name of VEC) itself must at all times take into account the interests of its students and funders, including tax payers.
- Staff of (Name of VEC) acknowledge the duty of all staff to conform to highest standards of business ethics.

### **Fairness**

Staff will ensure, to the extent that it is in their power and remit, that (Name of VEC)

- is complying with employment equality and equal status legislation;
- is committed to fairness in all business dealings; and
- values its students, staff, suppliers, and customers and treats all its students, staff, suppliers and customers equally.

### **Work/External Environment**

- Staff will place the highest priority on promoting and preserving the health and safety of its staff and students and ensure, to the extent that it is in their power and remit that (Name of VEC) does so also.
- Staff will ensure, to the extent that it is in their power and remit, that community concerns are fully considered in its activities and operations;
- Staff will ensure, to the extent that it is in their power and remit that (Name of VEC) will minimise any detrimental impact of its operations on the environment.

### **Responsibility**

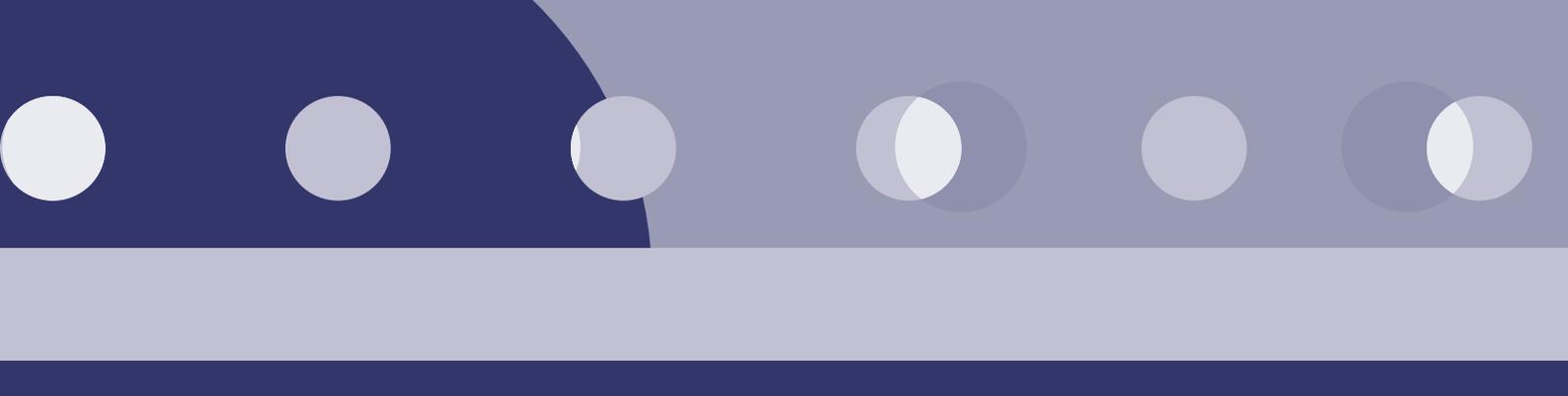
- (Name of VEC) will circulate this Code of Ethics (and a Policy Document on Disclosure of Interests) to all staff for their retention;
- (Name of VEC) will ensure that all staff receive a copy of the Code and understand its contents;
- (Name of VEC) will provide practical guidance and direction as required on such areas as gifts and entertainment and on other ethical considerations, which arise routinely.

### **Review**

(Name of VEC) will review this Code of Ethics, as appropriate.

Any proposed revisions to this Code must be considered and approved at a meeting of the Committee and submitted to the Minister for approval.

**Note:** Breaches of the Code of Ethics for Staff will be regarded as a breach of discipline and will be dealt with, in accordance with the disciplinary code, by the chief executive officer or by the delegated officer, as appropriate.



## Notes:

### Obligations re personal information

You must ...

1. Obtain and process the information fairly
2. Keep it only for one or more specified and lawful purposes
3. Process it only in ways compatible with the purposes for which it was given to you initially
4. Keep it safe and secure
5. Keep it accurate and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it no longer than is necessary for the specified purpose or purposes
8. Give a copy of his/her personal data to any individual, on request.

*From Data Commission Website, 2004:  
<http://www.dataprivacy.ie/3c.htm>*

## SECTION TWO - The Governance Framework

### 7 Requirements for Declarations of Interest by Members and Designated Staff and Template for Register of Member/Staff Interests

#### Introduction and Policy Statement:

Section 2.3 of the Code of Practice for the Governance of VECs states:

*'In addition to the requirements of their governing legislation, each member of the VEC and each person holding a designated position of employment with a VEC should ensure his/her compliance with relevant provisions of the Ethics in Public Office Act, 1995.'*

The Act requires that persons in State bodies who hold designated directorships and designated positions of employment must make an annual statement or declaration of those interests (as defined in the Act) which could materially influence them in the performance of their functions and refrain them from exercising such functions in accordance with the Act.

The annual statement, which may be updated if interests change, must be made to a designated person within the State body, in accordance with the provisions of the Act, and, in the case of those who hold designated directorships, to the Public Offices Commission established under the Act. The Commission will provide advice and publish mandatory procedures concerning steps to be taken by designated directors and holders of designated positions (among others) to ensure compliance with the Act. Where a person who holds a designated directorship or designated position of employment in a State body is advised by the Commission, or it appears from guidelines published by the Commission that his/her interest or the interest of a connected person should be disclosed, that person must make an appropriate statement to the relevant authority in the State body.

This matter is further dealt with in Section 3 of the Code of Best Practice of Corporate Governance for VECs which states, inter alia:

*'In addition to the legal requirements under their governing legislation and the requirements of the Ethics in Public Office Act, 1995, the following procedures should be observed:*

*i) On appointment to a VEC, each member should furnish to the chief executive officer of the Committee*

*details relating to his/her employment and all other business interests including shareholdings, professional relationships etc., which could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Committee. Any interests of a member's family of which he/she could be expected to be reasonably aware or a person or connected with the member which could involve a conflict of interest or could materially influence the member in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a member should include:*

- (a) a spouse, (partner) parent, brother, sister, child or step-child;*
- (b) a body corporate with which the member is associated;*
- (c) a person acting as the trustee of any trust, the beneficiaries of which include the member or the persons at (a) above or the body corporate at (b) above; and*
- (d) a person acting as a business partner of the member or of any person or body who, by virtue of (a) - (c) above, is connected with the member.*

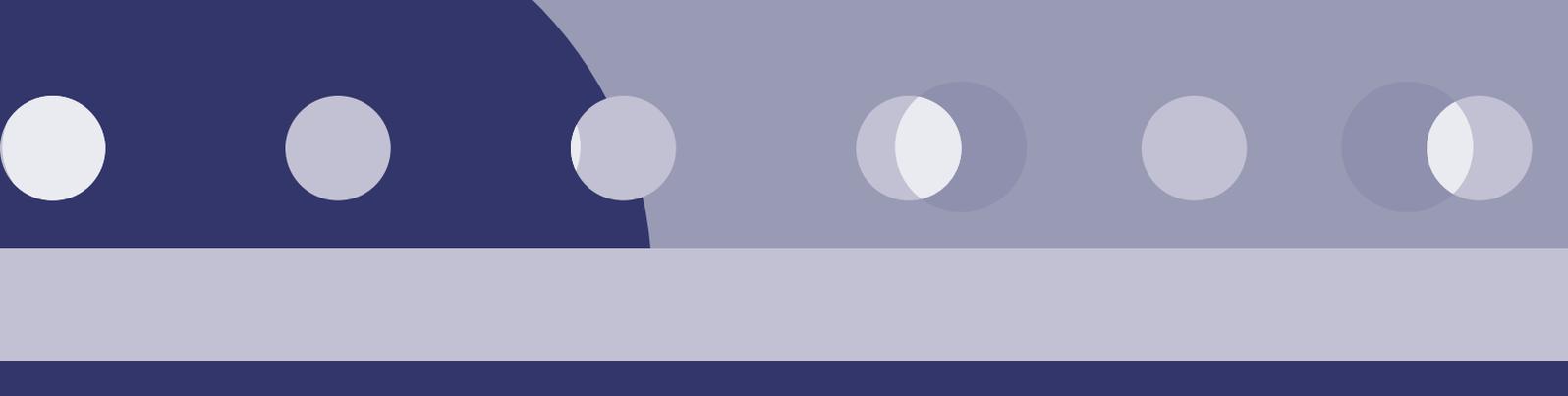
*Each member should furnish to the chief executive officer details of business interests on the lines above of which he/she becomes aware during the course of his/her membership of the Committee.'*

Members and designated staff are requested to familiarise themselves with the provisions of the remaining sub-sections of Section 3 of the Code of Best Practice for Corporate Governance.

If a member is in doubt as to whether this Code requires the disclosure of an interest of their own or of a connected person, they should consult the CEO.

Details of the above interests will be kept by the CEO in a special confidential register and will be updated on a yearly basis. Changes in the interim should be notified to the CEO as soon as possible. Only the CEO of the Committee shall have access to the register.

Committee documents on any case, which relate to Committee dealings with the above interests, will not be



made available to the member. (Such documents should be taken to include those relating to cases involving competitors to the above interests).

As it is recognised that the interests of a member and persons connected with a member can change at short notice, a member should, in cases where he receives documents relating to his interests or of those connected with him, return the documents to the CEO of the Committee.

Committee Members should absent themselves when the Committee is deliberating or deciding on matters in which they (other than in his/her capacity as a member of the Committee) or a person or body connected with them, has an interest.

In such cases a separate record (to which he/she will not have access) will be maintained.

Where a question arises as to whether or not a case relates to the interests of a member or a person or body connected with a member, the Chairman of the Committee shall determine the question and his decision shall be final.

It is not possible for a set of rules or guidelines to provide for all situations which may arise. Committee members and staff of the Committee will bear in mind, therefore, that it is primarily their responsibility to ensure that all of their activities, whether covered specifically or otherwise in this document, are governed by the ethical considerations implicit in these procedures.

The attached template may be suitably modified to meet the needs of individual Committees.

# SECTION TWO - The Governance Framework

## TEMPLATE

Disclosure of Business Interests by Committee Members and Designated Staff of (Name of VEC)

JANUARY 2004 – JANUARY 2005

Name \_\_\_\_\_

Position Held \_\_\_\_\_

Position in Committee (e.g. Chair)

If you are a member of any other Board, Company or Association please detail below:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please specify details of shareholdings or business interests which you have.

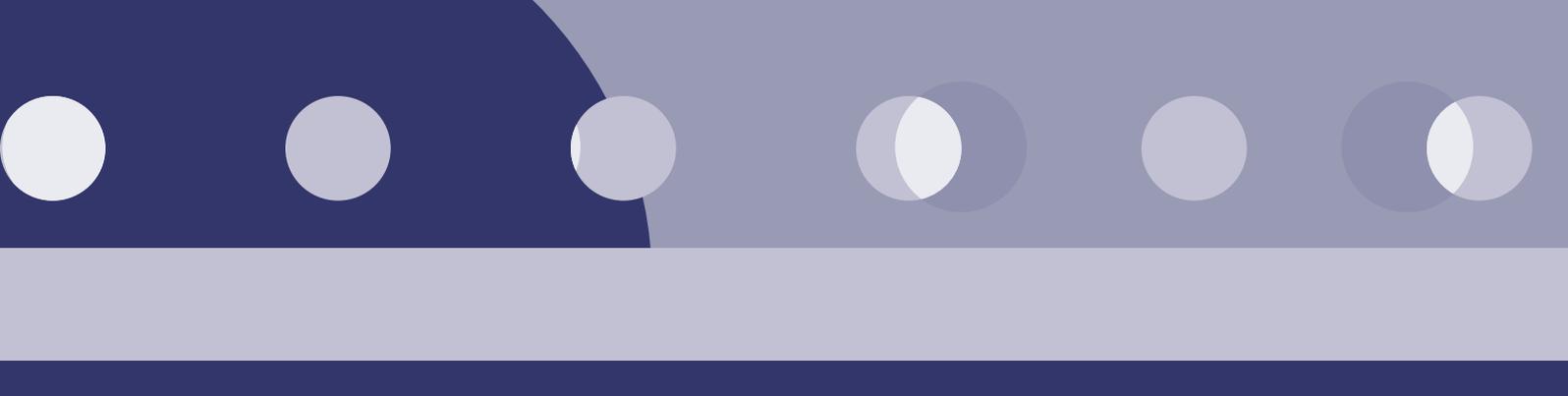
(State 'None' if such is the case). Shareholding or Business Interest

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Please specify details of family or connected persons with the potential to cause a conflict of interest for you due to their business connections. (State 'None' if such is the case.)

	Name of Person & Relationship	Company / Organisations	Job Title
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

I confirm that I have received a copy of the Code of Conduct for VEC Members and that I understand fully its contents and the policy in relation to the disclosure of interest.



I confirm that I have read the requirements as set out in the Ethics in Public Office Act, 1995  
<http://www.irishstatutebook.ie/ZZA22Y1995.html> and, the Standards in Public Office Act, 2001  
<http://www.irishstatutebook.ie/ZZA31Y2001.html>

I confirm that I am compliant with the requirements as set out in the Ethics in Public Office Act, 1995 and the Standards in Public Office Act, 2001.

I confirm to the best of my knowledge and belief, the above information fully answers the disclosure requirements set out by the Department of Finance, State Bodies guidelines.

I understand that this disclosure will be updated annually and that any potential conflict of interest in the interim will be disclosed immediately by me to the CEO.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## SECTION TWO - The Governance Framework

### 8 Principles of Quality Customer Service for Learners/Customers and Clients of the VEC *- as issued by the Department of Education and Science (Appendix C)*

#### Section 1

In their dealings with the public, VECs, as public service organisations will:

##### Quality Service Standards

- Publish a statement that outlines the nature and quality of service which customers can expect and display it prominently at the point of service delivery.

##### Equality/Diversity

- Ensure the rights to equal treatment, established by equality legislation, and accommodate diversity, so as to contribute to equality for the groups covered by the equality legislation (under the grounds of gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller Community).

Identify and work to eliminate barriers to access to services for people experiencing poverty and social exclusion, and for those facing geographic barriers to services.

##### Physical Access

- Provide clean, accessible public offices that ensure privacy, comply with occupational and safety standards and, as part of this, facilitate access for people with disabilities and others with specific needs.

##### Information

- Take a proactive approach in providing information that is clear, timely and accurate, is available at all points of contact and meets the requirements of people with specific needs. Ensure that the potential offered by Information Technology is fully availed of and that the information available on Public Service web sites follows the guidelines on web publication. Continue the drive for simplification of rules, regulations, forms, information leaflets and procedures.

##### Timeliness and Courtesy

- Deliver quality services with courtesy, sensitivity and the minimum delay, fostering a climate of mutual respect between provider and customer. Give contact names in all communications to ensure ease of ongoing transactions.

##### Complaints

- Maintain a well-publicised, accessible, transparent and simple-to-use system of dealing with complaints about the quality of service provided.

##### Appeals

- Similarly, maintain a formalised, well-publicised, accessible, transparent and simple-to-use system of appeal/review for customers who are dissatisfied with decisions in relation to services.

##### Consultation and Evaluation

- Provide a structured approach to meaningful consultation with, and participation by, the customer in relation to the development, delivery and review of services. Ensure meaningful evaluation of service delivery.

##### Choice

- Provide choice, where feasible, in service delivery including payment methods, location of contact points, opening hours and delivery times. Use available and emerging technologies to ensure maximum access and choice and quality of delivery.

##### Official Languages Equality

- Provide quality services through Irish and/or bilingually and inform customers of their right to choose to be dealt with through one or other of the official languages.

##### Better Co-ordination

- Foster a more co-ordinated and integrated approach to delivery of public services.

##### Internal Customer

- Ensure staff are recognised as internal customers and that they are properly supported and consulted with regard to service delivery issues

## Section 2

In addition to the provisions above, common to all public sector organisations, VECs will, in accordance with the provisions of Section 6 of the Education Act, 1998:

1. Give practical effect to the constitutional rights of children, including children who have a disability or who have other special educational needs, as they relate to education;
2. Provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people;
3. Promote equality of access to and participation in education and to promote the means whereby students may benefit from education;
4. Promote opportunities for adults, in particular adults who as children did not avail of or benefit from education in schools, to avail of educational opportunities through adult and continuing education;
5. Promote the right of parents to send their children to a school of the parents' choice having regard to the rights of patrons and the effective and efficient use of resources;
6. Promote best practice in teaching methods with regard to the diverse needs of students and the development of the skills and competences of teachers;
7. Promote effective liaison and consultation between schools and centres for education, patrons, teachers, parents, the communities served by schools, local authorities, health boards, persons or groups of persons who have a special interest in, or experience of, the education of students with special educational needs and the Minister
8. Contribute to the realisation of national educational policies and objectives;
9. Contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular, the achievement of a greater use of the Irish language at school and in the community;
10. Contribute to the maintenance of Irish as the primary community language in Gaeltacht areas;
11. Promote the language and cultural needs of students having regard to the choices of their parents;
12. Enhance the accountability of the education system and enhance transparency in the making of decisions in the education system both locally and nationally.

# SECTION TWO - The Governance Framework

## 9 Internal Audit and Audit Committee

### CHARTER FOR INTERNAL AUDIT

#### Policy

(Name of VEC) undertakes to establish, maintain and develop an internal audit and an Audit Committee.

#### Internal Audit

Internal audit can be described as an independent, objective assurance and consulting activity designed to add value and to improve the organisation's operation. It helps an organisation to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal control and governance processes.

For VECs, an internal audit function is provided by the VEC Support Services Unit (VSSU).

#### Internal Audit Service

##### Mission and Role

The mission of the internal audit is to:

- ensure that resources are adequately protected;
- ensure that financial, managerial and other operational information is reliable and accurate;
- ensure that the actions of the VEC and its staff are in compliance with policies, procedures and applicable laws and regulations.

##### It is the role of internal audit to:

- ascertain for the Committee through its Audit Committee that the processes for controlling operations as designed and presented by management, are adequate and functioning appropriately;
- provide independent assurance to the Committee through the Audit Committee that risks are being managed to an acceptable level; and
- facilitate improvements to the organisation's risk management and internal control framework through consultancy, training and advisory activity.

#### Terms of Reference - Internal Audit

It is the responsibility of the Internal Audit to conduct a work schedule of on-going review in order to monitor the system of internal controls which provide assurance of operational efficiency, reliable financial reporting and compliance with the relevant law and regulatory framework.

The Internal Audit will report to the Audit Committee and have unrestricted access to the chief executive officer and to such other VEC staff as are necessary for the conduct of its functions in accordance with this Charter.

The Internal Audit will have full access to the programmes, records, property and personnel of the Committee and will have access to the Audit Committee.

The Internal Audit is not a substitute for executive management, it should be free of other operational duties and it cannot audit its own work.

Internal Audit will have the following primary responsibilities: To:

- Audit the risk management, internal control, corporate governance and legislative and conduct compliance;
- Develop and carry out an annual audit plan and report on such to the Audit Committee.
- Issue reports to the Audit Committee addressing the results of audits conducted, summarising observations and recommendations made and the management responses to the audit findings.

In addition, it shall have the following subsidiary responsibilities: To:

- Liaise with external auditors to provide maximum audit coverage.
- Develop and disseminate best practice guidelines within the organisation.
- Advise the VEC management in relation to control issues in the implementation of significant systems change in the organisation.
- Provide technical assistance to management in the investigation of suspected fraudulent activity in the organisation.
- Assist VEC management with training in risk management and internal control.

## The Audit Committee – Terms of Reference

### Policy

The Committee will establish and maintain an Audit Committee as a sub-committee of the Committee under the provisions of Section 31(1) of the Vocational Education (Amendment) Act, 2001 to provide the Committee with an oversight function in respect of the Executive in its management responsibilities for:

- the implementation of the Committee's Education Plan and its Service Plan;
- adherence to the Code of Governance and the Code of Ethics as adopted by the Committee;
- compliance with relevant legislation and government guidelines; and
- the effectiveness of the internal control system.

### Mission and Role

It is the mission of the Audit Committee to monitor the conduct of the Executive in the carrying out of its functions, to provide assurance to the Committee as to the adequacy and effectiveness of the internal control procedures and to provide the Committee and the Executive with analyses, appraisals, relevant information and recommendations in respect of the organisation's internal control systems.

In the performance of its role the Audit Committee shall have the assistance and expertise of the Executive, Internal Audit and the External Audit (C&AG).

While the Audit Committee has the functions and powers as here set out, it is not the function of the Audit Committee to conduct audits or investigations. Whilst the Audit Committee is responsible for reporting to the Committee on compliance and recommending the adoption by the Committee of the Annual Report and accounts, it operates by reviewing reports, statements and information presented by the Executive, Internal Audit and the External Audit (C&AG).

### Membership

- (Name of VEC) Committee will appoint the Audit Committee members and nominate the Chairperson
- Best practice indicates that the Audit Committee will consist of at least three and not more than seven non-executive members of the Committee  
*(An executive member is a member who has a contract of employment or service with the particular VEC)*
- A quorum will consist of three members of the Audit Committee
- Where the Audit Committee members do not have sufficient knowledge or experience in a particular area, the Audit Committee may invite persons with relevant expertise to attend meetings
- The Audit Committee Chairperson and members will be provided with initial induction and continuing training in such matters as, corporate governance, the role of internal and external audit and risk management
- Members of the VEC Audit Committee should not include the Chairperson of the Committee or CEO, who both will, however, have the right of attendance.

### Duties

- To review the adequacy, application, effectiveness and efficiency of internal control
- To review the adequacy of policies and practices to ensure compliance with relevant legislation and policies and to report thereon to Committee
- To review the reliability of financial information presented to the Committee and to report thereon to Committee
- To review the findings of any examinations by regulatory agencies and any observations made at internal or external audit and to report thereon to Committee
- To review the activities of the Internal Audit, including its annual work programme
- To ensure the Internal Audit is adequately resourced and has appropriate standing within the organisation
- To review the operation of the Committee's Code of Ethics for the Committee members and staff
- To review such matters as may be referred by the Committee
- To submit an annual report, and such other reports as may be warranted in exceptional circumstances, to the Committee

- To have a meeting with the external auditors normally once a year.

#### **Authority**

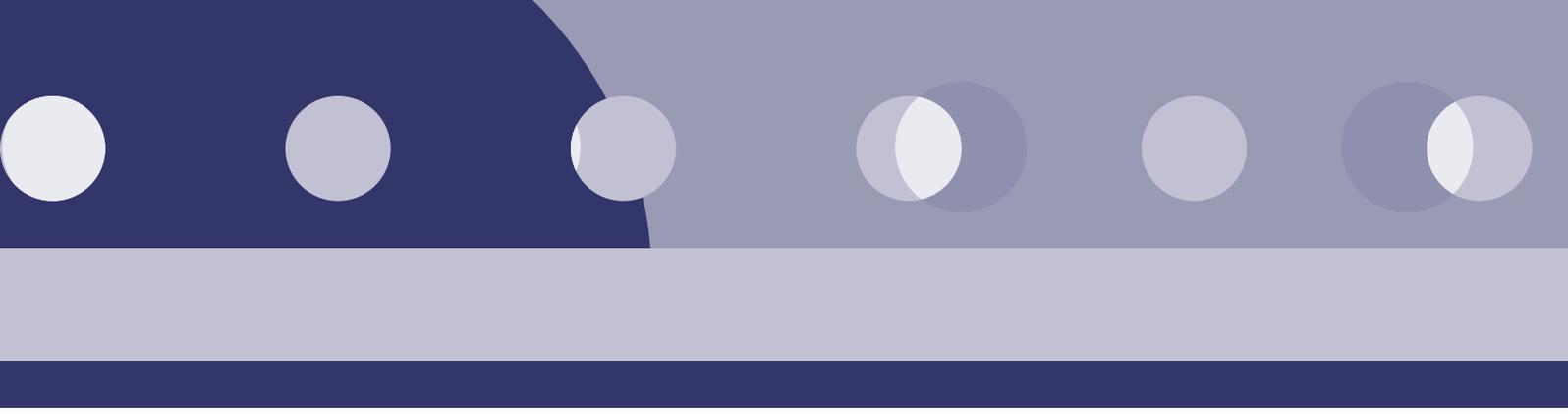
The VEC Audit Committee as a body is empowered in the discharge of its functions to have:

- Full access to all information and be entitled to obtain any information it requires from staff or external parties
- Retain professional advice or assistance in the performance of its functions
- Invite persons with relevant expertise who are not members of the VEC Committee to attend Audit Committee meetings
- Meet with the Committee officers, Internal Audit and External Auditors (C&AG).

#### **Meetings**

- The Audit Committee shall meet normally between two and four times a year. It is a matter for the Audit Committee, in consultation with the CEO, to decide the frequency and timing of the meetings.
- All Audit Committee members are expected to attend each meeting.
- The Audit Committee will meet normally between two and four times a year. It is a matter for the Audit Committee, in consultation with the CEO, to decide the frequency and timing of the meetings.
- All Audit Committee members are expected to attend each meeting.
- The Audit Committee will meet with the external auditors (C&AG) at least once a year.
- Only the Audit Committee members are entitled to be present at a meeting of the Audit Committee. The Audit Committee may invite members of management, the internal audit, external auditors (C&AG) or others to attend as necessary. The Audit Committee may ask those who are not members to withdraw to facilitate open and frank discussion of matters.
- Members of the VEC Audit Committee should not include the Chairperson of the VEC Committee and CEO, who will however, have the right of attendance.
- The CEO or the Chairperson of the VEC Committee may ask the Audit Committee to convene further meetings to consider particular issues.

- The CEO will make the necessary arrangements for the administrative requirements of the Audit Committee, inclusive of the preparation of meeting agenda, briefing documents and minutes to be issued in a timely manner to members.
- Meeting agendas will be prepared and provided in advance to members together with appropriate briefing materials.
- Minutes of meetings will be prepared and issued in a timely manner to Audit Committee members.
- The minutes of Audit Committee meetings will be furnished to VEC Committee members to be noted.

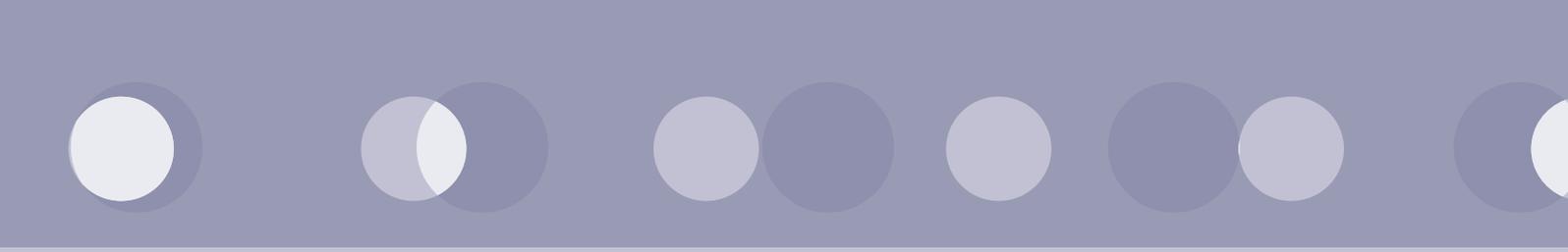


# Section Three

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## Section 3: Templates and Draft Policies

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## SECTION THREE - Templates & Draft Policies

### 10 Template for Statement to Minister for Education and Science to accompany Annual Accounts

#### **Statement to the Minister for Education and Science required by the Code of Practice for the Governance of VECs, para. 8.2, to accompany the annual accounts of the VEC being presented to the Minister and signed by the Chairperson, following a resolution of the Committee**

I confirm the following, to the best of my knowledge and belief, on behalf of the Committee of (Name of VEC), for the year ended 31st December, (year):

1. I acknowledge the statutory responsibility of the Committee in respect of the Financial Statement. All transactions undertaken by the Committee have been properly reflected and recorded in the accounting records. All receipts and expenditure associated with all activities of the VEC for the period have been included in the Annual Accounts.
2. I affirm that all appropriate procedures for financial reporting, internal audit, procurement and assets' disposal were carried out.
3. No circumstances have arisen or events occurred between the date of the Annual Account Statement and the date of this statement in respect of matters which would require adjustment to, or disclosure in, the financial statement or, which should be disclosed through some other medium other than those brought to notice.

**Alternate**

*The following circumstances have arisen/events occurred between the date of the Annual Financial Statement and the date of this statement which should be disclosed: (details to be inserted).*

4. The VEC has complied with all aspects of contractual agreements that could have a material effect on the financial statement.

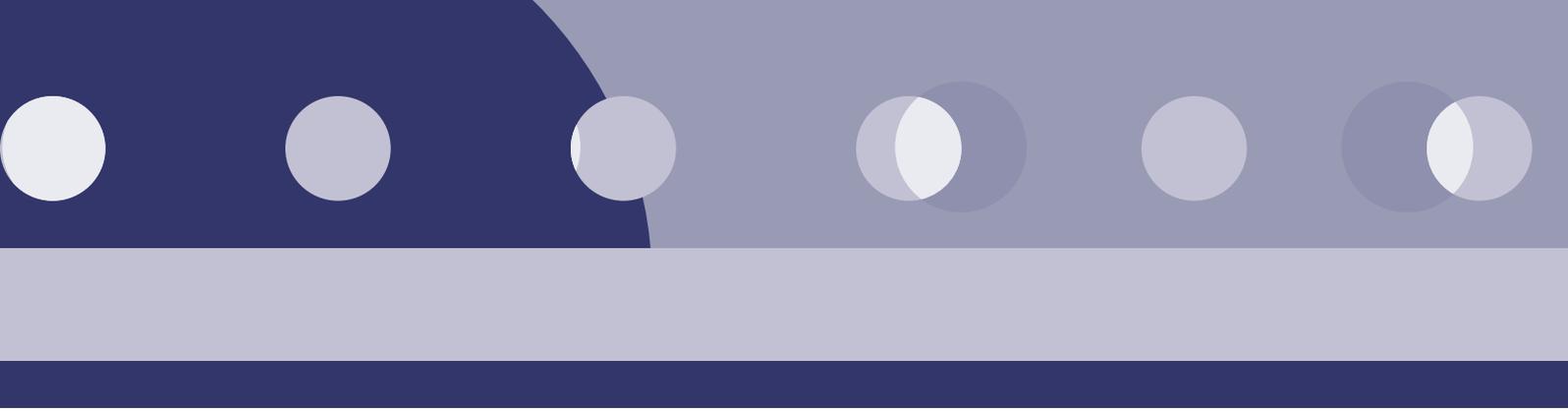
**Alternate**

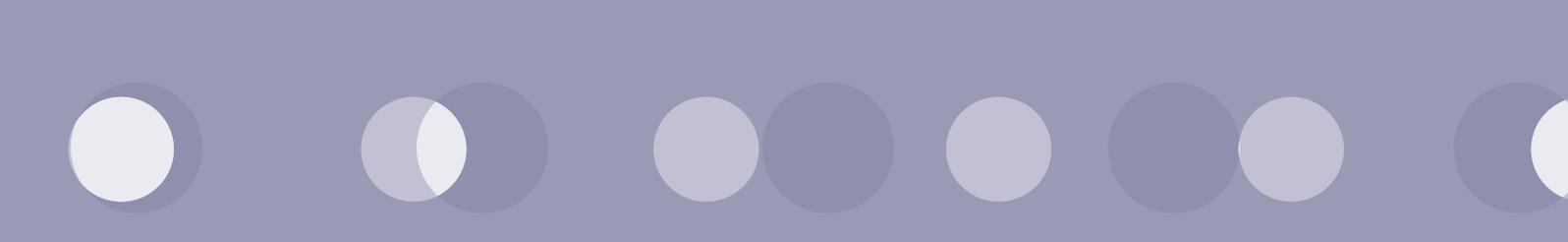
*The following matters relating to compliance have been raised by regulatory/tax authorities: Details to be inserted, including details of measures taken or under consideration.*

5. No transactions were entered into shortly before the accounting date with the intention that they should reverse shortly after that date, as not to present a true and fair view of the state of the affairs of the VEC.
6. The following financially significant events have taken place in the operations of the VEC in the course of the last year: - (list establishment of new schools, centres, the initiation of new major programmes and services, companies established by the VEC, or the sale or purchase of lands or buildings).
7. I affirm that Codes of Conduct for Members and Staff have been put in place and are being complied with.  
**Alternate:**  
*The following is the position in respect of Codes of Conduct for Members and Staff – insert details.*
8. I affirm that Government policy on pay, as advised by the Department of Education and Science, is being complied with.
9. I confirm that the Guidelines for the Appraisal and Management of Capital proposals are being addressed where appropriate.
10. I confirm that the Code of Practice for the Governance of VECs has been adopted and is being complied with.

Signed \_\_\_\_\_

Date \_\_\_\_\_





# SECTION THREE - Templates & Draft Policies

## 11 Statement on the System of Internal Financial Control (- Appendix D)

### Responsibility for the System of Internal Financial Control

As Chairperson of (Name of VEC), I acknowledge the responsibility of the Committee for ensuring that an effective system of internal financial control is maintained and operated.

The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.

### Key Control Procedures

The Committee has taken steps to ensure an appropriate control environment by:

- clearly defining management and staff responsibilities,
- establishing procedures for reporting significant control failures and ensuring appropriate corrective action,
- *establishing procedures for identifying and evaluating risks, for reporting significant failures and ensuring appropriate corrective action*

The system of internal financial control operated in (Name of VEC) is based on:

- detailed administrative procedures,
- segregation of duties,
- specific authorisations,
- monthly management review of reports outlining the actual and budgeted results of programmes operated by the VEC.

*The Committee's monitoring and review of the effectiveness of the system of internal control is informed by:*

- *the work of the audit committee which oversees internal audit, and*
- *the chief executive officer who has responsibility for the financial control framework*

An Internal Audit is provided by the VEC Support Services Unit. The most recent Internal Audit was conducted in [year] and included a review of the effectiveness of the internal financial controls in the VEC.

### **Alternate:**

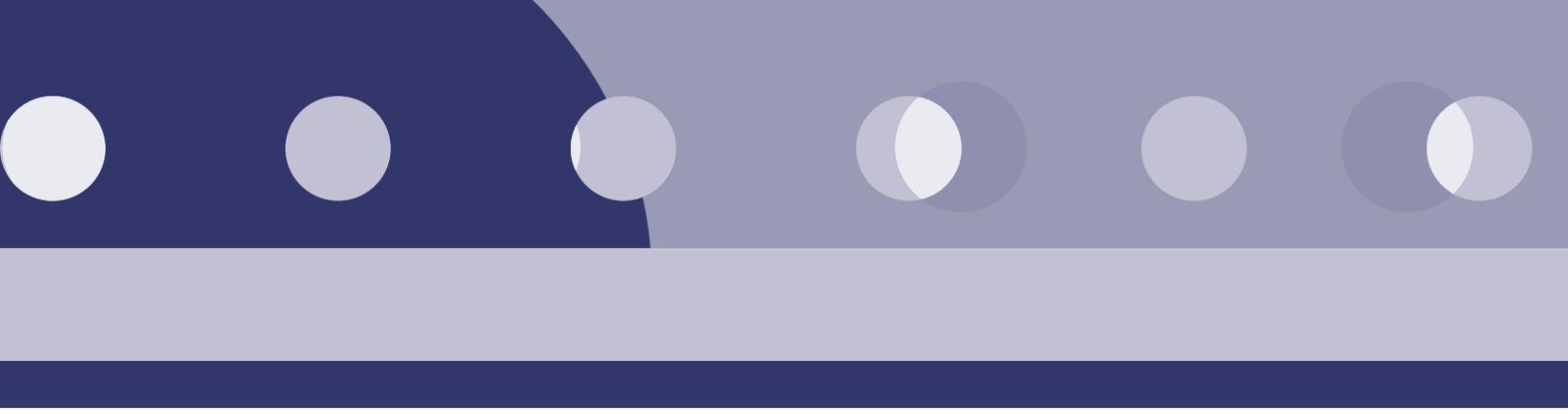
*An Internal Audit is provided by the VEC Support Services Unit. An Internal Audit is scheduled to take place in [year] and will include a review of the effectiveness of the internal financial controls in the VEC.*

### Annual Review of Controls

(Name of VEC) is committed to operating an efficient, effective and economic internal control system. While no formal review of the effectiveness of the system of internal financial control took place during the year, the system was kept under review on an ongoing basis having regard to the findings of the last internal audit and comments made by the Comptroller and Auditor General in his management letters.

Signed \_\_\_\_\_

Date: \_\_\_\_\_



# SECTION THREE - Templates & Draft Policies

## 12 Policy for Disposal of Assets and Draft Template for Register of Assets

### DISPOSAL OF ASSETS

#### LEGISLATIVE AND REGULATORY CONTEXT

##### Surplus lands

The disposal of surplus land by a VEC is governed by the provisions of the Vocational Education (Amendment) Act, 1936, Section 2:

#### **VOCATIONAL EDUCATION (AMENDMENT) ACT, 1936, SECTION 2**

##### **Disposal by vocational education committees of surplus land.**

- 2.—**(1) A vocational education committee may, with the consent of the Minister for Education, sell or let any land which is vested in such committee.
- (2) All moneys received by a vocational education committee on sale under this section or by way of fine on a letting under this section shall in the first instance be applied towards the payment of any principal moneys which are charged on the vocational education fund maintained by such committee, and the balance (if any) of such moneys remaining shall be paid into such fund.
- (3) Any moneys received by a vocational education committee by way of rent on a letting made this section shall be paid into the vocational education fund maintained by such committee.
- (4) Sub-section (1) of this section shall have and be deemed to have had effect as from the 21st day of July, 1930.

In accordance with the provisions of the Vocational Education (Amendment) Act, 2001, (Schedule 2) decisions in respect of the disposal of lands are functions reserved to Committee. In accordance with the Code of Best Practice for Corporate Governance in VECs the 'Committee should have a formal schedule of matters specifically reserved to it for decision to ensure the direction and control of the VEC. With reference to the reserved functions outlined under the governing legislation, this schedule should include (inter alia):

*Significant acquisitions, disposals and retirement of assets of the VEC or its subsidiaries. The schedule should specify clear quantitative thresholds for contracts above which their approval is required'.*

(Name of VEC) formally adopts as policy the following requirements in respect of the disposal of assets as set out in the Code of Practice for the Governance of VECs. (Section 5):

*'Each VEC is required to comply with the statutory provisions (VE (Amendment) Act, 1936) and procedures in the Department of Education's Circular Letter 7/88 concerning the disposal of assets or the granting of access to property or infrastructure for commercial arrangements. The disposal of assets, where such assets are surplus to general educational requirements, should be by auction or competitive tendering process, other than in exceptional circumstances (such as a sale to a charitable body). The method used should be both transparent and likely to achieve a fair market related price. The reserve value for the asset being disposed of should be determined on foot of a professional valuation, normally by the Valuation Office and recorded in advance in the VEC's records.*

*If an auction or competitive tendering process takes place and the highest bid is not accepted, it is desirable that specific Committee approval be required before the disposal of the asset, or the granting of access to property or infrastructure for commercial arrangements with third parties, can be completed. For reasons of transparency, such approval together with the reason why a lower bid was permitted to be accepted should be noted in the minutes of the VEC.*

*If an auction or competitive tendering process does not take place, then specific Committee approval is required before negotiations start and also before the disposal of the asset or granting of access to property or infrastructure for commercial joint venture arrangements with third parties can be completed.*

*No disposal of an asset or grant of access to property or infrastructure for commercial arrangements with third parties should be completed until the officer authorising the disposal or grant of access has certified formally*

that (i) specific Committee approval is not necessary, with the reasons therefore, or (ii) specific Committee approval, where necessary, has been obtained.

*In accordance with best practice, the disposal of assets to Members of VECs, employees or their families or connected persons, should, as with all disposals, be by a transparent method and at a fair market related price. A record of all such disposals to such persons (to include details of the asset disposed of, price paid and name of the buyer) should be noted in a register kept for this purpose (minor disposals below a threshold approved by the Committee may be omitted from the register). This register should be available for inspection, if requested, by the Committee or by any individual member. The Committee may retain a requirement that any disposal above an approved threshold may not be made without having been formally endorsed by the Committee, which may impose specific restrictions with regard to any such disposal.*

*In accordance with best practice, details of all disposals of assets or grants of access to property or infrastructure for commercial arrangements with third parties (save for connected third parties which is dealt with in paragraph 5.5) without auction or competitive tendering process should be formally reported, with the paid price and the name of the buyer to the Committee on an annual basis.*

*The Chairperson of the VEC, following a formal resolution of the Committee, should in the report to the Minister for Education and Science (see paragraph 8.2), affirm that the disposal procedures, as outlined above, are being observed.'*

Department of Education and Science Circular Letter, (7/88) is included in an appendix to this section for the assistance of VEC Committees and staff.

### **Policy Statement**

The guiding principle governing the disposal of the assets of (Name of VEC) is that the process should be transparent and likely to achieve a fair, market related price. The reserve value for the asset being disposed of should be determined on foot of a valuation by a professional valuer and recorded in advance in the VEC's records.

All disposals are authorised by the CEO. All disposals in excess of €50,000 must be presented to the Committee. The CEO may use discretion with regard to the tendering process in exceptional circumstances (such as a sale to a charitable body). All such exceptional instances should be presented to Committee for ratification.

### **Disposal in excess of €50,000**

All disposals of this order will be carried out by auction or competitive tendering procedure. Market value should be determined on foot of a valuation by a professional valuer, and recorded in advance in the VEC's records. Where, in exceptional circumstances, an auction or competitive tendering process does not take place, specific Committee approval is required before negotiations start and also before the transaction takes place.

If an auction or competitive tendering process takes place and the highest bid is not accepted, then Committee approval is required before the disposal of the asset or granting of access to property or infrastructure for commercial arrangements with third parties can be completed. Such approval together with the reason why a lower bid was Details of, and explanations for, the disposals of assets or grants of access to property or infrastructure for commercial arrangements with third parties above the threshold of €50,000 which have not been subject to auction or competitive tendering process will be included in the Annual Report to the Minister and formally reported to the Committee on an annual basis.

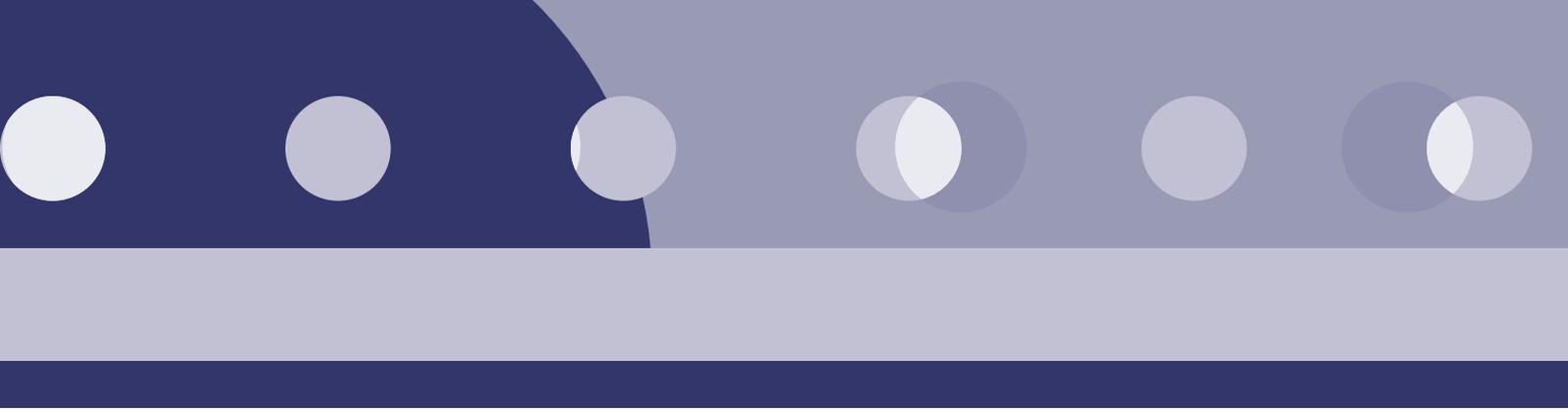
A record of disposals will be kept in a register and will include details of the asset disposed of, price paid and name of the buyer. This register to be available for inspection, if requested, by the Committee.

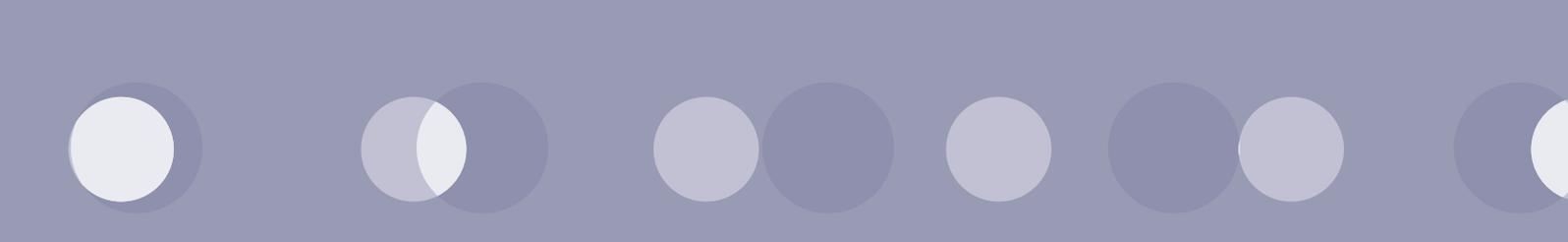
Note: The threshold of €50,000 as of 2004, may be adjusted by reference to the Consumer Price Index

### **Minor Disposals**

Subject to the guiding principle stated above, the CEO may authorise routine or minor disposals from time to time as appropriate.







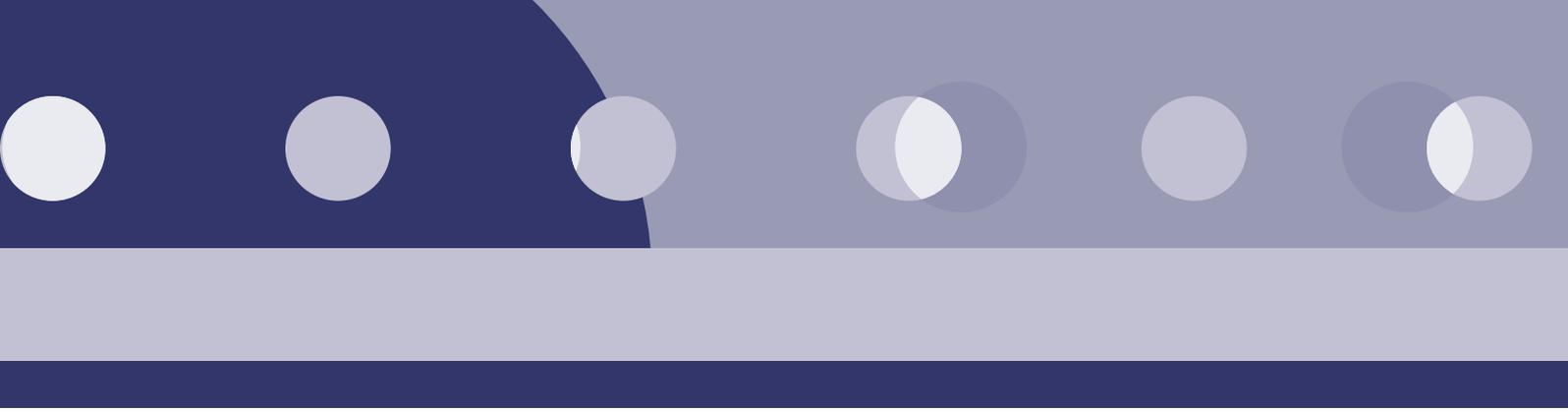
## SECTION THREE - Templates & Draft Policies

### 13 Policy and Procedures re 'outside employment' for VEC staff

The Code of Conduct for members of committee and for staff of VEC states:

*'The committee will not allow management or staff to be involved in outside employments or business interests in conflict or in potential conflict with the business of the VEC'.*

A statement to this effect should be included in all contracts of employment.



# SECTION THREE - Templates & Draft Policies

## 14 Draft Terms of Reference for VEC Finance Sub-committee as per Vocational Education (Amendment) Act, 2001, Section 32

### These draft terms of reference are presented for the guidance of Committees

A Vocational Education Committee is required under the provisions of Section 32 of the Vocational Education (Amendment) Act, 2001 to establish a Finance Sub-committee to report to the Vocational Education Committee on the income and expenditure of that Committee.

It is noted that Sections 43, 44, 45, 46, 47 and 48 of the Vocational Education Act, 1930 have been repealed by the commencement of Schedule 1 of the Vocational Education (Amendment) Act, 2001.

#### 1. Reserved Functions of the Finance Sub-committee

- i) the determination of its terms of reference
- ii) the regulation of its procedures
- iii) the removal from office of a member (other than the chief executive officer) and
- iv) the appointment of a Chairperson – these are functions reserved to the Committee
- v) the Finance Sub-committee shall report to the Committee not less than four times in each year.

#### 2. Draft Terms of Reference

The following draft terms of reference for the Finance Sub-Committee are presented for the assistance of Committees:

##### Membership:

- i) The Finance Subcommittee shall consist of not more than seven (7) members of the Committee, together with the chief executive officer. A quorum shall consist of a minimum of three (3) voting members.
- ii) In appointing members to the Finance Sub-committee the committee shall have regard to the requirement for gender balance.
- iii) Where the Finance Committee members do not have sufficient knowledge or experience in a particular area, the Finance Committee may invite persons with relevant expertise to attend meetings.
- iv) A member of the Committee will not be eligible to be a member of both the Audit Committee and the Finance Sub-committee.
- v) The Chairperson of the Finance Sub-committee may be appointed by the Vocational Education Committee.

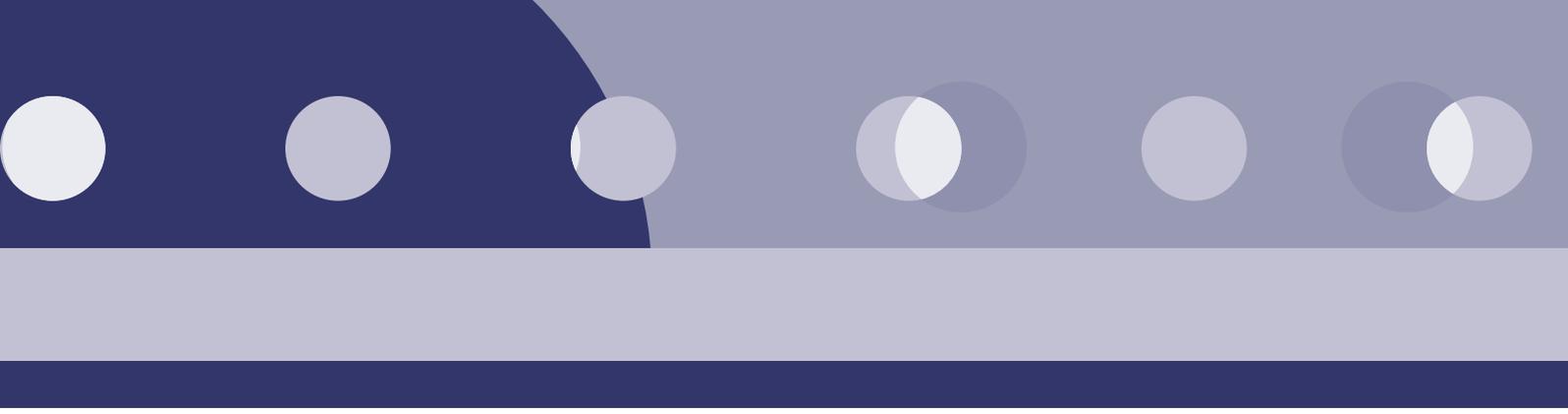
##### Functions

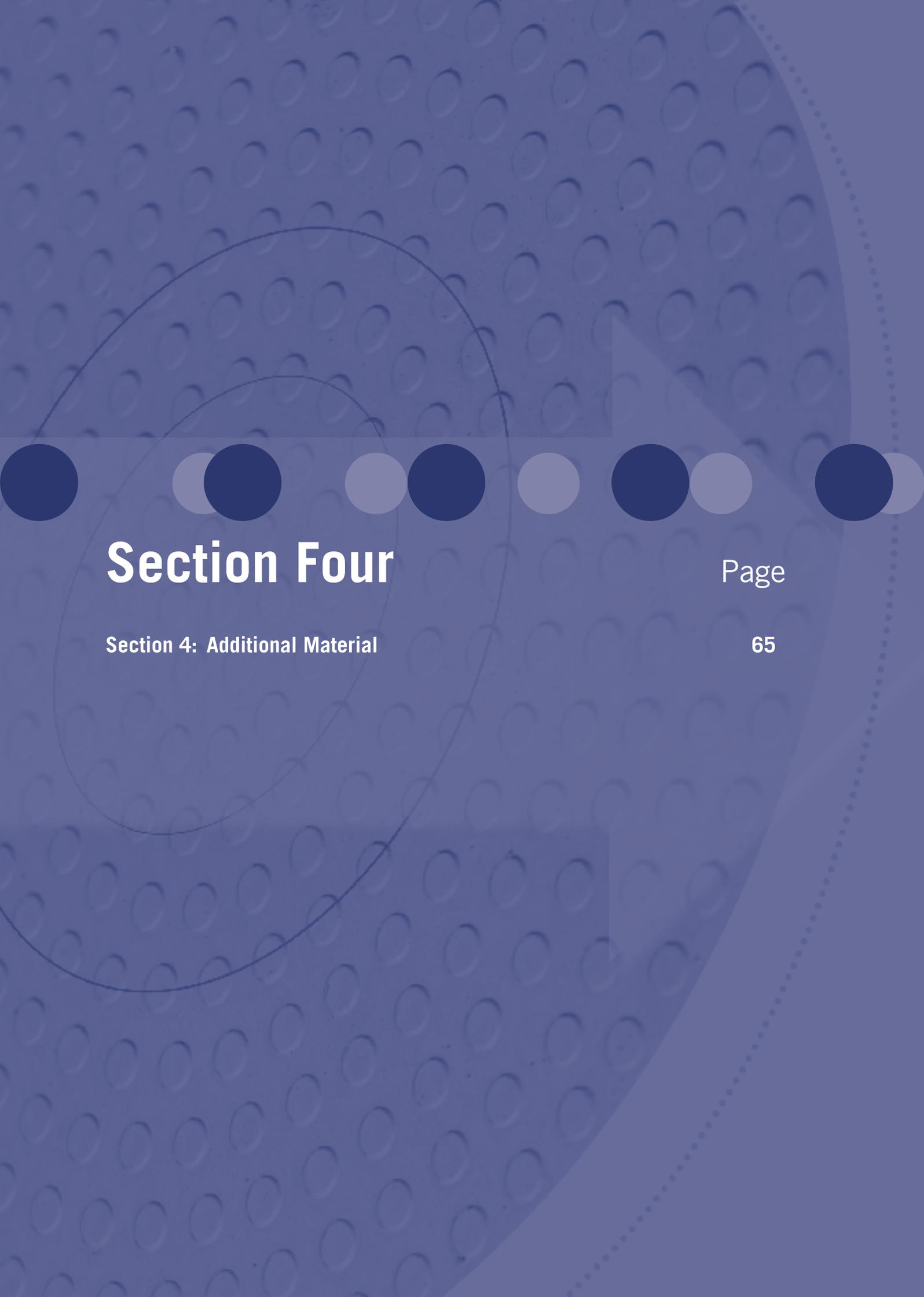
It shall be the function of the Finance Sub-committee to:

- i) Review and report to the Committee on the expenditure of the Vocational Education Committee not less than four times in each year;
- ii) Review and report to committee on the income of the Vocational Education Committee not less than four times in each year;
- iii) Review and report to committee on major contracts (i.e. contracts in excess of €50,000) to be awarded by the Vocational Education Committee;
- iv) Review and report to Committee on the financial aspects of the draft Service Plan and the draft Education Plan;
- v) To carry out such reserved functions of the Committee as may be delegated to it by the Committee.

##### Meetings

- i) The Finance Sub-committee shall meet at least four times a year in each financial year.
- ii) The Finance Sub-committee shall meet at the requests of the Committee or of the chief executive officer.
- iii) The CEO will make the necessary arrangements for the administrative requirements of the Finance Committee, inclusive of the preparation of meeting agenda, briefing documents and minutes to be issued in a timely manner to members.
- iv) Meeting agendas will be prepared and provided in advance to members, together with appropriate briefing materials.
- v) Minutes of meetings will be prepared and issued in a timely manner to Finance Committee members.
- vi) The minutes of Finance Committee meetings are furnished to VE Committee members for consideration.
- vii) The chief executive officer or a delegated officer shall make arrangements for the convening of meetings, the recording of proceedings and the preparation of reports as required by the Finance Sub-committee. *Formulation as per Audit Committee, i.e. Administrative Support Services*
- viii) If it becomes necessary for the Finance Sub-committee, as a body, in the discharge of its functions to take independent professional advice, the chief executive officer will make such arrangements.





# Section Four

Section 4: Additional Material

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## SECTION FOUR

### 15 Additional Material

Relevant Department of Education and Science and Department of Finance circulars and supporting documentation can be accessed through the IVEA website on [www.ivea.ie](http://www.ivea.ie) or the Department of Education and Science website [www.education.ie](http://www.education.ie) or are available electronically, upon request, from your local VEC office.