

NCSE Council Meeting 13th June, 2018
107th Meeting of the Council

Knightsbrook Hotel, Trim

Attendance: Council Members
Eamon Stack (Chairperson)
Sheelagh Drudy (Deputy Chairperson)
Eithne Fitzgerald
Helen Guinan
Joe Hayes
Johnny Murphy
Tom O'Sullivan
Finian O'Shea
Anne Tansey
Antoinette Nic Gearailt
Áine Lynch (present items 1- 7)

Apologies Don Mahon
Marion Meany

Also in Attendance: Teresa Griffin, Chief Executive (present items 1- 13)
Mary Byrne, PO (present items 1- 5 & 8- 13)
Jennifer Doran, PO & Board Secretary (present items 1- 13)
Niall Feeney A/PO (present items 1- 7 & 9- 13)

1. Private Council meeting

Council members discussed the external evaluation process and engagement with Mazars to date. It was noted that the draft report will be available in advance of the September meeting and will be tabled for discussion following a presentation from Mazars. It was suggested that Council might work in small groups for discussion during this session.

The executive will review the draft report in advance of circulation to check for factual accuracy and will engage with Mazars as necessary to finalise the report.

An update on the appointment of new members of Council was provided. It was noted that the CEO and Chair met with DES to provide advice on the experience and skills required for Council.

2. Reminder – Declaration of interests (standing governance item)

The Chairperson reminded members about declaring interests, as per the Code of Conduct for Council members. There were no items to declare.

3. Draft Minutes of the meetings on 27th April and matters arising

The draft minutes were approved subject to two amendments. Under item 6, the second bullet should be moved to the third last bullet. Under item 13, the third last bullet point should be spilt into two.

There were no matters arising.

4. Chief Executive Report

The report was circulated in advance to members. A number of further updates were provided on the day.

- The Minister wrote to the NCSE noting receipt of the report of the SNA review and his commitment to develop proposals for implementing its recommendations. The DES has established an Implementation Working Group and are progressing the matter with DPER.
- Following on from the last Council meeting, the CEO wrote to the DES regarding the implications for the NCSE of Section 2 of the Disability Act on the education of adults with a disability. The DES is seeking legal advice on the matter and will arrange a meeting to discuss.
- The Working Group on planning for special schools and classes has progressed with two meetings already held with the DES.
- In relation to the three year review, by early May, 90% had been completed and the process will be finalised soon. The outcome of the process will be reviewed over the summer and an update provided at the September Council meeting.
- The model in use for the In-school therapy project was discussed. It was noted that it will be the tiered model of provision similar to the existing model currently provided by the NCSE. It has been agreed by the Working Group represented by the Departments of Health, Children, Education & Skills, the NCSE and the HSE. It was noted that the executive was contacted by one of the universities in relation to service delivery models and a forthcoming seminar that will feature a Canadian speaker on a similar model of service delivery. The executive agreed to follow up as appropriate.
- Under 2.4.2 in the CEO report, career guidance is now referred to as 'guidance'; this was noted for future reference.
- Under 2.4.4 it was agreed that the NCSE transitional guidelines will be sent to the Committees.

5. Update on Admissions Bill

A presentation on the forthcoming Admissions Bill was provided for Council feedback.

- Council noted that the Minister, rather than the NCSE, has the authority to compel a school to open a special class.
- It was suggested that the DES might simplify the process compelling schools to open a special class and consider reducing the number of days at each stage.
- It was noted that the element relating to special classes does not apply to fee paying schools.
- The authority provided to the NCSE to designate a school placement for a student will require careful planning and management when working with schools. The potential for schools to continue to place soft barriers to enrolment can be reduced by the NCSE support service helping schools develop capacity and expertise.
- It will be the NCSE who decides what the best interests of the child are when determining a school placement and the interests should incorporate social and academic interests. It was noted that some countries have frameworks developed for determining best interests and the NCSE should consider these. A consultation day with stakeholders to discuss the matter would be helpful.

- It was suggested that an introductory statement would be helpful noting that the current policy is that pupils should be educated with the peers and that all schools are resourced equally.
- Council noted the positives within the Bill for the system.

6. Audit and Risk Committee Report

The minutes of the meeting were circulated with the papers.

6.1 Internal audit report- SIFC

- The internal audit report on the system of internal financial controls was discussed at the Committee meeting. One of the recommendations in the report suggested that Council members travel expenses should be approved by the Chair and the Chair's expenses should be approved by the Chair of the A&R Committee. They are currently approved at Principal Officer level in the NCSE. The auditor confirmed that no issue was raised on this item during the audit and that it is not a new required standard. It was recommended as a low priority issue and the basis for the recommendation is to avoid a potential/hypothetical risk of duress in the sign off on personal claims of senior staff and members. The Committee were of the view that it would create an undue burden to the Council Chair and Chair of the A&R Committee and that such work was more an operational function for the executive which is currently at an appropriate level within the organisation.
- The A&R Committee are recommending that Council consider rejecting this recommendation and to maintain the current approval system as is. Council agreed to this proposal.
- The NCSE will write to Mazars on this matter regarding this recommendation in the report.
- It was suggested that the A&R Committee meeting minutes be amended under point 4.2.2 to indicate a member of the Committee communicated the matter regarding the recommendation and that the member should not be named.

6.2 Procurement for internal audit services

- It was noted that the procurement process for the renewal of the internal audit process was underway and the tenders will be evaluated over the summer. Council will be informed in due course on the outcome.

6.3 Appointment of new Chairperson

- The appointment of the new Chairman was discussed. The current Chair has served for two terms and is not seeking re-appointment. The PAS may have a role in appointing this position. This will be determined and if not, an alternative appropriate process will be determined.

7. Finance Committee Report

The Finance Committee met in advance of the Council meeting.

7.1 2018 Budget & Expenditure to date

The deficit in relation to the NCSE budget was identified at the previous Council meetings. At the last meeting, the executive agreed to review the budget deficit areas, identify priorities and outline the impact of not receiving the funding and provide the submission to the DES.

Following the review exercise, the deficit identified was reduced to approximately €600k, with the possibility to reduce it further by another 140k as outlined in the letter circulated with the papers.

A meeting is scheduled with the DES to discuss the submission and an update will be provided at the next Council meeting.

7.2 2017 Draft Unaudited Accounts

The draft accounts were sent to the C&AG in March and the audit commenced on 1st May. The fieldwork has been completed. There were adjustments required to the accounts as per the new requirements under the Code of Practice; other routine adjustments were also required. The C&AG continue their review and engagement with the NCSE.

Two main issues were identified during the audit. One relates to the lack of consolidation of the two education centre accounts with the NCSE's accounts. This matter appears to have been resolved through a series of explanations and correspondence from the DES to state that they were satisfied with arrangements put in place regarding the accounts.

The second issue relates to non-compliance with procurement guidelines on three contracts which were rolled over rather than conducting new procurements. Under the Code of Practice, non-compliance with procurement guidelines need to be disclosed in the Statement of Internal Control and the Chairpersons' letter to the Minister. These revisions were made and approved by the A&R Committee at their recent meeting. These contracts will be re-procured (one has already been done). In addition, the procurement procedures will be revised, the contracts register will be updated and a quarterly compliance review will be put in place for all current contracts.

Council noted the update.

7.3 Bank Payment Authorisers

Approval was sought to update the list of bank payment authorisers to include two new authorisers and remove two members of staff who have left the organisation. Council approved the updated list.

The executive will explore if it would be more appropriate for the Council to delegate this authorisation to executive level as a delegated function. This would prevent a delay in waiting for Council meetings to seek approval. A recommendation will be provided at the next Council meeting based on the review.

8. Educational Provision for Adults with Disabilities and the Disability Act

A presentation was provided by Marion Wilkinson, Senior Policy Advisor, NDA

A number of issues were raised following the presentation.

- The assessment of need (AoN) process and the competence of the personnel within the HSE is something that education should advise on as the expertise lies more in education than health.
- The NDA has done work on the AoN process in the HSE and while it is not education focussed, it would be helpful to look at this work.
- It was noted that SOLAS will have a role to play and it will be important to engage with them on this topic.

- It will be helpful to look at approaches taken in other jurisdictions and Norfolk and Manchester were noted as having good protocols of engagement between education, health and disabilities providers.
- The NDA offered to support the NCSE on any work that may arise in this area in the future.

9. Strategy and Policy Committee Report

The Committee met before the Council meeting. The Chairperson provided a verbal report on this meeting.

9.1 Disability Act

The Committee considered the implications of Part 2 of the Disability Act for the NCSE.

The NCSE will prepare a discussion paper on the implications of Part 2 for the education of adults with disabilities; any additional responsibilities that may arise for the NCSE and how best the NCSE should prepare and plan for this. The paper will also outline what the NCSE has already done in this area.

9.2 Special classes policy advice

An outline of the proposed timeframe for the development of the policy advice on special classes was circulated to Council and it was noted that the start date would be in July with a possible Jan/Feb 2020 publication date.

The terms of reference for this advice have yet to be agreed but will determine if the advice will include special schools also.

10. Update on ISL Act

A paper was circulated in advance, which outlines the NCSE's proposals around what students who use ISL as their primary language need to support their education.

Council approved the paper as presented for submission to the DES.

11. GDPR update

An update on the GDPR regulations was provided. The main changes relate to transparency and accountability.

In preparation for the commencement of the Act in May, the NCSE reviewed and updated our processes and engaged with the DES and other agencies as appropriate.

There was an issue with regard to the transport application processes. The NCSE transfers information to the DES to make decisions on transport. While an interim data control agreement has been put in place for this data with the DES, this needs to be reviewed further to ensure full compliance.

Another issue relates to assistive technology where we transfer sensitive data to the DES to make decisions on AT. The DES considered the NCSE did not have the legal authority to transfer the information. Meetings continue with the DES to get a satisfactory arrangement in place for this. The transfer of data has been put on hold until the matter has been clarified and applications cannot be processed.

Council noted their concern that the matter has not been resolved and the potential impact on service delivery. The executive were asked to progress the matter with the DES as soon as possible.

12. Research Committee Report

There has been no Committee meeting since the last Council meeting; a general update on activity was provided.

- The first draft of the final report for the ITE for Inclusion research project has been submitted and will be reviewed externally and by the advisory group. The second draft will come to the Research Committee for review when received.
- There is a need for research to inform the development of policy advice on special classes and the nature and range of this will be considered by the executive along with by whom it will be undertaken.
- The RFT for the evaluation of the in-school therapy project will be developed and will need to be approved at a number of levels- the Interdepartmental Working group, the Research Committee and Council over the coming month. It will be necessary to seek sign off on the RFT via email as the next meeting is not until September and the RFT must be advertised in advance of this.

13. AOB

- An update was received from the DES to confirm approval from the Minister for the process for the appointment of new and re-appointment of existing eligible Council members to the new Council.
- The Joint Oireachtas Committee on Education and Skills has invited the CEO to discuss the education of students with ASD and special classes on 26th June.
- The positive response and feedback arising out of the launch of the Comprehensive Review of the SNA scheme was noted by Council members.

Eamon Stack
Chairperson
6th September, 2018

Teresa Griffin
Chief Executive
6th September, 2018