

NCSE Council Meeting 6th September, 2018
108th Meeting of the Council

Trim Castle Hotel, Trim

Attendance:

Council Members

Eamon Stack (Chairperson)
Sheelagh Drudy (Deputy Chairperson)
Eithne Fitzgerald
Helen Guinan
Johnny Murphy
Tom O'Sullivan
Finian O'Shea
Anne Tansey
Don Mahon
Antoinette Nic Gearailt (present items 1- 7)
Áine Lynch (present items 5- 12)

Apologies:

Joe Hayes
Marion Meany

Also in Attendance:

Teresa Griffin, Chief Executive (present items 2- 12)
Mary Byrne, PO (present items 2- 12)
Jennifer Doran, PO & Board Secretary (present items 2-12)

1. Private Council meeting

1.1 Draft Council External Evaluation Report

A representative from Mazars made a presentation on the Draft Council External Evaluation Report on the effectiveness of the Council and Council Committees of the NCSE. This is required under the Code of Practice for the Governance of State Bodies. The report was based on the responses to a survey and interviews with Council members and a desk-based review of documents related to Council / Committee performance. The report identified areas of good practice with high levels of satisfaction expressed by members about the Board's effectiveness across the areas explored. These areas were:

- A. Role of the Board
- B. Oversight Agreement
- C. Division of Responsibilities
- D. Board Effectiveness
- E. Codes of Conduct and Conflicts of Interest
- F. Business and Financial Reporting
- G. Risk Management, Internal Control, Audit & Risk
- H. Performance Evaluation
- I. The Board's Relationship with Management
- J. Board Committees.

Some recommendations arising from the study were identified. There was an opportunity for questions to the Mazars representative. This was followed by a private discussion of the report by Council members. Some errors of fact and some issues requiring clarification were

identified in the draft report. The Chairman agreed to give feedback to Mazars to enable them to finalise their report.

Action Point 1: The Chairman is to provide feedback to Mazars to enable finalisation of the evaluation report on Council.

1.2 Report of the CEO Performance Committee

The CEO Performance Committee made a verbal presentation on the interim review of the CEO performance since the last review meeting on 20th January 2018. The Committee was very satisfied with the CEO performance. The end-of-year performance review will be conducted at the December Council meeting.

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

The Chairperson reminded members about declaring interests, as per the Code of Conduct for Council members. Eithne Fitzgerald advised the Council of a new advisory role to the Department of Health on policy matters and has submitted a revised Declaration of Interests form as required under the Ethics in Public Office Act. There were no items to declare.

3. Draft minutes of the meeting on 13th June and matters arising

The draft minutes were approved subject to two amendments. One related to item 6.1 which should include a clarification note that the auditor confirmed that there was no issue raised regarding the recommendation proposed during the audit that was rejected by the Council. The second issue relates to the wording of item 9.1, which should read Part 2 rather than Section 2.

4. Chief Executive Report

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

- Work is on-going on the implications of the Admissions to School Act for the NCSE and the functions that will arise. There will be a number of consultations sessions held with our stakeholders to inform this work.
- The CEO has been invited by the United Arab Emirates to contribute to a Policy Dialogue on inclusive education policy on 17th – 19th September 2018. There will be 250 delegates in attendance and a number of international speakers along with the CEO.
- The CEO will be formally moving her office base from Trim to the Dun Laoghaire office from 10th September. This is to minimise the extent of time lost as a result of ongoing meetings in relation to the expansion of the NCSE and the change management process.
- Under item 1.1.2, it was confirmed that the SNA numbers left are 140 to the end of December and that 14 were left unallocated as at the end of 17/18 school year. There was no decline in the number of applications for SNAs this year despite the new special education teacher allocation being introduced. It was suggested to have an update on the analysis previously done regarding age profiles and SNAs allocations for discussion at the next Council meeting.
- Council noted the progress update provided on the work plan.
- The NCSE received a letter from the DES regarding the Unified Government of Ireland Identification initiative which was circulated with the papers. It has been confirmed that the matter will not be relevant to agencies until 2019. However, there is no definition of what a 'communications campaign' is, so this will be clarified in relation to the work we currently do on communications.

The issue of how this may impact on our policy advice role which is an independent statutory function was queried. It is unclear how providing advice to government that bears the government logo could be independent or provide the DES with an opportunity to consider the recommendations. It may also erode our independent role in this regard.

The CEO will write in response to the letter to note the views of Council on this matter and report back at the next Council meeting.

- Under the current reserved Council functions, Council are required to formally approve the appointment of the two new PO posts. As these posts are part of the civil service recruitment process, the appointments should be part of the delegated functions to the CEO and this revision will be included in the revised reserved and delegated functions later on the agenda.

Council approved the appointments.

Action point 2: CEO to write to DES in respect of the unified government of Ireland identification initiative.

5. Review of reserved and delegated functions

A review of Council reserved and delegated functions was undertaken and a number of revisions were proposed in the circulated papers.

Council agreed to the proposed changes with one exception. This is in relation to moving the approval of bank authorisers from a reserved to a delegated function. It was agreed to include one of the following approvers along with the CEO- the Council Chairperson or Deputy Chairperson or the Chair of the Finance Committee.

Action point 3: JD to amend (i) Council reserved and delegated functions in line with approved arrangements and (ii) the financial procedures to include the Council Chairperson/Deputy Chairperson or the Chair of the Finance Committee as options for a co-approver of bank authorisers along with the CEO.

6. Reflections on the work of the Consultative Forum

Breda Corr, the Chairperson of the Consultative Forum provided a presentation to Council on the Forum, outlining what works well and areas that could be improved. The following points were made:

- The membership is considered wide and very representative of the sector and attendance is good. There's a good balance of views and people learn from the topics covered and from other members. The range of topics discussed is very wide.
- The role of the Chair is important to ensure that topics are discussed in-depth and that members have a fair opportunity to contribute equally. It can be challenging for the Chair to chair the meetings while at the same time contribute their views as a member. Currently, the Chair is nominated and voted from among members of the group. This can

be difficult in situations where some members do not know each other. It was suggested that the NCSE consider taking a more active role in either selecting the chair or acting as chair.

- It was suggested that greater notice of agenda topics be provided in advance and to circulate the papers sooner if possible to allow for preparation and an opportunity to consult with colleagues from nominating bodies. It was also suggested to allocate more time to topics on the agenda or have less items on the agenda.
- It was suggested that members should be regularly reminded that their role is to provide views of their nominating sector, rather than individual or personal views.

7. Procedures for establishing the Consultative Forum

The term of office for the current Forum expires the end of December and Council agreed to review the procedures for establishing the Forum in advance of appointing a new one. The current procedures for selecting and appointing members to the Consultative Forum were circulated with papers. Two specific issues were raised in the paper for consideration.

1. The Teaching Council had previously written to the NCSE requesting an automatic place on the CF. Council did not agree to this as this would lead to other agencies making such requests and it would therefore provide them with an unfair advantage. The Teaching Council will continue to be invited to nominate to the Forum but will be considered alongside all other nominations.
2. The NCSE had also been written to by an individual seeking to have a practicing teacher on the forum. Council noted the importance of having representatives not far removed from practice on the ground and this is always considered when selecting nominations. Such a nomination will continue to be considered as part of the existing criteria as they are eligible for nomination and consideration under section 22 (4) h as per the EPSN criteria.

The following additional points were agreed.

- Council considered that the current selection and appointment criteria used were satisfactory and agreed to maintain these procedures.
- In relation to replacing resignations and retirements, the current procedure that the nominating body would nominate another individual is not to be continued. It was agreed that such decisions would be made by Council on a case by case basis to ensure the balance, gender and other requirements as set out in the procedures are maintained. In advance of seeking nominations, organisations will be made aware of this.
- In relation to the points made in the earlier discussion about selecting the Chairperson, it was noted that having a formal link with the Council would be helpful and that the Chair could be a Council representative. It was also noted that it is not appropriate for the executive to act as Chair as this could be a conflict of interest. It was agreed that the executive will bring a proposal to the next Council meeting for further Council consideration.
- It was agreed to make the term of office for the Consultative Forum four years in keeping with the four year term for the next Council.

Action point 4.1: CEO to advise Teaching Council of the Council's decision regarding their request for permanent representation on the Consultative Forum.

Action point 4.2: Executive to formulate options on selecting the next Consultative Forum Chairperson and bring proposal to next Council meeting.

8. Finance Committee Report

The Finance Committee met in advance of the Council meeting. There are two items for Council noting.

8.1 2018 Budget & Expenditure to date

Council noted the original operational budget and the revised operational budget which incorporates the sanction to increase the non-pay budget using savings arising out of the in-school therapy demonstration project.

Council approved the revised operational budget and noted the expenditure to date.

8.2 2017 Draft Unaudited Accounts

It was noted that the NCSE now needs to consolidate the 2017 accounts with the two education centres' accounts and that the original set of accounts will be set aside. The executive are engaging with the education centres to prepare for the consolidation. A deadline will be set for the education centres to return their accounts and then for the executive to arrange the consolidation. It is aimed to have the draft accounts for sign off at the October Council meeting. There may be a need to have special Committee and/or Council meetings to provide for approval in this period.

9. Strategy and Policy Committee Report

The S&P Committee met on 3rd September. There was one item on the agenda relating to Part 2 of the Disability Act and its implications for the organisation.

The Committee considered a draft scoping paper on the issues. The Committee proposed that Council would now seek a meeting with the DES to outline the issues arising and to seek the DES views on:

- The NCSE's responsibilities, additional functions that may come to the NCSE, resources required and how the NCSE should plan for this.
- Clarification on definitions including the definitions of disability under EPSEN and the Disability Acts and the term 'substantial restriction'.
- Whether the Act will apply to all adults in 2020 or just those who turn 18 in 2020.
- The need for preliminary cross-sectoral discussions and planning.

It was noted that Teresa Griffin and Mary Byrne will request to meet with the DES on the basis of the letter to progress the work.

Action point 5: CEO to write again to DES and seek meeting on the Disability Act and to obtain DES views on the four above issues.

10. Updates

10.1 Transition of services

The work plan continues to be delivered. Arrangements are being put in place for an interim regional management structure in advance of obtaining sanction for the permanent structure.

A detailed plan has been developed to wind down the services provided by the two education centres by the end of the year. Sanction is being sought from the DES/DPER for NCSE to recruit

directly the equivalent of the 10 education centre staff and to commence the recruitment process as soon as possible so they may start as early as possible in 2019.

The Practice Development section has identified a long list of programmes that were provided by the former NBSS and SESS. It is now necessary to prepare for the procurement of a certain number of these services. A paper is under preparation, for submission to Council in October on the arrangements being put in place for future procurement of these programmes.

Two programmes currently require Council approval:

1. The contract for the TEACCH programme, which is a sole provider and therefore does not require a procurement process, needs to be extended. As the contract value for the service is approximately €170k, it requires Council approval for this expenditure.

Council approved this expenditure.

2. St. Angela's College delivers a post graduate programme for SEN, in conjunction with the NCSE staff. This programme forms part of a suite of CPD programmes provided by the Colleges of Education and funded by the DES. Discussions regarding procurement of this programme have started with the DES. . Arrangements for its future procurement will be outlined in the paper under preparation for Council.
3. In the meantime this service must be continued for 2018-2019. The contract value for the continuation of this service is €60k and requires Council approval.

Council approved this expenditure.

It was suggested that the NCSE should review all teacher education programmes in ASD given the growth in expertise and programmes in this area. The NCSE intends to look at the full programme of CPD for all SEN- not just in the area of ASD and has met with the TES to discuss this. The Teaching Council will also be involved in this review.

10.2 Policy advice on special settings

Information under this item/point relates to an ongoing deliberative process and is thus not being published at this time.

11. Research Committee Report

The minutes of the meeting on 4th July were circulated with the papers and the topics covered were outlined.

On 30th August, a second Committee meeting was convened to review the tenders received for the In-school therapy project and the Committee determined the preferred bidder.

The research conference agenda was circulated with the papers. The themes for the conference this year are different to previous years and will be of interest to groups outside the usual education stakeholders, given the focus on lifelong learning and the in-school therapy provision. It was suggested to change the title of the morning session to note the transitions is from school and to consider someone from the National Learning Network on the panel.

12. AOB

Members were informed that on 15th September, there will be a book launch in Mary Immaculate College on ASD which uses information from the evaluation of ASD services previously commissioned by the NCSE. Members were invited to attend.

A Council member indicated they were experiencing difficulties claiming expenses. It was agreed that the executive would contact the member separately to provide support in making claims.

Action point 7: Member of the Executive to be available at the next meeting to provide support, as needed, on claiming expenses.

Eamon Stack
Chairperson
31st October, 2018

Teresa Griffin
Chief Executive
31st October, 2018