

**MINUTES OF PROCEEDINGS OF A MEETING OF THE TRANSITIONAL BOARD
HELD ON WEDNESDAY, 14 SEPTEMBER 2011 AT 2.00 PM IN THE BOARD ROOM**

1. PRESENT Mr M P Campbell (Chairperson)

Mrs R Brownlee	Councillor J McCrum
Councillor S Clarke	Councillor S McRoberts
Dr P Cunningham	Professor P Murphy
Mr C Mackin	Rev Canon J McKegey
Mrs C M McCaul	Mr J Wilkinson

2. IN ATTENDANCE

Mr A P Murphy, Ms L Ayling, Mr G P Butler, Mr J Curran, Ms H Duffy, Mr P Mackey, Dr C Mangan and Mrs L McCall.

3. APOLOGY

An apology had been received from Mr R McVeigh.

4. APPOINTMENT OF OFFICERS

Mr Murphy drew attention to funding arrangements for the posts contained within the report. It was proposed by Mrs Brownlee, seconded by Dr Cunningham, and agreed that the report** (B/9/11/2) prepared by the Head of Human Resources be adopted.

5. MINUTES OF BOARD MEETING HELD ON 29 JUNE 2011

On the proposal of Councillor Clarke, seconded by Mr Mackin, the minutes* (B/6/11/3) of the meeting held on 29 June 2011 were approved as an accurate record and were signed by the Chairperson and the Chief Executive.

(Mrs McCaul entered the meeting at 2.08 pm.)

6. MATTERS ARISING FROM THE MINUTES

6.1 EQUALITY SCHEME (14)

The Board noted that the Equality Scheme had been submitted to the Equality Commission by 1 August 2011. Copies of the final version were made available to Members.

6.2 AUDIT COMMITTEE : MINUTES OF MEETING HELD ON 13 JUNE 2011 (18)

As no Member of the Audit Committee had been present at the June meeting to second Mrs McCaul's proposal to adopt the minutes, the minutes had again been presented to the Board.

It was proposed by Mrs McCaul, seconded by Professor Murphy, and agreed to adopt the minutes* (A/6/11/4.2) of the meeting held on 13 June 2011.

7. CHAIRPERSON'S BUSINESS

7.1 CHAIRPERSON'S EVENTS

The Chairperson reported that the ELB Chairpersons had met the Minister in Rathgael on 5 July 2011. Discussion had focused on budgets, severance and regionalisation of services. He advised that assurance had been sought from the Minister that all services, without exception, could be reviewed as part of the approach to deliver savings across the education sector. The Board noted a letter** dated 18 July 2011 from the Minister to the Chairperson asking Boards to develop and bring forward specific proposals for regionalisation as a matter of urgency.

The Chairperson stated that he had attended the Chief Executive's Accountability meeting with DE officials on 7 July 2011. The Chief Executive and he had also met the Chairperson and Chief Executive of the Southern Health & Social Care Trust to investigate areas for further co-operation across Health and Education.

The Chairperson referred to the death of Mr F Bunting, recently retired Northern Secretary, INTO, and advised that Mr Curran and he had represented the Board at the funeral on 31 August 2011.

The Chairperson extended the Board's congratulations and best wishes to Mr Wilkinson on the opening of the sixth form facility at Dromore High School. The Chief Executive and he had attended the official launch of the new sixth form provision on 1 August 2011.

The Chairperson advised that he had met Mr S Hogan to discuss the future functioning of ESAIT on 2 September 2011. On 9 September 2011 he had represented the Board at the installation of the Major of Craigavon, Councillor A Carson.

7.2 SELB CORPORATE PLAN 2011/12

The Chairperson advised that copies of the Plan were available for Members.

8. VOLUNTARY SEVERANCE 2011/12 : DE LETTER DATED 24 AUGUST 2011

The Board noted the DE letter* (B/9/11/6) advising that the Minister had made available resources for a further voluntary severance programme in 2011/12. The programme was intended to support the delivery of key areas of the Savings Delivery Plan and key targets agreed in Resource Allocation Plans. The Board noted a further letter** (B/9/11/6) from Mr G Boyd dated 9 September 2011 setting out the specific requirements of the 2011/12 voluntary severance programme. The letter had particularly asked the Board to bring forward proposals which would reduce costs and delivery savings in management and administration and in professional support services. Mr Murphy advised that he was meeting Mr G Boyd the following day to discuss issues raised in the letter and to highlight that the timescale given to forward proposals to ESAIT was unrealistic.

Mrs McCaul welcomed the reference in the letter to reshape professional support services where this could deliver greater efficiencies without impacting on the service provided to children and young people. Dr Mangan stated that as the needs of children had changed, demands within certain services had increased and demands in other services had decreased. A reconfiguration of certain service could therefore take place at this stage which would provide the commencement of a restructure that could lead to greater efficiencies in due course.

Mrs McCaul stated that DE and Mr G Boyd should be leading the Boards on convergence activities. The Chairperson stated that he had raised this issue with the Minister and with Mr S Hogan. Mr Murphy advised that, in the absence of political agreement, the five Chief Executives were being asked by the Minister to develop and bring forward specific proposals for regionalisation.

9. PROPOSED SHARED MUSIC SERVICE ACROSS SELB AND WELB

Mr Mackey said that the Voluntary Service Business Case for the Music Service had allowed for a 'bumped' redundancy offset against the Head of Music Service post. The intention had therefore been to appoint a replacement Head of Service from within the management cohort of the SELB Music Service staff and not replace a post at a lower grade. He explained that the ensuing selection and recruitment exercise had been unable to appoint a replacement Head of Service. Senior management had therefore examined alternative means to provide this support and consideration had been given to one Head of Service operating across WELB and SELB. The proposal would require a realignment of the Music Service in WELB with SELB, namely one Head of Music Service across the two Boards and two Deputy Heads in each Board, thus creating a 50% saving in the Head of Service's staffing costs to each Board.

Dr Cunningham stated that he had chaired the recruitment panel that did not appoint a Head of Service. However, he had understood that the position was to be re-advertised.

Mr Mackey confirmed that, following the non-appointment, the matter had been discussed by senior management and agreement had been reached that the best approach might be that the Head of Service of WELB, operating at the same level, would undertake the role across both Boards.

Professor Murphy received an explanation of a 'bumped' redundancy. Ms Duffy stated that the process had been agreed by DE and ESAIT, provided it met the cost parameters of the payback period of 3.25 years, and had been replicated across a number of services in SELB and WELB. The approach to offer the post to the Head of the Music Service in WELB had been taken in the interests of delivering efficiencies and the person appointed would be at the same level of responsibility. She explained that this was an extension of remit which would be recognised by up to three additional incremental points which would then be reviewed by DE and DFP after a 12 month period.

Mr Mackin enquired if the additional incremental points could be increased even further after the period of 12 months. Ms Duffy stated that current guidance allowed for three incremental points and this could only be facilitated following approval by the Board, ESAIT, DE and DFP.

Mr Murphy stated that this proposal was being taken forward as part of the opportunities to reduce senior posts and regionalise services. The proposal was being presented to the Board as it did not diminish service delivery. Mrs McCaul referred to the limited budget for the Music Service, which was non-statutory, and commented that a reduction in administrative costs would assist in the overall out-workings of the service.

Approval was sought in principle to the revised staffing structure in the Music Service in order to allow the matter to be progressed with ESAIT.

Mr Wilkinson regretted that the Board was unable to have sight of a revised Business Case. However he understood the logic in the proposal. Mrs Brownlee commented that DE's timescale in the 2010/11 Voluntary Severance exercise had meant that the Board had been time-bound in its examination of the detail of the Business Cases. She hoped

that this year all concerned would have regard to the lessons learned from the previous year.

It was proposed by Mr Wilkinson, seconded by Mrs Brownlee, that the Board would approve in principle the revised proposal concerning the Head of the SELB Music Service.

Professor Murphy considered it negligent that the Board should approve the proposal without first having sight of the amended Business Case.

The Chairperson called for a vote on the proposal. The following votes were cast:

For: 8 Against: 3

The Chairperson declared the motion carried.

10. AREA PLANNING : MINISTER OF EDUCATION'S STATEMENT

Mr Murphy said that the Minister's interview with a regional newspaper on area planning had been published on 30 August 2011. The Minister had stated that a number of schools no longer had the pupil complement to ensure the provision of a first rate educational experience due to their size or location. He planned to set out a course of action that managing authorities should take to identify such schools. It was not the Minister's intention to shut schools or to set out a new policy direction. Development proposals brought forward would be examined on their own merits by the Minister. In addition, the Minister had indicated that any future new build application would be judged against a suite of policies, including the Sustainable Schools' Policy and the Entitlement Framework. Consideration would also be given to the management of the Minor Works budget.

Mr Murphy reported that the Minister intended to make an announcement on 20 September 2011 on how area planning would be taken forward.

11. 2011/12 CAPITAL MAJOR WORKS, OTHER CAPITAL AND RECURRENT MAJOR WORKS FURNITURE EQUIPMENT BUDGETS : DE LETTER DATED 31 AUGUST 2011

Ms Ayling stated that the Board had received additional Other Capital allocations over the summer months; £2.5m in July and £1.2m in August. This meant that overall the Board would receive £7,927k for Other Capital, £2,785k for Capital Major Works and £89k for Youth Capital as set out in the DE letter* (B/9/11/9) dated 31 August 2011.

Mr Butler explained that allocations not spent by year end were required to be returned to DE. In order for officers to ensure spend by year end, allocations were required to be received by the end of August. He reported that capital programmes, already approved by the Board, were now being progressed. However, the ability to proceed with further works would now be limited should any further allocations be received.

12. ANNUAL REPORT AND ACCOUNTS 2009/10 & 2010/11

Ms Ayling reminded the Board that, because of the technical issue that had arisen in respect of the pension liability figures in the previous year, the 2009/10 Accounts had still not been certified. She pointed out that this technical qualification related solely to opinion and process and did not impact in any way on the accuracy or integrity of the

Accounts. The expectation had been however that progression of this issue would mean that the 2009/10 Accounts would be signed by the Chairperson and Chief Executive over the summer months to allow for certification by the NIAO.

Ms Ayling explained that, as part of the DE audit of 2010/11, the NIAO had identified that DE had incurred expenditure in respect of honoraria payments for teaching and non-teaching staff. The NIAO had considered that DE had not received appropriate DFP approval for these payments and had therefore deemed this expenditure to be irregular. Ms Ayling advised that DE would therefore have a qualification of its 2010/11 Accounts which meant that this qualification would apply equally to all five Boards. Furthermore, the irregular qualification would impact on the 2009/10 Accounts as they still remained open. She highlighted that this was the highest level of qualification which would impact directly on the Accounting Officer's responsibility. She reported that the Statement on Internal Control would also require to be reviewed in light of this significant internal control issue. An outline of the value of honoraria in respect of teaching and non-teaching staff, including the maintained sector, was given.

Ms Ayling explained that Accounts with an irregular qualification were unable to be laid at the Assembly during a time of recess. The NIAO had therefore delayed the certification date of all Accounts in light of the summer recess.

Professor Murphy asked if the Board had been informed by DE at any stage that it might have been acting outside the remit of DFP. Ms Ayling said that the Board had followed DE's guidelines and had believed it was operating under proper approval policies at that time. She reported that on 15 September 2010 DE had sought further information from the Board on honoraria payments. At that time the Board had been unaware of the issue impacting on the 2009/10 Accounts. In March 2011 DE had provided clarification on categories of honoraria for non-teaching staff and the process for authorisation for DFP approval.

Ms Duffy advised that the guidance on honoraria for teaching staff had just been received by the Board from DE two weeks previously. She stated that a working group, comprising SELB and WELB officers, would be established to examine the guidance and to ensure that processes would be in place to meet the requirements of the guidance. She explained that CCMS would be involved in the process on account of its role as an employer to sign off honoraria in maintained schools.

The Chairperson advised that the certification target for the 2009/10 Accounts had now been given as 30 September 2011. Board approval was therefore being sought for delegated authority to be given to the Chairperson and Chief Executive to sign the Accounts in order that they might be submitted to the NIAO for final certification by this date. It was proposed by Professor Murphy, seconded by Mr Wilkinson, and agreed to authorise the Chairperson and Chief Executive to sign the 2009/10 Annual Report and Accounts on the Board's behalf for issue to the NIAO by 30 September 2011.

13. CHILDREN & YOUNG PEOPLE'S SERVICES : FORMAL STATEMENTS

13.1 PROPOSED FORMAL STATEMENTS

As Board approval had been given for officers to process statements during July and August 2011, the Board noted the Statements of Special Educational Needs** made on pupils with code reference numbers SEN 2011 / 111 to SEN 2011 / 228 inclusive. It was noted that 29% of pupils requiring additional support had shared classroom assistance.

It was proposed by Mr Mackin, seconded by Mr Wilkinson, and agreed that Statements of Special Educational Needs** should be made on pupils with code reference numbers SEN 2011 / 229 to SEN 2011 / 239 inclusive. It was noted that 27% of pupils requiring additional support had shared classroom assistance.

13.2 AMENDED FORMAL STATEMENTS

As Board approval had been given for officers to process statements during July and August 2011, the Board noted the Amended Statements of Special Educational Needs** made on pupils with code reference numbers SEN 2011 / 519A to SEN 2011 / 630A inclusive.

It was proposed by Mr Mackin, seconded by Mr Wilkinson, and agreed that Amended Statements of Special Educational Needs** should be made on pupils with code reference numbers SEN 2011 / 631A to SEN 2011 / 640A inclusive.

13.3 STATEMENTS TO BE CEASED

As Board approval had been given for officers to process statements during July and August 2011, the Board noted the Statements of Special Educational Needs** which had been ceased on the pupils with code reference number SEN 2011 / 12C to SEN 2011 / 15C inclusive.

13.4 RESOURCING FOR PUPILS WHO LIVE IN OTHER ELBs BUT ATTENDING SELB SCHOOLS

As Board approval had been given for officers to process statements during July and August 2011, the Board noted that resources had been made available for the pupil with a Statement of Special Educational Needs** (code reference number SEN 2011 / 19 0B) attending a SELB school.

13.5 MEDIA COVERAGE

Mr Mackin referred to recent media coverage of a child with special educational needs. Dr Mangan stated that the facts of the case had been misrepresented by the media. The professional advice received in respect of this child had been adhered to by the Board. She thanked Councillor McCrum for his assistance in the case.

Councillor McCrum requested that the matter be progressed as quickly as possible. Dr Mangan confirmed that a further assessment of the child was taking place the following week.

Mr Mackin stated that the incident in the media had reflected badly on the Board. He asked the Board to learn from this incident and to market the Board more effectively in future.

Professor Murphy expressed concern in relation to further media coverage of an issue some months previously. Discussion ensued in relation to the Board's handling of this matter. Professor Murphy considered that the Board should re-examine its public relations policy in light of the negative publicity being attributed to the Board. In his view the Board had lost credibility as a result of the negative publicity which, he considered, ultimately impacted on Board Members. Mr Murphy explained that legal advice had been sought and received on both occasions. The Board had a statutory duty to protect the confidentiality of its children and young people and, in divulging facts pertaining to a particular case, the Board could run the risk of identifying a particular child. With regard to the

other issue raised by Professor Murphy, he considered that the article had been personal and a personal decision had been taken not to pursue the matter further.

(Councillor McRoberts left the meeting at 3.50 pm.)

14. PROCUREMENT IN THE EDUCATION SECTOR

14.1 REVIEW OF NI EDUCATION AND LIBRARY BOARDS : PROCUREMENT PRACTICE AND MANAGEMENT OF CONTRACTS

Mr Butler referred to the Executive Summary* (B/9/11/12.1) setting out the Review Team's findings and recommendations of its investigations into the contract and wider procurement practices in the five Boards. Particular notice was taken of SELB's performance rating against policies and procedures for good practice procurement and contracting. The Board had secured a 'green' rating in the two identified areas which meant that the establishment and management of contracts were well run and that no major issues at this stage appeared to need resolution or threaten the continuing successful delivery. Mrs Brownlee commended the Board on receiving such excellent comments in relation to its performance.

Mr Murphy stated that enquiries would be made to DE as to when it intended to take forward its proposals for an accredited Centre of Procurement Expertise (CoPE).

14.2 REVIEW OF SOUTHERN EDUCATION AND LIBRARY BOARD : PROCUREMENT PRACTICE AND MANAGEMENT OF CONTRACTS

Mr Butler drew attention to the strengths of the Board highlighted in the Executive Summary* (B/9/11/12.2). The Board noted the recommendation of the Review Team that the procurement skills and experience of the senior management would be used in the future considerations of the establishment of a CoPE, both to the benefit of the CoPE, and to ensure that the organisation would not be adversely affected by the new arrangements.

Mr Mackin drew attention to the reference in the Executive Summary which related to reviewing the management of contracts and, particularly, response maintenance. He referred to a recent incident at his school which had required response maintenance. He considered that more schools should have been involved in the interview process of the Review and asked the Board to issue a questionnaire to schools in relation to contractor performance and the level of customer satisfaction. Mr Butler stated that the new procurement arrangements allowed the Board to monitor contractor performance and enabled the Board to address these issues within the contract.

The Chairperson expressed the Board's appreciation to all members of the Board's contract and procurement team for the very positive outcomes in the report.

15. DEVELOPMENT, PLANNING AND SUPPORT SERVICES

15.1 ADVISORY SUB-COMMITTEE FOR CONTROLLED SCHOOLS

Rev Canon McKegney advised that a meeting of the Advisory Sub-Committee had been held earlier in the day to give consideration to the findings of the pre-consultation on post-primary education in the Lurgan area. He highlighted that no

overall consensus had come forward for any of the pre-consultation options. He stated that the Chairperson of the Board and he had met various representatives from the Craigavon Controlled Primary Schools the previous week to listen to their views. He referred to other responses to the pre-consultation which had been taken into consideration by the Advisory Sub-Committee. The recommendation from the Advisory Sub-Committee was that the Board should not proceed to consultation at this time on the options outlined in the pre-consultation, rather officers should be tasked with exploring other options which would take into consideration the greater Craigavon area.

Dr Cunningham welcomed the recommendation not to proceed with the current options in light of potential difficulties particularly for primary schools in the Lurgan area.

Mr Wilkinson expressed regret that a solution for the young people at Lurgan Junior High School would be delayed. He commented that the school site was not fit for purpose and stressed that a remedy needed to be found as soon as possible.

It was proposed by Mr Wilkinson, seconded by Dr Cunningham, and agreed that the recommendations contained in the minutes** of the meeting of the Advisory Sub-Committee for Controlled Schools, held on 14 September 2011, be approved.

(Councillor McCrum left the meeting at 4.05 pm.)

15.2 DEVELOPMENT PROPOSALS AS TO PRIMARY (INCLUDING NURSERY) AND SECONDARY EDUCATION

15.2.1 DEVELOPMENT PROPOSAL NO 243 : BUNSCOIL EOGHAIN, COOKSTOWN

The Chairperson reported that Bunscoil Eoghain would not be pursuing primary provision in the current year.

15.2.2 DEVELOPMENT PROPOSAL NO 263 : GAELSCOIL UI NEILL, COALISLAND

The Chairperson reported that the Minister had approved the proposal to extend the capacity of Gaelscoil Ui Neill from a five to a seven class base with effect from 1 September 2011 or as soon as possible thereafter. This approval had been given on condition that the increased capacity would be gradual based on the projected demand and would be staged; the school would agreed the admissions and enrolment numbers each year with DE; and accommodation would be provided to meet the needs of the school. This criterion was dependent upon the availability of capital funding and the suitability of the site to support the expansion of the school.

15.3 PROPERTY SERVICES

15.3.1 TANDRAGEE JUNIOR HIGH SCHOOL

Mr Butler sought the Board's approval to a Wayleave Agreement which was required by Northern Ireland Electricity (NIE), as part of an improvement scheme, to replace the existing four pole transformer at the school with a double pole transformer.

It was proposed by Dr Cunningham, seconded by Mr Wilkinson, and agreed to approve the Wayleave Agreement with NIE in connection with Tandragee Junior High School.

15.3.2 NEWTOWNHAMILTON HIGH SCHOOL

Mr Butler stated that Agreement for Immediate Access to Lands was being sought by Northern Ireland Water to access the school's site for the purposes of excavating three holes. These works would permit NI Water to connect the service pipes, feeding the school and nursery, to the public road.

It was proposed Dr Cunningham, seconded by Mr Wilkinson, and agreed to facilitate the Agreement for Immediate Access to Lands with NI Water at Newtownhamilton High School.

15.3.3 HOWARD PRIMARY SCHOOL

Mr Butler stated that a Licence Agreement would be required between the Board and an adjacent land owner to Howard Primary School to enable the land owner to enter the school grounds and remove a number of large trees which had become unstable. Mr Butler advised that the terms within the Licence Agreement would safeguard the Board against liability in relation to the removal of the trees.

It was proposed by Dr Cunningham, seconded by Mr Wilkinson and agreed to enter into a Licence Agreement with the land owner adjacent to Howard Primary School in order to facilitate the removal of trees.

15.4 SINGLE TENDER ACTION

The Board noted the areas in the report** (B/9/11/13.4) requiring single tender action as approved by the Accounting Officer.

Mr Butler said that Board approval was being sought to set aside Standing Order 22 to enable blanket single tender approval for the provision of residentials by the Youth Service / Youth Organisations hosted in SELB Centres and other residential settings and also for the annual maintenance support of a catering cashless system at St Patrick's College Dungannon. Mr Butler also sought the Board's approval retrospectively to set aside Standing Order 22 with regard to the hire of marquees costing £1990 for a Health Project, developed by the Youth Service in partnership with other agencies.

It was proposed by Mr Mackin, seconded by Mrs Brownlee, and agreed to set aside Standing Order 22 as set out in the report.

15.5 TENDER REPORT

The Board noted the tender report** (B/9/11/13.5) detailing tenders which had been opened and those which had been accepted. The Board noted that resources had been set aside to meet the requirements in the tender report.

16. MEMBERSHIP COMMITTEE

As no nomination had come forward in respect of the appointment of a Board representative to serve on the Board of Governors of Richmount Primary School, the Board agreed to defer a decision.

17. REDUNDANCIES AND FLEXIBLE RETIREMENT

It was proposed by Mr Mackin, seconded by Councillor McRoberts, and agreed that discussion in relation to redundancies and a flexible retirement would be held in committee.

On the proposal of Mrs McCaul, seconded by Dr Cunningham, the Board agreed to effect the redundancies detailed in the report. Two other issues concerning members of staff at post-primary maintained schools received attention. On the proposal of Professor Murphy, seconded by Mr Wilkinson, the Board agreed with Ms Ayling's recommendation with regard to VFM considerations. On the proposal of Mrs McCaul, seconded by Dr Cunningham, the Board agreed to progress the particular issue and, in doing so, should write to CCMS in relation to this matter.

On the proposal of Mr Wilkinson, seconded by Mrs Brownlee, the Board agreed to effect the flexible retirement detailed in the report.

It was proposed by Mr Mackin, seconded by Mrs Brownlee, and agreed to resume the meeting.

The meeting ended at 4.40 pm.

CHAIRPERSON

* Paper circulated

CHIEF EXECUTIVE

** Paper tabled

DATE

15 September 2011 LMcC