



STATUTORY INSTRUMENTS.

**S.I. No. 394 of 2017**



EDUCATION SUPPORT CENTRES (APPOINTMENT AND  
SECONDMENT OF DIRECTORS) REGULATIONS 2017

EDUCATION SUPPORT CENTRES (APPOINTMENT AND  
SECONDMENT OF DIRECTORS) REGULATIONS 2017

I, RICHARD BRUTON, Minister for Education and Skills, in exercise of the powers conferred on me by section 37(6) of the Education Act 1998 (No. 51 of 1998) (as adapted by the Education and Science (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No.184 of 2010)), hereby make the following regulations:

*Citation and Commencement*

1. (1) These Regulations may be cited as the Education Support Centres (Appointment and Secondment of Directors) Regulations 2017.

(2) These Regulations shall come into operation on 1 September 2017.

*Definitions*

2. In these Regulations—

“Act of 1998” means the Education Act 1998 (No. 51 of 1998);

“Director” shall be construed in accordance with Regulation 3(1);

“Minister” means the Minister for Education and Skills;

“secondment” means the release, in accordance with the arrangements for secondment, of a person from his or her teaching post in a recognised primary or post-primary school, or of an Inspector;

“teacher” means a registered teacher within the meaning of the Teaching Council Act 2001 (No. 8 of 2001).

*Functions of a Director*

3. (1) A person appointed as a Director of an education support centre shall perform the following functions:

(a) managing and directing the work of the centre, and

(b) performing such other (if any) functions as may be determined from time to time by the management committee of the centre.

(2) A reference in these Regulations to the appointment of a Director shall be construed as including a reference to the renewal of an appointment of a Director.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 5th September, 2017.*

*Appointment and remuneration of Directors*

4. A management committee of an education support centre shall not appoint a person to be a Director of that education support centre, or remunerate such a Director, other than in accordance with these Regulations.

*Appointment of Director*

5. (1) The appointment, by a management committee, of a person to be a Director of an education support centre shall be made—

- (a) on foot of an application by the management committee to the Minister,
- (b) with the consent of the Minister, and
- (c) following a public competition that has been approved by the Minister for that purpose.

(2) Subject to Regulation 6, an application shall be made by the end of February of the school year before the school year for which the appointment is to be made.

(3) The Minister shall only give consent to the making of an appointment where he or she has received written confirmation from the employer of the person to be appointed of its approval to his or her release on secondment for the school year in question.

(4) The appointment of a Director by a management committee shall be in accordance with such terms and conditions, including, such terms and conditions relating to remuneration, as are determined by the Minister from time to time.

(5) Any determination of the Minister under paragraph (4) of terms and conditions in relation to remuneration shall be made with the consent of the Minister for Public Expenditure and Reform.

*Renewal of appointment of Director*

6. (1) Where the appointment of a Director has been made by a management committee in accordance with these Regulations for a school year (in paragraphs (3) and (7) referred to as the current school year) and the management committee seeks to appoint the same person as a Director for the subsequent school year, the management committee shall apply to the Minister for approval of the continued appointment of that Director in accordance with these Regulations and the Minister may approve such an application.

(2) Regulation 5(1)(c) shall not apply to an approval under paragraph (1).

(3) An application under paragraph (1) shall not be made later than the last day of February of the current school year, but this is subject to paragraphs (4) to (8).

(4) An application made to the Minister before the coming into operation of these Regulations for approval of the continued appointment of a Director for

the school year 2017 to 2018 shall be deemed to have been made in accordance with this Regulation.

(5) Any approval given by the Minister before the coming into operation of these Regulations for the continued appointment of a Director for the school year 2017 to 2018 shall be deemed to have been given in accordance with this Regulation.

(6) An application referred to in paragraph (4) and an approval referred to in paragraph (5) shall be valid, notwithstanding paragraph (6) of Regulation 11.

(7) A Director referred to in paragraph (1) shall communicate, in writing, to the management committee no later than 31 January of the current school year, his or her request to them to continue the appointment for the subsequent school year together with a written confirmation from his or her employer of its approval to his or her continued release on secondment for the subsequent school year.

(8) An application made to the Minister for approval by the management committee under paragraph (1) shall be accompanied by a copy of the request and approval specified in paragraph (7).

(9) Where on 1 March in any school year no application has been made under paragraph (1), then the management committee may apply for the appointment of another Director in accordance with Regulation 5(1).

*Refusal of appointment not in accordance with these Regulations*

7. The Minister shall refuse an application by a management committee for approval of an appointment of a Director where such approval would give rise to the appointment of a person who is not, by virtue of these Regulations, eligible to be so appointed.

*Eligibility for appointment as Director*

8. The following categories of persons are eligible to be appointed as a Director of an education support centre in accordance with these Regulations:

- (a) a teacher who holds an approved teaching post in a recognised primary or post-primary school for the year in which he or she is applying to be appointed as a Director (being a teacher the registration of whom under the Teaching Council Act 2001 is not the subject of conditions) and who also has—
  - (i) not less than 12 months' employment with his or her current employer, either in that post or on secondment, on the date of appointment to the post of Director, and
  - (ii) not less than 5 years' aggregate experience as a teacher in a recognised primary or post-primary school in the State;
- (b) a person who is currently employed as an Inspector by the Minister.

*Partial school year as a Director to count as full year*

9. A part of a school year served by a person as a Director in accordance with these Regulations shall count as a full year served by the person as a Director for the purposes of any calculation under these Regulations.

*Appointment of new director during or for part of school year in certain circumstances*

10. Where a Director dies, resigns, retires, is removed from his or her position as Director, or for any other reason ceases to be a Director, the management committee may apply in writing to the Minister, no later than 28 days from the date of the Director ceasing to be a Director, for approval to appoint a new Director for the remainder of that school year.

*Limitation on duration of appointment as Director*

11. (1) Subject to Regulation 10, an appointment as a Director under these Regulations shall only be for a period of one school year.

(2) Where a person who has been on secondment, whether as a Director or otherwise, subsequently serves as a teacher in an approved teaching post in a recognised primary or post-primary school or as an Inspector, in addition to the other requirements in these Regulations, he or she shall only be eligible for appointment as a Director where the period of that service is equal to, or greater than, the period of time on secondment before that service.

(3) For the purposes of any calculation under paragraph (2), time on secondment and time as a Director before the coming into operation of this Regulation shall be taken into account.

(4) No person shall be appointed as a Director where the term of the Director would extend beyond the expiry of a Director's employment with a recognised primary or post-primary school or with the Inspectorate.

(5) Paragraph (4) shall not prevent the appointment of a person where the date of his or her retirement age, fixed by the terms and conditions of his or her employment with the recognised primary or post-primary school or as an Inspector, as the case may be, will occur during the school year.

(6) No person shall be appointed as a Director of any education support centre where such appointment would give rise to that person serving as a Director or otherwise, for more than 5 consecutive years in one or more education support centres, whether or not those years are before or after the coming into operation of these Regulations.

*Termination*

12. (1) The management committee of an education support centre may remove a Director from his or her post where he or she has committed stated misbehaviour or where his or her removal appears to the management committee to be necessary for the effective performance by the education support centre of its functions.

(2) Where a management committee removes a Director in accordance with paragraph (1), the management committee shall notify the Minister and, as the case may be, the employer of the person, in writing not later than 5 days after the date of such a removal.

(3) In a case where a school, in accordance with the arrangements applicable to its secondment of a teacher, terminates the secondment of a teacher who is a Director, then the appointment of that Director shall cease to have effect from the date of notification of such termination.

(4) In a case where the Minister, in accordance with the arrangements applicable to its secondment of an Inspector, terminates the secondment of an Inspector who is a Director, then the appointment of that Director shall cease to have effect from the date of notification of such termination.



GIVEN under my Official Seal,  
1 September 2017.

RICHARD BRUTON,  
Minister for Education and Skills.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

---

€2.54



Wt. (B33002). 345. 9/17. Essentra. Gr 30-15.