



Oifig an Aire Oideachais agus Scileanna
Office of the Minister for Education and Skills

Mr Noel Merrick
Chairperson
Kildare and Wicklow Education and Training Board
Devoy Park
Áras Chill Dara
Naas West
Naas
Co. Kildare

12 September 2018

Kildare and Wicklow Education and Training Board
Report Prepared Under Section 40 of the Education and Training Board Act 2013

Dear Mr Merrick,

In October 2017, I appointed Dr Richard Thorn to conduct an investigation on the operation of Kildare and Wicklow Education and Training Board (KWETB), in accordance with my powers under Section 40 of the Education and Training Boards Act 2013 (the Act).

Dr Thorn has concluded his investigation and has provided his report to me. I enclose a copy of the Final Report, "*Investigation into Certain Matters in Kildare and Wicklow Education and Training Board, 4th July 2018*", for the attention of the Board.

I note that the Investigator has included, in Appendix Three of the report, the response of the ETB to the draft report furnished to it under Section 40 of the Act. I wish to acknowledge and welcome the ETB's proactive approach to improving governance arrangements and addressing matters of concern as set out in this Appendix. I am given to understand that work is well underway on implementation of the action plan which is included therein. While it is important that the proposed actions are reviewed in the light of the final report, KWETB is to be commended for its positive response to the investigation and for identifying necessary actions and commencing work to implement them without delay.

I also wish to acknowledge and welcome the cooperation of KWETB with the investigation and the Board's recommendation that, in the interest of all stakeholders, the report and KWETB's response be made public. I intend now to publish the report and this proposed direction.



For its part, my Department is updating the Code of Governance for the ETB sector to reflect issues arising from this report and to reflect the updated Department of Public Expenditure and Reform (DPER) 2016 Code of Practice for State Bodies. My Department has committed to having a draft Code for consultation with the sector by the end of this month and for agreement by the end of this year. My Department will work with ETBs to roll-out and implement the revised Code, once finalised.

Notwithstanding the above positive developments, in relation to the Investigator's findings, there are matters of serious concern contained in the report. Effective governance and accountability in the public sector is crucial to provide confidence in relation to the use of valuable public resources. To achieve this there must be confidence that there are appropriate governance arrangements in place, and robust scrutiny that these are operating effectively.

The report outlines that in relation to the ETB's governance procedures, adequate arrangements to manage procurement and conflicts of interest were in place according to KWETB's documented procedures, however, it highlights shortcomings on an operative basis in the implementation of procurement processes and in relation to management intervention in certain projects. The report also finds that the Board of KWETB should be more proactive in ensuring oversight of the ETB's management of projects.

Having considered the report, for the reasons outlined above, I am of the opinion that it is appropriate to give a direction to the ETB in relation to the performance of the ETB's functions in accordance with Section 41 of the Act.

I am hereby notifying the Board that I propose to give a direction to the ETB in the following terms:

- To review the actions set out in Appendix Three to the report in the light of receipt of the final report and the findings and recommendations contained therein.
- To implement a final action plan arising from the review above. The action plan should be agreed with my Department before finalisation.
- To review the measures which are in place in the ETB to prevent conflicts of interest and inappropriate interventions in processes, which may be contrary to Public Procurement Procedures/internal controls in relation to procurement, contract and project management in particular. This review is to include circumstances where emergency situations arise with school or other buildings.
- To ensure that mandatory governance training is provided to new and existing board members;
- To conduct a Board self-evaluation, with appropriately qualified external input, to ensure that the Board is operating effectively and has appropriate procedures in place, including in relation to the management of conflicts of interest and oversight of the executive which is accountable to the Board for the carrying out of executive functions.
- To provide a comprehensive update to the Department on the above matters within three months and quarterly thereafter until notified otherwise.
- To engage with my Department as required in the context of the response of the ETB to the report and any other matters related to the report or to governance and oversight arrangements in the ETB.
- To ensure that any obligations to report to relevant statutory agencies in relation to the matters raised in the report (such as, but not limited to, An Garda Síochána, the Comptroller and Auditor General, the Charities Regulator, Standards in Public Office Commission) are addressed.

In accordance with Section 41, the ETB is afforded 14 days from date of this notice to make representations to me in respect of my opinion, the terms of the proposed direction and the report.

I am aware that there has been constructive engagement between KWETB and my officials in relation to the ETB addressing the issues raised in the report. My officials and I will continue to support the ETB in this work, as appropriate, during the period ahead. I am confident that further productive engagement in this context will support the Board in its commitment to providing effective governance for the ETB.

Yours sincerely,



Richard Bruton TD
Minister for Education and Skills

c.c. Dr. Deirdre Keyes, Chief Executive, Kildare and Wicklow Education and Training Board.