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**AN BILLE GAIRMOIDEACHAIS (LEASÚ), 2000  
VOCATIONAL EDUCATION (AMENDMENT) BILL, 2000**

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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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*Purpose of the Bill*

The purpose of the proposed legislation is to provide for new structures and procedures in order that each vocational education committee (VEC) can meet, in as effective and efficient a manner as possible, the needs of vocational education in the area which it serves. The principal aims of the Bill are to—

- Revise the composition of vocational education committees (VECs) to include representation on VECs for parents of students registered in VEC institutions and staff, including teachers, of vocational education committees,
- Classify the functions exercised by vocational education committees into reserved and executive functions,
- Provide for additional functions for VECs, and
- Provide for revised reporting, accounting and financial procedures.

*Provisions of the Bill*

PART 1

Preliminary and General

*Section 1* provides that the short title of the Act is the Vocational Education (Amendment) Act, 2000. It also provides that the Act is to be brought into effect by Ministerial order and that different parts of the Act may be brought into effect by different orders.

*Section 2* defines the terms used in the Act.

*Section 3* provides that every Ministerial order made under this Act, other than a commencement order, will be laid before each House of the Oireachtas. These will be effective unless annulled by either House within 21 days of an order being laid.

*Section 4* provides that a number of provisions in the Vocational Education Act, 1930 and consequent legislation will be repealed.

*Section 5* provides that any expenses incurred by the Minister in the administration of the Act shall be paid out of monies provided by the Oireachtas.

*Section 6* provides a mechanism for the service of notices and other documents under the Act.

*Section 7* provides for the composition of VECs. They shall be composed of 9 members elected by the County Borough or County Council in the vocational education area; 2 elected by parents of students who are under 18 years of age and attending an educational establishment run by a VEC; 2 elected by members of staff of the VEC; and 4 appointed by local authority members after consultation with groups representing students, voluntary organisations and the local business community. In addition, where a county vocational education area contains up to four urban districts, 2 members will be elected by each urban district council (UDC). Where the number of urban districts is more than four, 1 member will be elected by each UDC.

In the case of County Dublin VEC, 12 members will be elected by Fingal County Council, South Dublin County Council and Dún Laoghaire-Rathdown County Council. The Minister must make an order setting down the number of members to be elected by each local authority. In addition, 2 members of County Dublin VEC will be elected by parents of students attending the VEC, 2 by members of staff of the VEC and a further four members will be drawn from other constituencies in a like manner to that of other VECs.

Regulations setting down the procedure governing the election of committee members by the councils of the county borough, parents of students and VEC officers and servants will be made by the Minister for Education and Science. In making the regulations, the Minister shall first consult with appropriate groups representing those constituencies electing such members. The regulations governing elections may provide for gender balance.

*Section 8* provides that the date of the first meeting of each VEC will be set by the Minister. Each member of a VEC will continue to hold office until the date of this first meeting.

*Section 9* sets down the functions of VECs which supplement those conferred on committees under the Vocational Education Acts. These additional functions comprise the planning and co-ordination of the provision of education and ancillary services in educational institutions established by a VEC; reviewing the provision of education and vocational education and training in the VEC area and advising the Minister on such provision; assessing whether the manner in which the VEC performs its functions is economical, efficient and effective; adopting and submitting to the Minister an education plan and a service plan; where appropriate, making all reasonable efforts to consult, in relation to the performance by it of its functions, with boards of management of schools and centres of education established by the VEC, its students, their parents, members of the staff and other persons likely to be affected as a result of the performance by it of its functions, or who have a particular interest or experience in relation to the education or training provided in schools or centres for education established by the VEC. In the performance of its functions and in as far as is practicable, each VEC must co-operate with other vocational education committees, schools and such persons providing services similar to or connected with those provided by the VEC concerned in relation to the area of that committee as the VEC considers appropriate.

*Section 10* permits the Minister to confer additional functions on a VEC, subject to such conditions as he or she thinks fit.

*Section 11* provides for the reserved functions of a VEC which must be exercised by resolution of the members of the VEC. The Act sets out in Schedule 2 the existing functions which are to be reserved functions and provides for additional reserved functions in separate provisions in the Bill. Any further functions conferred on the VEC may be declared by order to be reserved functions by the Minister for Education and Science. The Chief Executive Officer must assist the VEC in the performance of its functions.

*Section 12* provides that any function which is not declared to be a reserved function is an executive function and will be exercisable by the Chief Executive Officer who will remain accountable to the members of his or her VEC and provide any information regarding the performance of his or her functions as the VEC may require.

*Section 13* permits the Minister, where he or she considers that a VEC is not performing its functions properly or has ignored a direction of the Minister, to transfer functions to the Chief Executive Officer or another specified person. The transfer can be for any period up to 2 years. Where the Minister proposes to do this, he or she informs the VEC and gives it an opportunity to make representations on this. These representations are then taken into account by the Minister in making his or her final decision. The Minister may also appoint someone to investigate the performance by a VEC of its functions.

*Section 14* provides that each VEC will operate within the policy parameters laid down by the Minister.

*Section 15* provides that each VEC will have a Chief Executive Officer who will be appointed by the members of that committee and who will manage the administration and business of the committee. Subject to existing provisions relating to officers of VECs, the Chief Executive Officer will perform functions relating to members of staff of the committee. The Chief Executive Officer's terms and conditions of employment will be determined by his or her employing VEC with the consent of the Minister.

*Section 16* permits the Chief Executive to delegate his or her functions to a member of staff and, where such a delegation is made, the staff member will be required to perform that function.

*Section 17* provides that the VEC will be staffed by persons appointed by the VEC with the consent of the Minister, on such terms and conditions as may be determined by the committee with the consent of the Minister.

*Section 18* provides for any 2 or more VECs to co-operate with each other, either of their own volition or at the direction of the Minister. Co-operation can include the joint acquisition of property. Where a direction is to be made by the Minister, he or she shall notify the VEC of his intention to make such a direction and provide the reasons for this. The VEC is given an opportunity to make representations and the Minister must take these into account in deciding whether or not to issue a direction.

*Section 19* prohibits a VEC from incurring expenditure beyond a limit determined by the Minister. The Minister has power to vary this limit. An obligation is placed on the Chief Executive Officer to inform the Minister if he or she feels that, due to the action or proposed course of action of the committee, it is likely to breach its expenditure limit.

*Section 20* gives the Minister power to limit the amount of money a VEC can borrow at any given time.

*Section 21* obliges each VEC to adopt and submit to the Minister an annual service plan providing for the services it proposes to provide and an estimate of the income and expenditure of the committee for the forthcoming year. If a VEC fails to submit a service plan, the Minister may require the VEC to submit it within a given period. If a VEC fails to comply with this direction, the Minister may direct the Chief Executive to prepare and submit such a plan. If the Minister is of the opinion that a service plan does not comply with this section or does not accord with the policies and objectives of the Government or the Minister, he or she may direct the VEC or the Chief Executive Officer, where appropriate, to make particular modifications to the plan.

*Section 22* provides that where the Minister varies the expenditure limit of a VEC, he or she may require the service plan to be amended in a particular way or direct the VEC to adopt and submit an amended service plan.

*Section 23* provides that where a VEC breaches its expenditure limit in a given year, the amount in excess of the limit will be treated as expenditure in the following financial year. Where a VEC incurs less expenditure than the limit set, the balance may be carried forward to the next financial year and added to the VEC's budget.

*Section 24* requires each VEC to keep accounts of monies received or expended by it, including an income and expenditure account and a balance sheet as well as any special accounts required by the Minister.

*Section 25* requires that each VEC will prepare and submit to the Minister an annual report on the services provided by it and anything else the Minister considers appropriate. Copies of the annual report must be made available by the VEC to members of the public.

*Section 26* provides that every 5 years, or such other period as directed by the Minister, each Chief Executive Officer must prepare and submit to his or her VEC an education plan setting out the objectives of that VEC, the priorities to be ascribed to those objectives and the measures to be adopted for the purposes of attaining those objectives. In preparing the plan, each CEO must consult with the VEC's teachers, students, their parents and other persons likely to be affected by, or who have a significant interest in, the education plan. The education plan must comply with directions of the Minister and the financial resources likely to be available to the VEC.

When the education plan is adopted, it must be given to the Minister and the management bodies of each educational institution for which the VEC is responsible. It must also be made available to members of the public. The Chief Executive must, in each year, review the implementation of the plan and submit a report on this to the VEC and the Minister. Following on from such a report, a VEC may amend the plan.

*Section 27* allows a VEC to establish subcommittees for the purpose of performing one or more of its functions or to advise it on the performance of aspects of its functions. In establishing a subcommittee, the VEC may determine its terms of reference and regulate its procedure. In addition, the Minister can require a VEC to establish a subcommittee to perform certain functions. Subcommittees can be composed partly of people who are not members of the VEC.

This section also provides for the procedures regarding the dissolution of subcommittees and the appointment of chairpersons. The acts of every subcommittee (other than an advisory committee) will be subject to ratification by the VEC itself, unless the Minister agrees to dispense with this requirement.

*Section 28* amends section 38 of the Vocational Education Act, 1930 by removing references to a “borough vocational education area” as, with the exception of Dún Laoghaire VEC, reference to these areas are repealed by this Act.

*An Roinn Oideachais agus Eolaíochta,  
Nollaig 2000.*