



Oifig an Ard-Rúnaí
An Roinn Oideachais agus Scileanna



Office of the Secretary General
Department of Education and Skills

Margaret Falsey
Committee Secretariat
Committee of Public Accounts
Leinster House
Dublin 2

Ref: PAC32-I-1061

Our Ref: SG00068-2018

15th October 2018

Dear Ms Falsey,

I refer to your letter of 1 October 2018 in which you indicate that the Committee is seeking information on whether the practice of prohibiting people from employing for employment or re-employment, which formed part of a legal settlement between Cork ETB and an individual, is a policy or practice used across the education sector and if there are any guidelines allowing or such policies.

Education and Training Boards, along with other bodies in the education sector, are statutory entities and as such are responsible in their own right for the proper management of legal, human resources or industrial relation claims, taking into account the particular exigencies of individual cases and any relevant legal requirements or public policies and procedures. The Department is not generally party to the details of such cases, but when required or requested to do so, the Department may provide advice to bodies on such policies and procedures.

I can confirm that there are no overarching policies or guidelines issued by this Department or the Department of Public Expenditure and Reform which allude to the practice outlined.

In relation to this particular case, the individual concerned was in communication with the Department on a number of occasions in early 2014 regarding the proposed terms of a settlement, which I understand were arrived at following direct contacts between the Chief Executive of Cork ETB, the individual and solicitors acting on behalf of both the individual and the ETB, and which included a provision that the

individual would not apply for any further positions within the ETB. While it was not appropriate for the Department to intervene in the case, both the Department and the Minister replied to the individual at that time, providing advice to the effect that the individual was free to accept or reject any or all of the settlement and encouraging the individual to engage with the ETB, through the individual's legal advisors, in order to reach a settlement that would be acceptable.

The ETB subsequently informed the Department, in May 2014, that a confidential settlement had been agreed with the individual. The Department was not party to the final agreement.

I trust that the above addresses the Committee's request. Please do not hesitate to contact me if you require any further information.

Yours sincerely,



Seán Ó Foghlú

Secretary General