

## PATRON/TRUSTEE APPROVAL FOR USE OF SCHOOL PREMISES BY A THIRD PARTY OPERATOR TO RUN ACTIVITIES OR CLASSES

The Education Act 1998 provides the legal structure for primary schools in Ireland. Each school is run by a Board of Management, which is a corporate entity created by statute. As such, it has the powers bestowed on it by the enabling statute, in this case the Education Act 1998. As the legislation does not explicitly give property powers to a Board of Management, the view is that a Board of Management cannot own property and as such it cannot be a property landlord or licensor.

The correct entity to give consent for use of the school is the property owner, that is, the Trust or Trustees. In most cases, the consent of the Parish must also be sought.

This checklist specifies the steps that must be undertaken by a Board of Management of a Catholic Primary School, held by a Diocesan Trust/Trustees, in the Archdiocese of Cashel & Emly or the Dioceses of Killaloe, Kerry or Limerick, in order to obtain the approval of the Patron/Trust/Trustees for the use of school buildings by a third party operator.

Key Information			
School Name		Chairperson	
Roll Number		Diocese	
Principal		Date	

The Board are requested to confirm that they have received the following documents/written assurances from the operator of the activity/class (please do not forward the documentation/written assurances to St. Senan's Education Office):	Tick Box
1. The Board are in receipt of the proposed use of the premises/scope of services in writing by the operator (to include parts of the premises/grounds to be used, times and days of use).	
2. <b>A letter of indemnity</b> from the operator's insurers showing that the operator has public liability insurance to a minimum value of €6,500,000. <b>(Please note that an Insurance Cover Letter will not suffice here)</b> – it must be a letter of indemnity, indemnifying the BOM, the Patron and the Trustees of the property).	
3. Verification via ROS that the operator's Tax Clearance Certificate has issued.	
4. Written assurance that the operator has a Child Protection policy/Child Safeguarding statement in place. (It is a written assurance from the operator that is required. This written assurance should be kept by the school/Board).	
5. Written assurance from the operators/organisers that all staff/volunteers have been vetted in accordance with current Garda Vetting requirements and the vetting does not contain any disclosure/specified information which would render that staff/volunteer unsuitable to carry out relevant work/activities with children/vulnerable adults. (Please kindly note that the school/Board is not required to review the Garda Vetting disclosure/specified information, neither should the school keep any such documentation on file. It is a written assurance from the operator in the terms outlined in this paragraph that is required. This written assurance should be kept by the school/Board).	

6. Written assurance from the operator that the service is registered with TUSLA in accordance with the Childcare Act 1991 as amended by the Child and Family Agency Act 2013, if applicable to the activity/class	
7. Documentary evidence that the operator is either a sole trader or a corporate body.	
8. Written confirmation that classes / activities will be held outside of school hours.	
9. How the ethos of the operator is compatible and complimentary of the school's ethos.	
10. Written permission from the Parish Priest/Moderator consenting to the arrangement with the third part operator, a copy of which has been forwarded to St. Senan's Education Office. (An email or letter from the Parish Priest/Administrator/Moderator will suffice here).	

**Further Information required:**

- The operators should also be charged a fee for the use of the premises so that there is no cost to the BOM for the running of this activity/class. Please confirm the fee that will be charged by the BOM to the operator for the use of the premises for this purpose: €\_\_\_\_\_ per month.

The BOM will be required to put an occupancy license in place between the school Board of Management and the operators. Should Patron/Trustee approval of the use of the premises/grounds for this purpose be given, St Senan's Education Office will issue the completed occupancy licence accompanied by a letter on behalf of the Patron/Trustees that delegates to the Board of Management the power to licence in this instance. The Board must retain a signed copy of the licence for its term and must forward a signed copy of same to St. Senan's Education Office.

The Board should also make arrangements for the opening and closing of the school premises by an approved key holder during a school closure period/outside of school hours.

If you have any queries on the contents of this document, please do not hesitate to contact Gwen O' Sullivan, St. Senan's Education Office, tel. 061 347777  
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