

# COISTE GAIRMOIDEACHAIS chontae chorcaí

## COUNTY CORK VOCATIONAL EDUCATION COMMITTEE

**Correspondence 3.10**  
**Meeting – 08/03/2012**

Teach Yeats, Cearnóg na Beairice, Baile an Chollaigh, Chontae Chorcaí.  
 Yeats House, Barrack Square, Ballincollig, County Cork.

27<sup>th</sup> February 2012

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Gréasán/Web: [www.cocorkvec.ie](http://www.cocorkvec.ie)

Ms. Eimear Lavelle  
 Committee Secretariat  
 Committee of Public Accounts  
 Leinster House  
 Dublin 2

Dear Ms. Lavelle,

I refer to your letter dated 15<sup>th</sup> February 2012. Please find enclosed, as per your request, a response from County Cork VEC's former CEO, Barra Ó Briain, Uas, who was the Accounting Officer at the time of the MVS project.

Mise, le meas

*J Russell*

Joan Russell  
 Príomh Oifigeach Feidhmiúcháin



**'Oideachas Trí Pháirtíocht'**



**'Education Through Partnership'**

JOAN RUSSELL  
 Príomh Oifigeach Feidhmiúcháin  
 Chief Executive Officer

MARTIN HALLAHAN  
 Príomh Oifigeach  
 Principal Officer

LIZ DONNELLY  
 Príomh Oifigeach Cúnta (Eolas Teicneolaíochta)  
 Asst. Principal Officer, Information Technology

SARAH FLYNN  
 Príomh Oifigeach Cúnta (Acmhainne Daonna)  
 Asst. Principal Officer, Human Resources

MARY O'LEARY  
 Príomh Oifigeach Cúnta (Airgeadas)  
 Asst. Principal Officer, Finance

CONCHUBHAIR Ó CEANNABHUAIDH  
 Príomh Oifigeach Cúnta (Seirbhísí Tacatíochta Oideachais)  
 Asst. Principal Officer, Education Support Services

**An Choiste um Chuntais Phoiblí**  
**Teach Laighean,**  
**Baile Átha Cliath 2**

**Attention :- Ms. Eimear Lavelle (Rúnaí an Choiste)**

A Chara,

I have been contacted by Ms. Joan Russell (CEO, Coiste Gairm Oideachais Chontae Chorcaí) in relation to a query pertaining to the approval of funds, as raised by An Choiste um Chuntais Phoiblí at a hearing which she attended pertaining to the procurement of an IT Teacher/Student project from MVS in 2004.

As the CEO, at the time, I wish to state that the procurement of this project conformed to the demands set down by the Minister and the Department of Education and Science in the School's IT 2000 project and the National Development Plan 2000-2006 fostering the use of ICT in teaching and learning.

At the time, the project was first brought to my attention by the Glanmire Community College Principal, Mr. John Fitzgibbon who had been introduced to the promoter of the project by the then County Cork VEC Education Officer, Mr. Ted Owens.

I viewed the samples of the project at first hand and I had no doubt in relation to the advantages it afforded the students and teachers in terms of the enhancement of teaching and learning in the College. I also felt re-assured in the fact that the promoter of the project was known locally and in the advice I received had a bona fide unique project that was supported by a registered company, with an authentic bank account number. The company supplied all of the equipment, as per the contract and it was only when the return of increments, ceased after three payments, amounting to €53,000 that I became concerned and took legal action with a view to recovering the remainder of the funding. However the bona fides of the promoter and his subsequent actions in relation to another project were, in hindsight, dubious.

The question of seeking the 'formal approval of the VEC or the Department of Education and Skills' needs to be considered in the context of the provisions set down in the Vocational Education (Amendment) Act, 2001. The Act in setting down both 'Reserved and Executive Functions' is clear in stating the following:-

Section 12 (1) : Every function of a vocational education committee that is not a reserved function shall be an executive function of that vocational education committee and 'executive function' shall, in this Act, be construed and have effect accordingly.

(2) The executive functions of a vocational education committee shall be performed by the chief executive officer of that vocational



education committee.

- (3) A chief executive officer shall in the performance of an executive function act in accordance with the policies for the time being of the vocational education committee for which he/she is the chief executive officer.

Section 15 (3) A Chief Executive Officer shall perform for the vocational education committee for which he/she is the chief executive officer the executive functions of that vocational education committee.

As the CEO., I provided a comprehensive report to the members of County Cork VEC at each of their monthly meetings. There was never any intention on my part to willfully withhold information from the members of the Committee in relation to the MVS project. County Cork VEC has 21 post-primary schools, 7 Youthreach Centres, an extensive School of Music, Adult Education and Literacy Schemes, Outdoor Education Centres and in excess of 2,000 employees. I accepted the bona fides that were presented to me and I remain of the opinion that the project and the financial repayment contract arrangement, that was approved by me, was good value and would advance teaching and learning on behalf of the students while at the same time provide a full return of the monies to CCVEC. The extraneous circumstances, pertaining to the balance of the monies, that arose subsequently, were outside of my control and adopting the advice of the legal adviser to the VEC., would involve the Committee in significant additional costs, without any guarantee of recovering the balance of the monies.

In hindsight, I should have informed the VEC and perhaps the significant controversy that developed at the time regarding 'executive and 'reserved functions' as well as the election of a new VEC Committee in that year created the oversight. Subsequently all matters were approved by the Audit and Finance Committee and adopted by CCVEC. It would never have been standard practice to seek the permission of the Department of Education & Skills to seek permission to establish a lease/repayment contract as was the case with this project. Section 23 of the VE (Amendment) Act 2001 is significantly vague and under the former V.E. 1930 Act usually pertained to approval being required for borrowings that were required to establish new school buildings.

Finally, it is important to note that each of the years from 1996 (when I took up duty as CEO) to 2010 when I retired, all received certification of compliance from the office of the C&AG

Gach dea-ghuif



Barra O'Briain

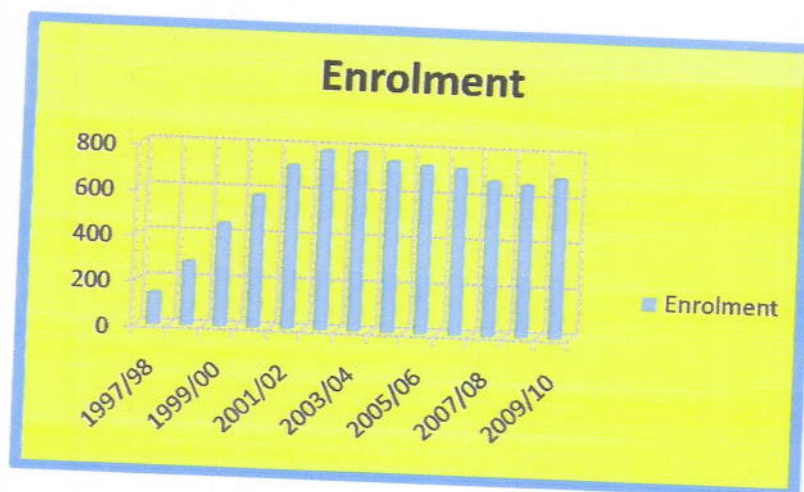
Iar- Priomhoifigeach Feidhmiúcháin

I include the following in the context of the lead-in to this project:-

**Background:-**

Glanmire Community College

- This Community College had its first intake of pupils in 1997/98.
- The number enrolled for that school year was 135.



- In the year 2004/05 the number of pupils enrolled had risen to 787
- In the intervening years the Principal and the Board of Management had made constant representations to CCVEC to provide additional resources to cope with the rapid expansion of the school enrolment. This included the need for additional IT equipment.

CCVEC was aware of the School's IT 2000 project launched by the Minister for Education and also the emphasis in the NDP 2000-2006 on the need for the provision and focus on ICT in schools for the enhancement of teaching and learning. A separate report was issued regarding the need for affording students with disabilities access to ICT.

CCVEC is a very large scheme with an enrolment close to 10,000 mainstream pupils in its 21 post primary schools, extensive adult education programmes extending across the county region of Cork. The VEC has a policy of maintaining its schools and centres to a very high standard and fosters innovation in the context of both Government and Department policy at national level. (See opening background paragraph).

This project was first brought to the attention of the then Principal of Glanmire Community College (Now an E.O. with another VEC) by the then Education Officer of CCVEC (Now a CEO with another VEC). The representative of MVS was also promoting the project in other schools throughout Munster. A demonstration was arranged for the CEO and the project was fully explained in the context of its operation and delivery. Details pertaining to the company were checked and the members of the school staff, principal, EO and CEO as well as the Finance Officer / IT (the latter is a qualified solicitor), within Head office believed it to be a bona fide project that would enhance teaching and learning methodology within Glanmire Community College and also afforded significant potential for transferability of the end product to the remaining schools within the scheme. It was also indicating that it would be cost neutral to the VEC through staged repayments (12 in all).



The rapid expansion of the enrolment as shown above demanded that additional IT resources were required for the College, aside from this project, at the time. In such circumstances, with a new school, the annual budget allocation, based on a per capita basis, could not sustain such an outlay as the maintenance and running costs for such a large building and grounds was significant. Alternative methods of providing interim funding was needed and on the understanding that all such monies would be re-paid to CCVEC under the terms of the contract. Hence the lease /repayment contract that was agreed and it is important to note that three of the twelve re-payments amounting to €53,996 were received and lodged to the VEC account. Had all re-payments been received the project would have offered a surplus to CCVEC. The CEO could not have predicted that the company would go bust.