



## CLOYNE DIOCESAN CENTRE

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While the Board of Management is charged with the heavy responsibility of administering the school, the only party that can give a licence to use the school is the owner of the school, that is the Parish/Diocese acting through the Trustees of the Parish/Diocese. Every licence therefore has to be granted by the Trustees of the Parish/Diocese because the school is owned by the Parish/Diocese.

Because problems, litigation, employment issues, property issues etc. have been arising from the use of school property the Trustees of the Parish/Diocese have been advised that all activities other than normal school activities in national schools should be regulated by written licence. The benefit of a licence when somebody is using the school premises is that it sets out clearly on what terms the person is allowed access to the school. It clarifies, for example, that the person is not an employee, that the person has independent insurance cover, that the person has proper Garda/State vetting if children/vulnerable adults are involved, and that person has no property rights in the school.

I hope that it will be of assistance if I outline the procedure to be followed.

A **Licence** will be granted to a person conducting an activity (classes etc.) in the school which is not part of the National School curriculum. The person undertaking the activity in the school is acting as an *Independent Contractor*. It is very important for insurance and other purposes that this fact be made clear in all the documentation.

A licence will issue for the period from 1<sup>st</sup> September until the 30<sup>th</sup> June of the following year and if the same person wishes to apply to provide such services again the following year, an application for a new licence should be made to the Board of Management in the same way in the month of June/July before the commencement of the school year again.

The Licence will be issued by the Cloyne Diocesan Centre. An administration fee of €50 (**payable to Bishop of Cloyne Charities**) will be payable in respect of each licence. This administration fee is to be paid by cheque and should be furnished to the Cloyne Diocesan Centre with the licence in duplicate, signed by the Licensee. Subject to all other matters being in order, the licence will then be signed on behalf of the Diocesan Trustees.

I enclose a number of documents.

Please note that the Trustees of the Diocese have drawn up the within documentation and the licence to be issued after extensive consultation and accordingly, no other form of agreement or licence should be employed. If the School has used any other form of document with the proposed Licensee, the Licensee should now be advised in writing by the Board that such documentation is no longer operative and is superseded by the documentation about to be executed.

If the Board considers that any other conditions or terms should be included in the licence to be issued, they should advise immediately and the Trustees' approval will be sought for it.

In the event that complications arise or if it is necessary in the circumstances to consult with the Solicitor for the Trustees, an additional fee may be incurred by the Licensee in addition to the administration fee. Such complications could, for example, include matters such as (but not limited to) the need for a modified play area, any works to be carried out, applications for funding from Pobal or other State Agency.

1. I enclose **Request for Issue of Licence**. The procedure to be followed requires that the Principal should complete a detailed form “**Request for Issue of Licence**” setting out the information necessary for the issue of a licence and clarifying various matters as set out in this form. If you read the statement on page 3 of the form, it sets out that it should be accompanied by the following:
  - (1) Form 1 completed by the Independent Contractor (See Paragraph 3 below)
  - (2) Copy Schedule of the insurance policy/policies (See Paragraph 5(a) below)
  - (3) Copy letter from the Broker/Insurance Company confirming that the Patron, Trustees and Board of Management are specifically indemnified under the policy (See Para 5(b) below)
  - (4) Copy Letter to Parish Priest advising of proposed licence application
  - (5) Administration fee of €50 (**Cheque payable to Bishop of Cloyne Charities**)

2. I enclose “**Form 1**”: **Form to be signed by the Independent Contractor and submitted to the Board**. The Independent Contractor should complete this form of application and return it to the Board. The Board should send this to the Cloyne Diocesan Centre with the Checklist and other documentation listed below.

If an application for a licence is made by a club or organisation, then if the organisation is not a Company, the Licence should preferably be signed by at least two Officers/Trustees of the organisation. **Please Confirm** if such is the case, and that you have clarified with the Licensee that the organisation is not a company or any other corporate entity, and that it is in order to name the Licensee(s) as individuals nominated on behalf of the group as an unincorporated association.

3. I enclose “**Form 2**”: **Form to be signed by Parent/Guardian**. This is given as a sample. The Independent Contractor organising the activity should ensure that a copy of this form is signed by the Parent/Guardian of every child taking part in the activity and signed forms should be retained by the Independent Contractor.
4. I enclose “**Wording for Website etc.**”. For a school or an independent contractor advertising on its website, in correspondence, newsletters, fliers etc., that activities other than the National School are being conducted by other people in the school, it is essential that this wording be incorporated as part of any such notice/advertisement/etc.
5. (a) It is also essential that the Independent Contractor should have both *Public Liability Insurance Cover* and *Employer’s Liability Insurance Cover* (if there are employees). The Employer’s Liability Cover (where it is necessary) should include cover of the Independent Contractor’s Vicarious Liability and injury to persons other than employees.

(The Licensee’s insurance should not merely indemnify the school arising out of negligence of the Club, but also in respect of any claim against the school for any reason. If any physical activity is involved (e.g. games or sports), the school will have to be indemnified against any claim of any participant in respect of bodily injury to any participant caused by or arising out of engagement in any sporting event.)

- (b) **The insurance documentation furnished i.e. Letter of Indemnity should be in the name of the proposed Licensee and should specifically indemnify the Patron, the Trustees and the Board of Management.**

6. It is also very important that *State/Garda Vetting* should have been received by the Independent Contractor and any assistants/volunteers/employees etc. of the Independent Contractor.

In the event that a key to the School is given to a Licensee, a key deposit, to be decided by the Board of Management, is payable to the Board of Management of the school at the commencement of the

licence period. This key deposit is to be returned to the Licensee when the key is returned to the Board of Management of the School on the expiry of the licence.

On confirmation/receipt by this office of the requested information, a licence in duplicate will issue for signature which can then be returned to this Office for signature on behalf of the Trustees of the Parish.