



# Newsletter

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Please photocopy and distribute to members of the Board of Management (BoM). A copy has been sent to the Principal. This Newsletter is also available on the CPSMA website at [www.cpsma.ie](http://www.cpsma.ie)

## NEW GENERAL SECRETARY CPSMA

The Standing Committee of CPSMA has appointed Rev. Dr. Tom Deenihan as the General Secretary of CPSMA. The appointment is effective as of October 14, 2013.

Father Tom Deenihan is a priest of the Diocese of Cork and Ross. He was ordained to the Priesthood in 1991 and, since then, has worked in the Diocese of Cork and Ross in a number of positions including several parishes, a post-primary school and as Diocesan Secretary and Diocesan Education Secretary since 2006.

He has been hugely involved in Education, completing both a Master's and Doctor's Degree in Education. He taught at Saint Goban's College, Bantry for nine years and has served on many Primary, Post Primary, Third Level and further Education Boards. He is also a member of the Cork Education and Training Board as well as being Chair and Occasional Lecturer at the Christian Leadership in Education Office (CLEO), a collaborative partner of the University of Hull. He is also a member of the Catholic Schools Partnership (CSP) as well as being the Chair of the Association of Trustees of Catholic Schools (ATCS).

Fr. Deenihan said that he is honoured to have been appointed to serve as General Secretary of CPSMA. He said that he always appreciated the support of Sister Eileen Randles, Monsignor Dan O'Connor and Ms. Eileen Flynn as a member of Primary Boards of Management and as Diocesan Education Secretary. Fr. Tom looks forward to continuing the tradition of promoting, defending and supporting the inclusivity, professionalism and high standard of education and religious education in our Catholic Primary schools throughout the country. He is also mindful of the obligations that CPSMA has to the people from the parishes throughout Ireland who serve the community as a whole by voluntary service on Management Boards. He looks forward to working with the Standing Committee of CPSMA and the Department of Education & Skills, as well as the other Education Partners in supporting Catholic Primary Schools.

## CPSMA FAMILY LAW SEMINARS

CPSMA is delivering seminars entitled 'Family Law Issues - What Schools Need to Know' during the months of October, November and December 2013 in venues nationwide. These seminars are free to CPSMA members. CPSMA is also using this opportunity to seek feedback from members.

Members may pre-book the seminar of their choice by logging onto [www.cpsma.ie](http://www.cpsma.ie) (Training section).

## REGISTRATION WITH THE TEACHING COUNCIL

From **1<sup>st</sup> November 2013** all teaching staff must be registered with the Teaching Council in order to be paid. From this date the Department of Education & Skills (DES) will be prohibited by law from paying unregistered people in teaching positions in schools except in very exceptional circumstances and for very short time periods. *Circular 0025/2013 'Requirement For Teachers in Recognised Schools to Register with the Teaching Council'*, explains the requirement for teachers in recognised schools to be registered with the Teaching Council.

If it has not already done so the BoM is urged to provide all of its staff in teaching positions, including those on paid or unpaid leave of absence, with a copy of Circular 0025/2013 and to ascertain immediately whether any member of teaching staff is not registered with the Teaching Council. The BoM can check registration in real time at [www.teachingcouncil.ie](http://www.teachingcouncil.ie) (view the register). Any member of staff not registered should be advised to immediately make an application for registration to the Teaching Council. The BoM should also immediately inform its insurance company of the situation and seek legal advice as a matter of urgency. The BoM may also contact CPSMA for advice.

## ANTI-BULLYING PROCEDURES FOR PRIMARY AND POST PRIMARY SCHOOLS

The Department of Education and Skills (DES) recently issued new Anti-Bullying Procedures ("the Procedures") which replace the 1993 *Guidelines on Countering Bullying Behaviour*. The Procedures require the BoM to develop and formally adopt an anti-bullying policy which fully complies with the requirements of the Procedures. The DES has stated that this should be completed no later than the end of the second term of the 2013/14 school year.

The schools anti-bullying policy is also within the framework of the code of behaviour. All schools are required to have a code of behaviour which must be prepared in accordance with guidelines issued by the National Educational Welfare Board (NEWB). The NEWB's publication *Developing a Code of Behaviour: Guidelines for Schools* issued to schools in 2008.

CPSMA has urged the DES to provide training/resources for BoMs regarding the putting in place and implementation of the anti-bullying policy.

Some of the main elements of the Procedures are as follows:

1. The BoM must develop and formally adopt an anti-bullying policy which fully complies with the requirements of the Procedures. The DES has stated that this should be completed no later than the end of the second term of the 2013/14 school year.
2. A template anti-bullying policy, which must be used by all schools is provided in Appendix 1 of the Procedures.

3. Once adopted by the BoM the school's anti-bullying policy must be made available to school personnel. It should be published on the school's website (if none exists it should be accessible to parents and pupils on request) and provided to the Parents' Association (where one exists).
4. The Procedures make it clear that the definition of bullying includes cyber bullying.
5. The Procedures outline the key principles of best practice for preventing and tackling bullying e.g. a positive school culture and climate, a school wide approach etc.
6. The school's anti-bullying policy must set out the school's procedures for investigating and dealing with bullying together with the school's procedures for the formal noting and recording of bullying behaviour which must be in accordance with the Procedures.
7. The template for recording bullying behaviour (in Appendix 3) must be used by a teacher in the following circumstances (a) in cases where s/he considers that bullying behaviour has not been adequately and appropriately addressed within 20 school days after s/he has determined that bullying behaviour occurred and (b) where the school has decided as part of its anti-bullying policy that in certain circumstances bullying behaviour must be recorded and reported immediately to the Principal/Deputy Principal.
8. The Procedures require that, at least once in every school term, the Principal will provide a report to the BoM setting out (a) the overall number of bullying cases reported by means of the template to the Principal/ Deputy Principal since the previous report to the BoM and (b) confirmation that all of these cases have been, or are being, dealt with in accordance with the school's anti-bullying policy and the Procedures. This must be recorded in the minutes of the BoM meeting.
9. The BoM must conduct an annual review of the school's anti-bullying policy and its implementation by the school. The checklist in Appendix 4 must be used for the review. Once this has occurred a written notification that the review has been completed must be made available to school personnel, published on the school website (if none exists it should be made accessible to parents and pupils on request) and provided to the Parents' Association (where one exists). The template written notification which must be used is also contained in Appendix 4.

Members may access both the *Anti -Bullying Procedures for Primary and Post Primary Schools* document and *Circular 0045/2013* at [www.cpsma.ie](http://www.cpsma.ie). (Circulars section-Anti-bullying).

## SICK LEAVE ENTITLEMENTS AND SUBSTITUTE COVER FOR TEACHERS

*Circular 0036/2012* deals with **self-certified paid sick leave**, previously known as uncertified sick leave, for teachers. These arrangements provide for a reduction in the number of paid self-certified sick leave days. Once fully implemented, the maximum permitted is 7 days paid self certified sick leave over a personal rolling two year period (whereas the previous arrangement allowed for up to 7 days self-certified paid leave *in a school year*).

The new arrangements are being phased in as follows:

From 1 August 2012 until 31 July 2014 a maximum of 7 days self - certified paid sick leave is permitted. Only self - certified sick leave taken since 1 August 2012 will be counted towards the maximum 7 days allowable in this period.

From 1 August 2014 each teacher will have a *personal 2 year rolling period* counting backwards from the date of his/her latest self-certified sick leave absence e.g. where a teacher is absent on self certified sick leave on the 31<sup>st</sup> May 2015, self-certified sick leave in the two year period between 1 June 2013 and 31<sup>st</sup> May 2015 will be counted to ensure that the maximum of 7 days has not been reached. Where a teacher who has exhausted his/her 7 self-certified sick leave days, is absent on sick leave, s/he will have to provide a medical certificate if s/he is to be paid for that absence.

A maximum of 3 self-certified sick leave days may be taken at any one time (as was the position prior to the introduction of the new arrangements).

The DES has indicated that the arrangements for substitute cover for self-certified sick leave which were in place for the 2012/2013 school year will continue to operate until the "appropriate alleviation measures in relation to multiple absences particularly in small schools" are finalised, as per the provisions of *Circular 33/2013*. The arrangements for the 2012/2013 school year provided that substitute cover is not provided for the first day of an absence of a teacher on self-certified sick leave in a school. There are two **exceptions** namely 1) substitute cover will be provided for the first day of an absence of a teacher on self-certified sick leave in schools with two or less classroom teachers and 2) in the event that two or more teachers in a school are absent from teaching duty on the first day of self-certified sick leave, substitute cover is provided for the second and subsequent teachers that are absent. (*Circular 48/2010*)

CPSMA is in ongoing contact with the DES in order to obtain clarity for schools regarding what is meant by "appropriate alleviation measures".

The provisions in relation to certified sick leave remain as per *Circular 0060/2010*. There has been no change to substitute cover for certified sick leave under the Haddington Road Agreement.

## SCHOOL SELF EVALUATION FINAL REPORT

*Circular 0039/2012* outlines a school's obligations in relation to School Self Evaluation and the resulting School Improvement Plan (SIP). As soon as these are in place, and no later than the end of the 2013/2014 school year, a summary of these should be provided to the school community. It is a matter for the BoM to decide on the best way to ensure that all members of the school community receive these. For further information regarding SSE refer to [www.schoolself-evaluation.ie](http://www.schoolself-evaluation.ie).

## TEMPLATE LETTERS FOR MEMBER BOARDS OF MANAGEMENT REGARDING DISCIPLINARY PROCEDURES

CPSMA is currently working on a suite of template letters which can be used by member schools when working through the various stages of the disciplinary procedures as set out in *Circular 60/2009*, (Revised Procedures in relation to Professional Competence Issues and General Disciplinary Matters for Teachers/Principals) and *Circular 72/2011* (Grievance and Disciplinary Procedures for Special Needs Assistants in Recognised Primary and Post-Primary Schools). These template letters will be made available to members at [www.cpsma.ie](http://www.cpsma.ie) once finalised.

### DES SURVEY- 'RESPONSE BURDEN ON SCHOOLS'

CPSMA continues to make ongoing representations to the DES in relation to the ever increasing administrative burden on schools. In response to these representations, the DES is undertaking a qualitative survey to determine the impact of this burden. The DES proposes to conduct interviews in 20 schools at primary level, 2 special schools and 9 schools at post primary level. CPSMA will advise members of developments as they arise.

### NATIONAL EMPLOYMENT RIGHTS AUTHORITY INSPECTIONS

The National Employment Rights Authority (NERA) Inspectors regularly carry out inspections in schools to check the schools' compliance with employment law obligations. Points to note in relation to such inspections include:

- ✓ In general, an employer will get advance notice of an inspection. An appointment letter, giving a proposed date and time for the inspection, will be sent to the employer together with a template questionnaire. An employer is required by law to keep employment records at the place of employment. The Inspector will generally assume that this is where the inspection will take place.
- ✓ Prior to commencement of an inspection, the Inspector is required to identify him/her self and produce his/her Certificate of Appointment to the employer and explain the nature and purpose of the visit/inspection together with the legislative basis upon which s/he is acting.
- ✓ Members are referred to the NERA publication 'Guide to Inspections at [www.employmentrights.ie](http://www.employmentrights.ie) for details of the records an Inspector will examine during the course of an inspection which include:
  - ❖ Employer Registration Number with the Revenue Commissioners.
  - ❖ List of all employees including: full name, address and PPS number for each employee (full and part-time).
  - ❖ Terms of employment for each employee.
  - ❖ Payroll details.
  - ❖ Evidence that the employer has provided payslips to staff.
  - ❖ Employees job classification.
  - ❖ Dates of commencement and where relevant, termination of employment.
  - ❖ Hours of work for each employee (including starting and finishing times).
  - ❖ Register of employees under 18 years of age.
  - ❖ Holidays and Public Holiday entitlements received by each employee.
  - ❖ Any documentation necessary to demonstrate compliance with employment rights legislation.
- ✓ In general, the Inspector starts the inspection by examining a sample of original records covering a period of one year prior to the inspection date. The Inspector may then determine whether further records should be examined within the previous three year period. Interviews are conducted with a sample of employees in order to check the veracity of records and information provided during the inspection.
- ✓ Where compliance with employment law is evident, the Inspector will issue a letter concluding the inspection. Where minor non compliance with employment law is detected, the Inspector will ask the employer to rectify such breaches. NERA may invoke legal sanctions against non compliant employers in relation to serious non-compliance and/or non-co-operation.

NERA also provides an information service to employers. Members may contact NERA's Workplace Relations Customer Services at 1890 80 80 90 or visit [www.employmentrights.ie](http://www.employmentrights.ie).

### PRIMARY ONLINE DATABASE (POD)

CPSMA, in ongoing representations to the DES, has highlighted the increasing workload being imposed upon schools. CPSMA is now engaged in detailed consultations with the DES regarding the development of an online database for primary school pupils. This most welcome development will facilitate the management of pupil data from enrolment at primary level, through to transfer to second level. When fully operational, the Primary Online Database (POD) will replace the Primary Annual Census Return. CPSMA is urging the DES to ensure that schools who wish to do so, will be able to use POD as a 'one stop shop' for all school administration, including the various returns which have to be made etc.

The Annual Census Return for 2013/2014 has been published on [www.education.ie](http://www.education.ie). This year, it includes an optional question aimed at measuring the extent to which administration software is used in schools. *We urge all schools to complete this optional question* as the response will provide the DES with data that will inform the development of POD.

## SCHOOLS REQUIRED TO “HOLD OPEN” A VACANCY

Schools that were given provisional approval for a teaching post on the basis of projected enrolments in September 2013 were required to “hold open” one vacancy. The post to be held open could be either a permanent or temporary post but could only be filled on a fixed term basis to **Friday, 25<sup>th</sup> October 2013**. The fixed term contract for the post was required to set out clearly that the post would expire on the sooner of the last day of the school year or on Friday, 25<sup>th</sup> October 2013 (where the required enrolment is not achieved and/or the post is required for the redeployment of a surplus permanent/CID holding teacher).

The DES is to advise schools, as early as possible in October, whether such a vacancy is required to facilitate the redeployment of a surplus permanent teacher. If the post is required for the redeployment of a surplus permanent teacher, the fixed term contract must cease on Friday, 25<sup>th</sup> October 2013.

If the post is not required for redeployment purposes, it may be filled, with DES approval, in the normal manner (i.e. Appendix D, *Constitution of Boards and Rules of Procedure 2011*). If the post being recruited is a permanent post the recruitment process must be completed by **Monday, 2<sup>nd</sup> December 2013**. For further guidance in this regard members should visit [www.cpsma.ie](http://www.cpsma.ie).

## REDUCTION IN SNA RESOURCES AND SNA SENIORITY

A BoM must comply with the provisions of *Circular 0059/2006* (Seniority of Special Needs Assistants) and *Circular 0058/2006* (Redundancy Arrangements for Special Needs Assistants), as appropriate, when dealing with a reduction in its allocation of SNA resources. The provisions of Circular 0059/2006 detail the importance of seniority of SNAs in determining which SNA(s) should be offered reduced hours or have their employment terminated when the allocation of the school is reduced. The seniority listing of SNAs in the school should be used in determining ‘Last In First Out’ (LIFO) for the purposes of redundancy.

In a situation where a school has been given a reduced allocation of SNA resources, the school must reduce its SNA resources using the LIFO mechanism. This means that the hours of the most junior SNA(s) must be reduced. The only exception to this rule arises where the school has a determination from the NCSE/SENO stating that its allocation must be split amongst a specific number of SNAs and/or stating that the allocation must be implemented in a specific fashion.

**Example:** A school had an allocation of 2 SNAs for the 2012/2013 school year and employed 2 full-time SNAs. The allocation for the 2013/2014 school year has been reduced by 0.5 of a post. The school must reduce the hours of the most junior SNA by 0.5 of a post. It is not open to the school to seek to reduce both SNAs by .25 of a post to deal with the reduced allocation unless this is provided for by direction from the SENO.

Where an SNA has had his/her hours reduced s/he may be entitled to a redundancy payment/compensation in line with the terms of Circular 0058/2006. It is vital that a BoM makes the application for redundancy at the earliest opportunity as the DES operates a strict timeframe. The application must be made within 52 weeks of the SNA being made redundant. The DES has indicated that it will only process applications where schools have complied with the provisions of the appropriate circular(s). The DES has indicated that where it comes to its attention that a school has reduced its allocation other than in accordance with the terms of the relevant circular(s) the BoM will be obliged to correct the situation in order to ensure compliance with the terms of the circular(s).

A BoM should note that where an SNA has been allocated additional hours subsequent to his/her initial recruitment this may have an impact on the seniority listing of SNAs in the school.

### **Example:**

SNA 1 recruited September 2009 – .75 of a post (24 hours)

SNA 2 recruited September 2010- .75 of a post (24 hours)

Additional .25 of a post (8 hours) was allocated to SNA 1 in September 2012. SNA 1 now holds 32 hours.

In June 2013 the school’s SNA allocation was reduced by .5 of a post (16 hours).

SNA 1 will lose 8 hours (as s/he is more junior in relation to his/her most recent allocation of 8 hours in September 2012)

SNA 2 will then lose the remaining 8 hours (as s/he is the most junior SNA having been recruited after SNA 1). Therefore, after the reduction of .5 of a post SNA 1 will hold 24 hours and SNA 2 will hold 16 hours.

## SUPERVISION

As a result of the Haddington Road Agreement schools may no longer engage external personnel to undertake supervision as this must be done by teaching staff who are all now obliged to undertake this duty. A BoM should put appropriate measures in place to terminate such arrangements, if it has not already done so.

## RECENTLY ISSUED CIRCULAR(S)/PUBLICATION(S)

0046/2013- Allocation To Schools For Books

0045/2013- Anti Bullying Procedures for Primary and Post Primary Schools.

0043/2013 – Primary School Vaccination Programme and MMR (measles, mumps and rubella) Vaccination Catch up Campaign 2013/2014.

Copies of the above circulars should be made available to all members of the Board of Management and to relevant staff, including those on leave of absence. The above circulars can be accessed at [www.cpsma.ie](http://www.cpsma.ie) (Circulars section).

A Guide to Whole School Evaluation – Management, Leadership and Learning in the Primary School (DES Inspectorate, 2013) may be accessed at [www.cpsma.ie](http://www.cpsma.ie) (Reference Library)