

Supplementary Assignment Arrangements for SNAs – 2014/2015 school year

Frequently Asked Questions (FAQs)

Please note that these FAQs give general information regarding DES Circular 0044/2014 but are not a legal interpretation.

These FAQs should be read in conjunction with DES Circular 0044/2014 - Link as follows:

http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0044_2014.pdf which sets out the detailed supplementary assignment arrangements for SNAs for the 2014/2015 school year and which issued on 12 May 2014.

If you are still unsure of any matter following reading Circular 0044/2014 and following reading these FAQs then any queries should be directed by e-mail only to the following dedicated e-mail address: snasupplementpanel@education.gov.ie

Pages 2 – 4 detail FAQs for Employers

Pages 5 – 9 detail FAQs for SNAs

Page 10 contains further information.

FAQs for Employers

1. What is the rationale for having a Supplementary Assignment Panel for SNAs?

A set of proposals for a public service agreement were put forward by the Labour Relations Commission which now form the Public Service Stability Agreement 2013-2016 (the Haddington Road Agreement). One aspect of this Agreement relates to supplementary assignment arrangements for Special Needs Assistants (SNAs) and as both Unions that represent SNAs namely, SIPTU and IMPACT, have signed up to the Haddington Road Agreement, the Department of Education and Skills has implemented supplementary assignment arrangements for SNAs.

2. What is the position in respect of DES Circular 37/2013?

DES Circular 37/2013 has been replaced and superseded by DES Circular 44/2014.

3. When a SNA is being made redundant what should an employer do?

The employer should issue notice of redundancy to the SNA, provide an RP50 to the SNA and provide the SNA with a certified copy of a completed Panel Form 1 (PF1) as contained in circular 0044/2014. The RP50 should be forwarded to the DES.

4. My school has been given an additional allocation of 1.5 posts this year. I already have part-time SNAs in the school. Can I increase the hours of my existing part time SNAs or must I recruit SNAs from the Supplementary Assignment Panel?

In line with paragraph 11 of Circular 44/2014 where an employer has part-time SNAs and then receives an additional allocation of SNA resources, the employer may choose to allocate additional hours to those existing part-time SNAs without recourse to these arrangements. This is not an obligation and the employer may advertise the vacancy if they so wish. This option to allocate additional hours to part time SNAs **does not** apply to part-time SNAs doing 'cover' vacancies.

5. What is the process for Employers for filling a vacancy other than a cover vacancy?

When an employer has an SNA vacancy to fill, the employer must undertake the recruitment process in accordance with the provisions outlined in paragraphs 10-20 of Circular 44/2014. It should be noted that an employer filling a SNA vacancy other than a 'cover' vacancy must complete a Process Verification document.

6. Where can a BoM source a Process Verification document?

A BoM can obtain a Process Verification document in circular 44/2014.

7. What should the BoM do with the Process Verification document once completed?

At the end of the process for filling a SNA vacancy other than a 'cover' vacancy the completed document should be forwarded to the supplementary assignment manager within 6 weeks of the vacancy being filled.

8. Where must an employer advertise its vacancy?

The advertisement must be placed on any of the websites listed in paragraph 13 of circular 44/2014.

9. Can other people apply for SNA vacancies?

Any person may apply for an SNA vacancy, however; employers are obliged to give precedence to applicants who are members of the SNA Supplementary Assignment Panel as per paragraphs 16 to 18 of Circular 44/2014.

10. What should the employer do if an employer receives an application from a SNA with a PF1 form?

The employer must consider applicants with PF1 forms in the first instance.

- If 5 or fewer PF1 SNAs apply for the position all 5 should be called to interview.
- If more than 5 PF1 SNAs apply at least 5 should be called to interview.

The employer is obliged to offer the position to one of these PF1 SNAs if s/he meets the specific competencies and/or requirements to meet the special educational needs of the pupil(s) as outlined in the advertisement.

11. If none of the PF1 SNA's called to interview meet the specific competencies and/or requirements to meet the special educational needs of the pupil(s) as outlined in the advertisement what should the BoM do?

If following interview it has been determined that none of the PF1 SNAs meet the specific competencies and/or requirements to meet the special educational needs of the pupil(s) as outlined in the advertisement the BoM should consider all other applicants and arrange a second set of interviews. These interviews must be held on a **separate day** to the first set of interviews.

12. How soon should the SNA respond to the offer of the position?

The SNA should be obliged to confirm acceptance in writing to the BoM no later than eight calendar days from the date of the letter of offer. Failure to accept the vacancy offered within the required timescale will result in the withdrawal of the offer.

13. Who is the Supplementary Assignment Manager and what is his/her role?

The supplementary assignment manager means a person assigned by the Department of Education and Skills to fulfil the role outlined in paragraph 24 (page 9) of Circular 44/2014. The name of the supplementary assignment manager will be published by the Department upon their appointment.

14. Why is membership of the SNA Supplementary Assignment Panel only available to those SNAs made redundant on or after 1 May 2013?

The first part of the LRC proposals for supplementary assignment arrangements for SNAs outlines that the supplementary assignment arrangements only apply to current SNAs who are notified that they are to be made redundant. Accordingly, with effect from 1 May 2013 once an SNA with a minimum of one year's service (in a position other than a 'cover' position) is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. The 1st of May 2013 was set in order to ensure that the overwhelming majority of SNAs who worked in schools during the

12/13 school year would be eligible for the supplementary assignment arrangements, as set out in the Haddington Road Agreement. SNAs who were made redundant prior to 1 May 2013 are free to apply for SNA positions, however; those SNAs who are members of the SNA Supplementary Assignment Panel are afforded preferential treatment in the filling of SNA vacancies.

15. Is there a list of those SNAs who are members of the Supplementary Assignment Panel available?

The operation of this panel will be as described and outlined in Circular 0044/2014. A list of SNAs who have been deemed to be members of the Supplementary Assignment Panel has not been made or kept by the Department of Education and Skills and thus it will not be possible for SNAs to check their positioning on this panel as no list of panel members is kept.

16. Why is there no list of SNAs who are members of the Supplementary Assignment Panel available?

The operation of this panel is as described and outlined in Circular 0044/2014. This enables all eligible SNAs, who have the requisite Panel Form 1 completed by their former employer, to apply for any SNA position that is advertised by a school or an ETB with no sectoral, diocesan or geographical limitations imposed.

FAQs for SNAs

17. What SNAs are eligible for Panel Membership?

With effect from 1 May 2013 once an SNA with a minimum of one year's service (Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks, job-sharing etc. does not count) is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. **This does not apply where an SNA loses hours but remains with his/her existing employer.** With the exception of SNAs who have been re-employed (other than in a temporary/substitute capacity) or have chosen to opt out of the panel in accordance with the terms of Paragraph 6 of Circular 44/2014 (or of its predecessor circular 37/2013), all SNAs who have been made redundant since 1 May 2013 are members of the SNA Supplementary Assignment Panel.

18. I am a part-time SNA who has been notified that I am to be made redundant. Am I eligible for Panel membership?

Yes. With effect from 1 May 2013 once any SNA, whether full-time or part-time, with a minimum of one year's service is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of the Supplementary Assignment Panel for SNAs.

19. What is the position in respect of DES Circular 37/2013?

DES Circular 37/2013 has been replaced and superseded by DES Circular 44/2014.

20. What is the process for an SNA on the Panel looking for a new position?

SNAs should utilise a certified copy of PF 1 to apply for any SNA vacancies that they may see advertised. Details around websites advertising SNA vacancies are contained in paragraph 13 of DES Circular 44/2014. SNAs do not return the PF 1 to the Department of Education and Skills as it is only for an SNAs own use when applying for vacancies.

21. I am a SNA with a PF1 form. Must I be offered the position?

The employer is obliged to give precedence to applicants who are members of the SNA Supplementary Assignment Panel and must offer one such SNA the position if s/he meets the requirements outlined in the advertisement.

22. I am an SNA who has been offered a position. How soon do I need to respond to the offer of the position?

You are obliged to confirm acceptance in writing to the BoM no later than eight calendar days from the date of the letter of offer. Failure to accept the vacancy offered within the required timescale will result in the withdrawal of the offer.

23. I work as an SNA and my hours have been reduced from full time down to 10 per week for the coming school year, 2014/2015. Can I go on the Panel and/or claim redundancy?

In line with paragraph 3 of DES Circular 44/2014 you are not eligible for panel membership as you are not being made redundant. Provided you have the requisite service time with your existing employer then you should apply for a compensation payment for the loss of hours concerned.

24. Can other people apply for SNA vacancies?

Any person may apply for an SNA vacancy, however; employers are obliged to give precedence to applicants who are members of the SNA Supplementary Assignment Panel as per paragraphs 16 to 18 of Circular 44/2014.

25. What are the rules regarding the filling of substitute/cover vacancies?

Paragraph 10 of Circular 44/2014 indicates that Supplementary assignment panel rules do not apply to the filling of Substitute or "Cover" vacancies i.e. Maternity Leave, Sick Leave, Career Breaks, job-sharing replacement, unpaid leave replacement etc. which continue to be filled in the normal manner. However, an SNA who is a member of the supplementary assignment panel may be employed as a substitute SNA while retaining his/her membership of the supplementary assignment panel. Such service is not reckonable for seniority, incremental or redundancy purposes.

26. I have opted out of the SNA Supplementary Assignment Panel but have been offered substitute SNA work. What are the implications for me?

If an SNA opts out of the Panel they receive their redundancy entitlements. If that SNA is subsequently employed as a substitute SNA they will not have to reimburse the Department in respect of any redundancy compensation payment that they have received.

27. What is the rationale for having a Supplementary Assignment Panel for SNAs?

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28. Who is the Supplementary Assignment Manager and what is his/her role?

The supplementary assignment manager means a person assigned by the Department of Education and Skills to fulfil the role outlined in paragraph 24 (page 9) of Circular 44/2014. The name of the supplementary assignment manager will be published by the Department upon their appointment.

29. Why is membership of the SNA Supplementary Assignment Panel only available to those SNAs made redundant on or after 1 May 2013?

The first part of the LRC proposals for supplementary assignment arrangements for SNAs outlines that the supplementary assignment arrangements only apply to current SNAs who are notified that they are to be made redundant. Accordingly, with effect from 1 May 2013 once an SNA with a minimum of one year's service is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. The 1st of May 2013 was set in order to ensure that the overwhelming majority of SNAs who worked in schools during the 12/13 school year would be eligible for the supplementary assignment arrangements, as set out in the Haddington Road Agreement. SNAs who were made redundant prior to 1 May 2013 are free to apply for SNA positions, however; those SNAs who are members of the SNA Supplementary Assignment Panel are afforded preferential treatment in the filling of SNA vacancies.

30. Is there a list of those SNAs who are members of the Supplementary Assignment Panel available?

The operation of this panel will be as described and outlined in Circular 0044/2014. A list of SNAs who have been deemed to be members of the Supplementary Assignment Panel has not been made or kept by the Department of Education and Skills and thus it will not be possible for SNAs to check their positioning on this panel as no list of panel members is kept.

31. Why is there no list of SNAs who are members of the Supplementary Assignment Panel available?

The operation of this panel is as described and outlined in Circular 0044/2014. This enables all eligible SNAs, who have the requisite Panel Form 1 completed by their former employer, to apply for any SNA position that is advertised by a school or an ETB with no sectoral, diocesan or geographical limitations imposed.

32. I am on the SNA Panel and have seen SNA vacancies advertised on educational websites. Do I have to apply for these positions even though many of them do not suit me for a variety of reasons?

No. The panel mechanism is flexible giving all eligible SNAs, who have the requisite Panel Form 1 completed by their former employer, freedom to apply for any SNA position that is advertised by a school or an ETB with no sectoral, diocesan or geographical limitations imposed.

33. I am an SNA who has got a new SNA position. What happens to my service from my previous employer?

Any SNA who is deemed to be a member of this Supplementary Assignment Panel and who is appointed to a further SNA position on or before 1 June 2015 will carry forward any service that s/he has already accrued as an SNA with their previous employer. This will be carried forward and reckonable, for redundancy purposes only, if a future redundancy situation arises in respect of that person.

Example A: An SNA served in a full-time position in School A from 1 September 2011 to 31 August 2014. They then get a full-time SNA position via the Panel in School B

and serve in School B from 1 September 2014 to 31 August 2017 at which point they are made redundant and opt for a redundancy payment. Their service for that redundancy payment will be 6 years i.e. 3 years from School A added to 3 years from School B.

Example B: An SNA served in a half-time (0.5) position in School A from 1 September 2011 to 31 August 2014. They then get a full-time SNA position via the Panel in School B and serve in School B from 1 September 2014 to 31 August 2017 at which point they are made redundant and opt for a redundancy payment. Their service for that redundancy payment will be equivalent to 4.5 years i.e. 1.5 years from School A added to 3 years from School B.

Example C: An SNA served in a full-time position in School A from 1 September 2011 to 31 August 2014. They then get a half-time (0.5) SNA position via the Panel in School B and serve in School B from 1 September 2014 to 31 August 2017 at which point they are made redundant and opt for a redundancy payment. Their service for that redundancy payment will be equivalent to 4.5 years i.e. 3 years from School A added to 1.5 years from School B.

34. I had a full-time SNA position but have now only got a half-time (0.5) position in a new school via the Panel. Am I entitled to a compensation payment in respect of the hours lost?

No. However, your previous service will be carried forward and reckonable, for redundancy purposes only, if a future redundancy situation arises in respect of yourself in line with Example C above.

35. I am an SNA who opted out of the Panel but I have now applied for and been offered an SNA position in a new school. What happens to my redundancy payment?

In line with paragraph 7 of Circular 0044/2014, any SNA who opts for a redundancy payment as outlined above and who is subsequently re-employed as an SNA by **any** school or ETB within 1 year of being made redundant must notify the Department of Education and Skills or the relevant Education and Training Board that s/he has received such a payment. In these circumstances, re-imbusement of the enhanced (*ex gratia*) element of the redundancy payment will be required from that person. The arrangements for the re-imbusement will be made at that time, subject to the re-imbusement being completed within a 12 month time-frame. **This re-imbusement will not be payable to the SNA even in the event of a future redundancy event because the service in respect of which the payment was made will be deemed to have been broken by dint of s/he having received his/her statutory redundancy entitlements.**

36. I am an SNA who opted out of the Panel and received a redundancy payment but I have now applied for and been offered an SNA position in a new school. What happens to my service from my previous employer?

In line with paragraph 8 of Circular 0044/2014 it should be noted that even when an SNA re-imburses the enhanced (*ex gratia*) element of the redundancy payment, the service in respect of which the payment was made will be deemed to have been

broken by dint of s/he having received his/her statutory redundancy entitlements and any such service will not be reckonable for redundancy purposes in the event of the person being made redundant by his/her new employer subsequently.

37. Will I be paid while I am a member of this supplementary assignment panel?

In line with the terms of the Haddington Road Agreement SNAs will have no entitlement to salary by virtue of his/her membership of this supplementary assignment panel.

38. What is the position regarding pension and pensionable service?

In line with paragraph 31 of Circular 44/2014 a period of time spent on the supplementary assignment panel does not constitute pensionable service.

39. What is the position regarding the reckoning of service while on the supplementary assignment panel?

Time spent on the SNA supplementary assignment panel will not be reckonable for any purposes. This includes but is not limited to the following:

- a. Time spent on the SNA supplementary assignment panel will not count towards service.
- b. Time spent on the SNA supplementary assignment panel will not count in the event of a future redundancy situation.
- c. Time spent on the SNA supplementary assignment panel will not count for incremental progression.

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Further Information: The Haddington Road Agreement contains a provision to put in place a system of re-deployment for SNAs known as a Supplementary Assignment Panel, to complement the existing redundancy scheme for SNAs. As these arrangements are a new departure for the Department in respect of SNAs, the below information may be useful.

Details:

- The Department has now published Circular 0044/2014, providing details of a Supplementary Assignment Panel for SNAs for the 2014/15 school year.
- These arrangements are backdated to apply from 1 May 2013 to all SNAs who have at least one year's permanent service.
- When an employer is notifying an SNA that s/he is being made redundant the employer should **immediately** give the SNA a completed Panel Form 1 (PF1) which is appended to this Circular.
- SNAs who are members of this Supplementary Assignment Panel will have no entitlement to salary by virtue of his/her membership of this panel.
- Any SNA who is appointed to a new SNA position from the Supplementary Assignment Panel, will be able to carry forward their service from their previous employment – this will ensure that SNAs will be able to continue receiving increments, rather than beginning at the bottom increment again.
- That said, if an SNA receives a position via this Panel, any existing service as an SNA will not be reckonable for future seniority purposes as an SNA with the new employer – in other words, they become the most junior SNA for seniority purposes in their new employment.
- Any SNA who is appointed to a new SNA position from the Supplementary Assignment Panel, will not be eligible for redundancy payment for their previous employment. However, they will be able to reckon such service should a future redundancy situation arise in respect of them.
- If an employer receives an application for a vacancy from one or more SNAs who are due to be made redundant and who furnishes the employer with a certified copy of Panel Form 1 (PF1), then the employer is **obliged** to offer the vacancy to one of those SNAs. This is subject to the SNA meeting any specific competencies and/or requirements to meet the special educational needs of the pupil(s). Full Details in relation to this are contained in paragraphs 16 – 20 of DES Circular 44/2014.
- If the employer receives no applications from SNAs who are entitled to be on the Panel, they may proceed to fill vacancies in the usual manner.
- This Panel system will not involve a Panel list being kept by the Department, so it will not be possible to check positioning on a panel etc. during the year.
- The processing of any redundancy payment for SNAs on the Supplementary Assignment Panel will be postponed until 1 June 2015 unless an SNA opts out of the panel thus triggering the processing of their redundancy payment. This is in line with a previous Labour Court recommendation and is designed to give SNAs the maximum opportunity to gain further employment by utilising these procedures.
- This Panel will come to an end on 1 June 2015, and any SNAs who remain on the Panel at that point will have their redundancy payments processed as normal.
- An SNA may opt out of this Supplementary Assignment Panel at any point in time triggering the processing of his/her redundancy payment. Any SNA who wishes to opt out should complete the Supplementary Assignment Panel - OPT OUT FORM.