



DEDICATION

THIS HANDBOOK IS DEDICATED TO THE MEMORY OF
THE LATE BISHOP FRANCIS MCKIERNAN (1926–2005)
FORMER BISHOP OF KILMORE

AND THE LATE
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ARCHDIOCESE OF DUBLIN

Bishop McKiernan and Fr Sayers represented CPSMA at the negotiations during
1973–1974 that led to the establishment of the Boards of Management of
Primary Schools in October 1975.

‘Suaimhneas Siorai Tabhair Doibh a Thiarna’



ACKNOWLEDGEMENTS

The CPSMA Standing Committee wish to thank Allianz Insurance Company for their
sponsorship of this handbook.

The CPSMA Standing Committee thanks those who assisted in producing this
handbook.

Florence Conroy CPSMA Office
The Officials of Primary Administration, Special Education, Planning and Building
Section of the Department of Education and Science.

The INTO
The IPPN
The Quality Authority
The National Council for Special Education
The National Education Welfare Board

TABLE OF CONTENTS

1	The Origin and Organisation of Primary Schools in Ireland	5	The chairperson	49	
	The Origin of the Primary School System	5	The secretary	50	
	The Constitution of Ireland	6	The treasurer	50	
	A School's Ethos	7	Procedure for board meetings	51	
	Religious Education	9	Responsibilities of the board to the patron, the trustees and the Department	52	
	The Bishop as Patron	11	Disclosure of interest/integrity of board proceedings	52	
	Guidelines for the Formulation of an Ethos Statement in a Catholic Primary School	12	Correspondence	53	
2	Deed of Variation for Catholic Primary Schools	14	Access to the School	53	
	Schedule	19	Use of the School Premises	53	
3	The Board of Management and Others	20	Finance	54	
	The Bishop (Patron)	20	Appointment Procedures for teachers/ special needs assistants	56	
	The Trustees	20	Appointment of all employees of the board of management	56	
	The Parish	21	Salary Return (<i>Rule 17 of the Rules for National Schools</i>)	56	
	The Pupils	21	On Line Claim System (OLCS) for Primary Schools	56	
	The Teachers	22			
	The Parents	22			
	Ancillary Staff	23			
	Inspectors	24			
	The Department of Education and Science	24			
	The Teaching Council	24			
	National Council for Special Education	25			
	Sub-Committees	26			
	CPSMA	26			
	INTO	26			
	Insurance Company	26			
	Insurance of Members of the Boards of Management of Primary Schools	27			
	Procedures and Record Keeping	28			
	Notification of Claims	29			
	Cost and Settlements	29			
	Going Forward	30			
	Supervision of Pupils outside Official School	30			
	Insurance and School Finance	31			
	'Hot work'	32			
	Local Services	33			
	Local Community	33			
	Other Primary Schools	34			
	Transport	34			
	Post-Primary Schools	34			
4	The Board of Management in Action	35			
	Frequency of Meetings	35			
	Length of Meetings	35			
	Declaration of Interest	35			
	Sample Agenda	36			
	Sample Treasurers Report (Draft Financial Report)	38			
	Cohesion of the Board of Management	41			
	Boards of Management (A Framework of Good Practice CPSMA/IPPN)	41			
	A Framework of Roles within an Effective and Efficient Board of Management	42			
5	Boards of Management of National Schools Constitution of Boards and Rules of Procedure	44			
	(<i>Reprinted with permission</i>)	44			
	General	44			
	Definitions	45			
	Constitution of Boards of Management	46			
	Procedure for the Election and Nomination of Members of Boards of Management	46			
	Position in the event of failure to nominate the extra members as provided for under 3(a)(v) and 3(b)(iv) of this document	47			
	Non-eligibility	47			
	Terms of office, dismissal of board or members, cessation of membership	47			
	Confidentiality	48			
	Board communications/transparency	49			
			APPENDICES		
			A	Procedure for the nomination/election of a person who will be nominated to the Patron for appointment as Teacher Representative	58
			B	Procedure for the nomination/election of a parent(s) for appointment by the patron as parent representative(s) on the board	59
			C	Procedure for the selection of two members from the community for appointment to the board of management	61
			D	Appointment procedures for teachers	64
				Advertisements	65
				Selection Board	67
				Assessment of applications/shortlisting	68
				Interviews	68
				Notification of applicants	69
				Appointments as principal teacher or as teacher in convent and monastery schools	69
				Appointment of fixed-term temporary teachers	70
			E	Appointment Procedures for Special Need Assistants	72
			F	Declaration of Patron on the establishment of Board of Management	76
				APPENDICES CIRCULARS AND CPSMA NOTES	
			1	Responsibilities and Duties of Principal teachers and Teachers in charge of National Schools	78
			2	Appointment of Administrative Principals	81
			3	Eligibility for Appointment as Principal	82
			3a	Eligibility for Appointment as Principal Teacher in Primary and Special Schools	82
			3b	Release Time for Principal Teachers in Primary Schools	84
			4	Regulations Governing the Appointment and Retention of Teachers in Primary Schools	84
			4a	Probational Requirements for Primary teachers	93
			4b	Check List – Appointment of Principals	101
			4c	Check List – Appointment of Teachers	103
			5	Teacher's Contract	105
			6	Seniority of Primary Teachers	105
			7	Form of Agreement (Permanent Teacher)	107
			8	Terms of Engagement of Fixed Term (Temporary Employees)	108
			8a	Protection of Employees (Fixed-Term Work Act) 2003	110
			8b	Sick Leave Scheme for Primary Teachers	128
			8c	Protection of Employees – Fixed-Term Workers Act 2003 INTO/CPSMA Agreement	134
			8d	Employee Assistance Service for Teachers	135
			9	Maternity leave for Primary Teachers	136

10	Adoptive Leave for Primary School Teachers	140	44	Health Services for children	302
11	Parental Leave	144	45	Teachers and Administration of medicines in Schools	303
11a	Parental Leave Amendment	146	46	Administration of Medicines in schools indemnity	304
11b	Parental Leave Amendment	147	47	Supervision for mid-morning and lunch-time breaks	306
12	Career Breaks for Primary Teachers	147	48	Accident Report Form	311
13	Job Sharing for Primary Teachers	155	49	Parents as Partners in Education	312
14	Teacher Exchange Scheme for Primary Teachers	163	49a	Schools Obligations to Parents	314
14a	Carer's Leave for Primary Teachers	166	49b	Arrangements for Parents/Teachers and Staff meetings	317
15	Extra Personal Vacation for Primary Teachers (EPV)	172	50	Complaints procedure	318
16	Absences of Teachers and Employment of Substitutes	173	51	Delivering Equality of Opportunity in Schools (DEIS)	319
17	Special Leave Under the Terms of Rule 116	180	51a	Home/School/Community Liaison Scheme	322
18	The On Line Claim System (OLCS) for Primary Schools	181	52	Breaking the Cycle	324
19	Posts of Responsibility	183	53	Early Start Pre-school project	325
20	Positive Staff Working Relations	198	54	Guidelines for School Behaviour and Discipline	326
21	Positive Staff Working Relations Section C (2) Bullying/Harassment	204	55	Code of Behaviour and Discipline for National Schools	328
22	Positive Staff Working Relations Section C (3) Grievance Procedure	208	56	Guidelines for Dealing with Allegations or Suspicions of Child Abuse	328
23	Assaults on Teachers /School Employees	210	56a	Proposed Guidelines for the Protection of Students in Primary Schools affiliated to CPSMA	336
24	Insurance Cover for School Employees who may be assaulted	212	57	Opening and Closing of Schools	338
25	Special Education	213	57a	Standardisation of the School Year in Primary and Post-Primary Schools	339
25a	National Council for Special Education	235	58	Heating of Schools	340
25b	Guidelines for Processing Applications for Resources for Children with Special Educational Needs	241	59	Insurance Against liability for Injury to Pupils and Teachers	341
25c	Learning Support/Resource Teacher Posts	247	60	Use of Schools for Elections	342
26	Special Needs Assistants	251	61	Use of National Schools for Purpose other than the Education of Pupils	342
26a	Appointment Procedure for Special Needs Assistants	251	61a	The Sharing of School Facilities with the Community	343
26b	Contract of Employment for Special Needs Assistants	256	62	Refund of TV Licence Fee	343
26c	Seniority of Special Needs Assistants	261	63	Copying of Licences for Primary Schools	344
26d	Redundancy Arrangements for Special Need Assistants	262	63a	Data Protection Acts, 1998 and 2003 (Advisory Notice for Schools)	344
27	Applications for Posts of Resource Teacher for Children of the Travelling Community	265	64	Promotion and Marketing of Commercial Products through schools	351
28	Panel Arrangements	266	65	School Transport Scheme, Customer Services	351
29	Retirement of Teachers	269	65a	Conditions for Primary School Transport	355
29a	Early Retirement Scheme for Teachers	269	66	Evidence of Agreement/School Transport	357
30	Termination of the Employment of Teachers	275	67	School Transport Grant/Statement of Attendance	358
31	Improvement to the Ancillary Service Grant (secretarial and caretaking services)	275	68	Bus Éireann Guidelines for Discipline on School Transport	359
32	Caretakers' Duties and Conditions of Service	276	69	Grants Scheme for Minor Works to National School Properties	361
33	Work appropriate to the Position of Clerk typist	277	70	Capital Funding Arrangements	365
34	Scheme of Career Breaks for Clerk typists and Caretakers in national schools	279	71	School Building Programme	366
35	Guidelines based on Worker Protection	280	71a	Small Schools Scheme (Building)	372
36	Safety, Health and Welfare at Work Act 1989	281	71b	Summer Works Scheme (Building)	381
37	Notification of Accidents at work	284	72	Whole School Evaluation	386
38	Form of Notice of Accident	285	73	School Development Planning at Primary level	388
38a	Safety, Health and Welfare at Work Act 2005	287	74	Agreement Between CPSMA and INTO on the Amalgamation of Primary Schools	390
38b	Prohibition on Smoking in All work Places	290	75	Education Act 1998	391
38c	Mobile Phones	290	76	Schools and the Equal Status Act 2002, 2004	396
39	Admission of Pupils	291	77	Education for Persons with Special Needs Act 2004	400
39a	Enrolment/Admission Policy Guidelines	291	78	Procedures for Hearing and Determining Appeals Under Section 29 of the Education Act 1998	400
39b	Retention of Pupils in the same grade in Primary Schools	295	79	Contacts	404
40	Canvassing of Pupils	296			
41	Exemption from the Study of Irish	296			
42	Meeting the Needs of Pupils for whom English is a second language	299			
43	Non-English speaking pupils in Primary Schools	302			

Published 2007 by The Catholic Primary School Management Association
Veritas House, 7/8 Lower Abbey Street, Dublin 1 • Tel (01) 874 2171 • Fax (01) 874 7397

While every effort has been made to ensure the accuracy of information given in this Handbook at the time of printing, CPSMA does not accept responsibility for any error which may occur.

CPSMA acknowledges the financial assistance of Allianz Insurance plc in the production of this Handbook

Produced for CPSMA by Veritas Publications, Dublin Printed in the Republic of Ireland by Betaprint, Dublin

THE ORIGIN AND ORGANISATION OF PRIMARY SCHOOLS IN IRELAND

The Origin of the Primary School System

There have been schools of one kind or another in Ireland for many centuries. From the earliest Christian times, the Monasteries were centres of learning. The monks provided education for many in this country and also brought their learning to several European countries.

During penal times, when schools for Catholics were forbidden, the Irish love of learning was kept alive by hedge-school masters, wandering poets and the Seanchaí. Priests who had been trained abroad shared their knowledge with people of the locality, sometimes under the disguise of the Spailpíní. The names of many of these teachers are still revered among local communities around the country.

Schools that were established during the eighteenth century either by Royal Charter or by various Societies were not generally attended by Catholic children.

Following Relief Acts at the end of the eighteenth century, lay Catholics (among them Edmund Ignatius Rice, Nano Nagle and Catherine McAuley, each of whom subsequently established religious orders) and individual priests, as well as a small number of religious orders, began setting up schools for Catholic children. Since the number of these schools was small, however, acceptable education was not available on a regular basis to the majority of young people in the country.

Catholic Emancipation was granted in 1829.

Two years later, in 1831, the Chief Secretary for Ireland, E.G. Stanley, wrote to the Duke of Leinster to announce a decision by parliament to provide funding for a network of primary schools in this country.

It is generally accepted that the structure of the present system of primary schools is based on the provisions of the 'Stanley Letter'.¹ The 'Stanley Letter' outlined a system of 'national schools' with local patronage/management that, it was hoped, would be acceptable to all the Churches in Ireland. Public funding would be available on certain conditions, which included the involvement of the local clergy in the provision of the schools. These schools would have combined secular and separate religious instruction.

None of the Churches was satisfied with this arrangement. The Protestant Church wished to retain the tradition they already had of schools for children of their own faith. The Catholic Church, emerging from the period of penal laws, was anxious that their newly won emancipation would extend to education for Catholic children.

By degrees, and arising out of negotiations by all the Churches, modifications were introduced which made the system of schooling more acceptable to members of the different Church communities. A network of national schools was established all around the country. These schools became formal centres of learning, maintaining and enriching the great tradition of scholarship that already existed among the Irish people.

In due course, the school that you are now appointed to manage was established. You should find out about the history of your school.

Today, there are approximately 3,104 primary schools in the country under the patronage/management of the Catholic Bishops. The size of schools varies from one area to another. A number of schools are called 'special schools', providing services for children who have particular learning or physical difficulties. Gaelscoileanna provide education through the medium of the Irish language. A number of Gaelscoileanna are under the patronage of the Catholic Bishops. Thirty-eight Gaelscoileanna are under the patronage of An Foras Patrúnachta. There are approximately one hundred and ninety primary schools under the patronage of the Protestant Church and twenty-four multi-denominational schools with a patronage system relevant to that sector.

For over 140 years, our primary schools were managed by the local priest. Convent and monastery schools were managed by religious. In 1969, following Vatican II, the Catholic Bishops proposed that lay people should become involved in the management of the schools.

Since 1975, management is shared by a board of management. The size of the board is determined by the size of the school.

Catholic primary schools are organised on a diocesan basis. You will get to know the name of the diocesan secretary for primary education appointed by your Bishop. The diocesan secretary forges links between the schools and is a source of information and advice. He is also the link between the schools and the Bishop. In some Dioceses (Dublin, Cork & Ross, Limerick, Tuam, Galway) there is a full-time education office that attends to the concerns of boards of management of the schools.

The Constitution of Ireland

The rights and duties of citizens of the state in the matter of education are set out in Articles 42 and 44.2.4 of the Constitution of Ireland as follows:

Article 42

1. The state acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.
2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the state.
- 3.1 The state shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the state, or to any particular type of school designated by the state.
- 3.2 The state shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.
4. The state shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation.
5. In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the state as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

Article 44

- 2.4 Legislation providing state aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending Religious Instruction at that school.

The Rules for National Schools state as follows:

‘In pursuance of the provisions of these Articles [i.e. 42 and 44.2.4 above] the state provides for free primary education for children in national schools and **gives explicit recognition to the denominational character of these schools**’.²

Catholic Education and Canon Law

Title 111 of Book 111 of the Code of Canon Law deals with Catholic Education in Canons 793–806. The duties, obligations and rights are identified.

Rights and Duties Involved in Catholic Education

Parents have the fundamental right and duty as educators.

Parents and those who take their place have both the obligation and the right to educate their

children. Catholic parents also have the duty and the right to choose those means and institutes which, in local circumstances, can best promote the Catholic education of their children.

Canon 769 states: 'Amongst the means of advancing education, Christ's faithful are to consider schools as of great importance since they are the principal means of helping parents to fulfil their role in education. There must be the closest cooperation between parents and teachers to whom they entrust their children to be educated. In fulfilling their task teachers are to collaborate closely with the parents and willingly listen to them.'

Canon 797 states: 'Parents must have real freedom in their choice of schools. For this reason Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance.'

Canon 798 states: 'Parents are to send their children to those schools which will provide for their Catholic education. If they cannot do this they are bound to ensure the proper Catholic education of their children outside the school.'

Canonical Definition of a Catholic School

Canon 803: 'A Catholic school is understood to be one which is under the control of the competent ecclesiastical authority, or of a public ecclesiastical judicial person, or one which is a written document, is acknowledged as Catholic by the ecclesiastical authority. No school, even if it is in fact Catholic, may bear the title "Catholic School" except by the consent of the competent ecclesiastical authority.'

To conclude in Canon Law: Parents have the fundamental right and duty to educate their children. The provision of a Catholic education is an obligation of the Church – bishops, laity, clergy, religious, c.f. Canons 794, 800 and 802.

It is the diocesan Bishop who has the primary responsibility to make sure that Catholic education and schools are provided and that the faithful have access to Catholic education, c.f. Canon 806.

The running of Catholic schools, especially in those matters that apply to religious education, can only be done in collaboration with the diocesan Bishop, c.f. Canon 804.

The Education Act 1998

The Education Act was signed into law by President Mary McAleese on 23 December 1998. A copy of the Act was sent to each school in the country. Boards of management should be familiar with the Act and observe the requirements of the legislation. An extract from the Act is printed as Appendix 76.

A School's Ethos (or 'Characteristic Spirit')

A school's ethos is best expressed, helped to develop and enriched as a result of the continuing interaction between a shared dialogue on the core values of the school (involving the patron, trustees, board of management, principal teacher, staff, parents and students) and the daily practices that endeavour to embody these values.

Ethos is established and sustained by those repeated practices and traditions, by the beliefs and attitudes promoted and by the goals aspired to by the school community.

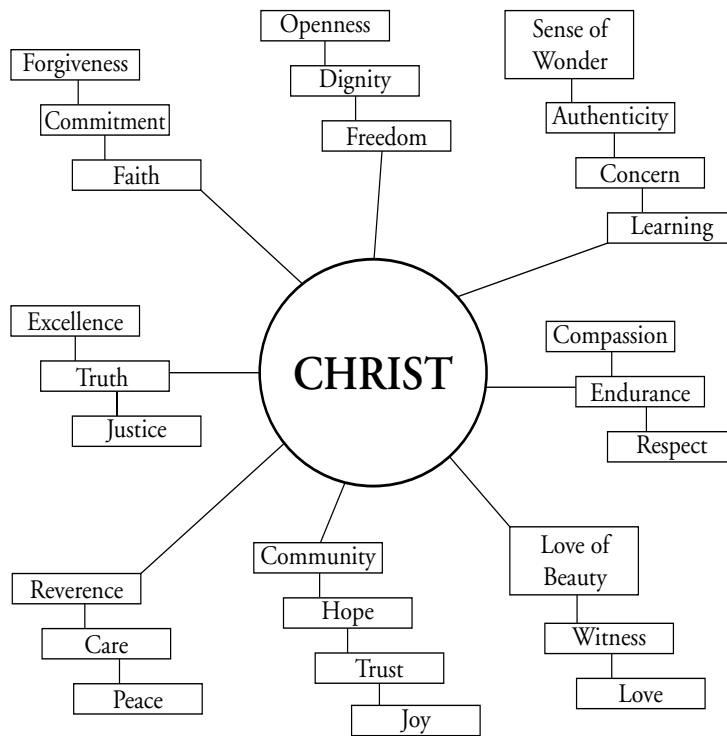
In the case of a Catholic school, the following characteristics would be sought within the general ethos experienced and promoted by the school community:

- As a formal agent of education within the Catholic community, the school models and transmits a philosophy of life inspired by belief in God and in the life, death and resurrection of Jesus Christ.
- The policies, practices and attitudes of the school are inspired by Gospel values.
- Christ, as the source of those values, is a familiar and attractive reality for the teachers and pupils.

- Mary, the strong woman of the Gospels, is admired as the exemplar of the values.
- The school aims at promoting the full and harmonious development of all aspects of the person of the pupil, including his/her relationship with God, with other people and with the environment.
- Religious education is provided for the pupils in accordance with the doctrine and tradition of the Catholic Church (see next section).
- Prayer is a feature of the school day.
- The pupils are prepared for the reception of the Sacraments of First Confession, First Holy Communion and Confirmation in accordance with arrangements in the diocese.
- The liturgical seasons are part of the rhythm of the school year.
- The children are given opportunities to participate in liturgical celebrations arranged by the school.
- The school identifies itself with its parish, working closely with the local priest (or priests) who visits the school frequently (see section on 'The Parish' below).
- The pupils are encouraged to participate in parish activities appropriate to their age.
- The school aims at fostering a sense of community between management, teachers, parents and pupils, and a sense of insertion into the wider community of the parish. Gradually, pupils acquire a sense of the Universal Church whose concern extends to all peoples.
- The principal teacher and teachers aim at making the school a centre of excellence in which high professional standards are maintained and where pupils learn in a safe and happy environment.
- A spirit of mutual respect is promoted within the school community. Pupils are drawn by example and teaching to appreciate and respect people of different religious affiliations and of different nationalities.
- The school's code of discipline reflects the Christian values promoted within the school, with an emphasis on forgiveness, reconciliation, new beginnings and hope. Teachers are sensitive to the needs and particular circumstances of the pupils.
- The school recognises the dignity and value of each person made in the image and likeness of God. This is reflected in the organisation of the school (including admission policies).
- Close contact is maintained between the school and the home. Parents and teachers support one another and collaborate with one another as partners in leading the young pupils to the fullness of their potential at the different stages.
- Teachers are encouraged to develop their personal and professional talents through which they glorify God and serve those young people in whose education they play such a significant role.
- Ancillary staff in a school are highly esteemed and respected. It is recognised that their work makes a valued contribution to the process of education.

A positive ethos, while intangible, is nonetheless recognised and appreciated as supportive and enlivening to those who learn and those who work in the school.

GOSPEL VALUES



Religious Education

Nurturing the growth of faith in the child is primarily the right and responsibility of the parents: ‘Before all others, parents are bound to form their children, by word and example, in faith and Christian living.’³ The Catholic school and the wider parish community will support parents in fulfilling their obligation in this regard.

One of the most important responsibilities of the board of management is to ensure that the school continues to provide religious education for the Catholic children attending the school.

Religious education will include instruction in the teaching of the Catholic Church, but is wider than mere knowledge, including as it does religious formation as well as information.

Following baptism, the child is gradually assimilated into the Church through sharing in the faith-life of the community and through progressive instruction in the doctrine, spirituality, liturgy, culture and tradition of the Church.

It is appropriate that this instruction should be included as part of the total learning process experienced by the child during the period of formal schooling. It is equally important that the child should experience a way of life that is inspired by that instruction and that leads the child to know and love God.

It is the position of the Catholic Church that religious instruction should be part of the fullness of the education given in schools to children who belong to that Church.

Rule 68 for national schools recognises that religious instruction is the most important part of the school’s curriculum and a fundamental part of the school course:

Rule 68

Of all parts of a school curriculum Religious Instruction is by far the most important, as its subject matter, God's honour and service, includes the proper use of all man's faculties, and affords the most powerful inducements to their proper use. Religious Instruction is, therefore, a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school.

The teacher should constantly inculcate the practice of charity, justice, truth, purity, patience, temperance, obedience to lawful authority, and all the other moral virtues. In this way he will fulfil the primary duty of an educator, the moulding to perfect form of his pupils' character, habituating them to observe, in their relations with God and with their neighbours, the laws which God, both directly through the dictates of natural reason and through Revelation and indirectly through the ordinance of lawful authority, imposes on mankind.⁴

Revised Curriculum 1999

The Revised Curriculum for primary schools acknowledges the importance of the spiritual dimension of the person and the role of religious education, which 'enables the child to develop spiritual and moral values and to come to a knowledge of God'. The following is an extract from the Introduction to the Primary Curriculum:

In seeking to develop the full potential of the individual, the curriculum takes into account the child's affective, aesthetic, spiritual, moral and religious needs. The spiritual dimension is a fundamental aspect of individual experience, and its religious and cultural expression is an inextricable part of Irish culture and history. Religious education specifically enables the child to develop spiritual and moral values and to come to a knowledge of God.

Irish society recognises the right of the individual to choose the particular form of religious expression that reflects the spiritual aspirations and experience he or she seeks. It acknowledges, too, the importance of tolerance towards the practice, culture and life-style of a range of religious convictions and expressions, and aspires to develop in children a tolerance and understanding towards the beliefs of others.

Education, generally, seeks to reflect and cater for a variety of religious conviction and acknowledges the right of parents to arrange for their children's education in a school whose religious ethos coincides with their own religious belief. It is the responsibility of the school to provide a religious education that is consonant with its ethos and at the same time to be flexible in making alternative organisational arrangements for those who do not wish to avail of the particular religious education it offers. It is equally important that the beliefs and sensibilities of every child are respected.

Since the Department of Education and Science, in the context of the Education Act (1998), recognises the rights of the different church authorities to design curricula in religious education at primary level and to supervise their teaching and implementation, a religious education curriculum is not included in the curriculum documents prepared by the NCCA.⁵

By virtue of his office, the parish priest is to ensure that children are properly prepared for the Sacrament of First Confession, First Holy Communion and Confirmation by means of religious instruction and formation over an appropriate period of time.⁶ This preparation is made through the Catholic school with the collaboration of the parents and family of the child.

In each diocese, the Bishop appoints an individual or group of people to act as diocesan advisers for religious education. The board of management should know the names of the diocesan advisers and should arrange to meet them annually, if possible.

The diocesan advisers provide support for teachers in the area of Religious education. The diocesan advisers will visit the classes in the primary schools in the diocese and offer advice to teachers.

The diocesan advisers are in a position to report to the Bishop, the parish priest and to the board of management about their visit to the school.

In addition to Rule 68, the following Rules for National Schools also apply to religious education:

Rule 69

1. *The religious denomination of each pupil must be entered in the school register and rollbook. This information should be ascertained from the parent (the father, if possible) or the guardian of the pupil, where necessary.*
2.
 - (a) *No pupil shall receive, or be present at, any Religious Instruction of which his parents or guardian disapprove.*
 - (b) *The periods for formal Religious Instruction shall be fixed so as to facilitate the withdrawal of pupils to whom paragraph (a) of this section applies.*
3. *Where such Religious Instruction as their parents or guardians approve is not provided in the school for any section of the pupils, such pupils must, should their parents or guardians so desire, be allowed to absent themselves from school, at reasonable times, for the purpose of receiving that instruction elsewhere.*
4. *Visitors may not be present during formal Religious Instruction unless with the express approval of the manager.*

The timetabling of secular and religious instruction is set out in Rule 54.

Rule 54.1

The timetable must be displayed in a conspicuous place in the school.

Rule 54.2

The timetable must show the times for Religious Instruction and Secular Instruction.

Attendance at religious exercises is allowed for within Rule 56 as follows:

Rule 56.7

In order to enable pupils of any standard to attend each month religious exercises under arrangements sanctioned by the Manager,

- (a) *the time required for an 'attendance' under section 2 of this rule, in schools where there is only one meeting daily, may be reduced by one hour on one day in the month or by one half-hour on each of two days in the month, and*
- (b) *the time required for a 'half attendance' under section 2 (b) of this rule in schools where there are two meetings daily, may be reduced by one hour for one meeting in the month, or by one half-hour at each of two meetings in the month.*

Rule 56.8

The minimum time constituting an 'attendance' or 'half-attendance' as defined in section 2 of this rule may include the time spent by a child during school hours at the annual Diocesan Examination in Religious Knowledge.

The Bishop as Patron

The Bishop, as trustee of the school on behalf of the local Catholic community, is recognised as the patron of the school.⁷ In that capacity, the Bishop has certain rights and responsibilities, particularly in relation to the appointment of the board of management, the appointment of staff, and finance.

A number of the requirements of the 1831 Stanley Letter continued in operation until very recently. In the case of the school you are appointed to manage, the following would have applied:

1. The request to set up this school was made to the Department of Education by or on behalf of your Bishop.
2. The parish was required by the state to provide the site for the school, free of charge.
3. The parish had to provide a portion of the building cost of the school.

Since January 1999, an alternative arrangement is possible in the case of new (including replacement) schools.

The state may provide the site for the school as well as the major portion of the cost of building the school. The school will be owned by the state and leased to the patron, who is required to arrange for the payment of a contribution (currently 5 per cent, 'capped' at €50,000) towards the cost of building the school.

The same contribution to the building cost is required in cases where the patron provides the site for the school. In this case, the school will be owned by the diocese and will be subject to an agreement with the Minister for Education and Science regarding the operation of the school for a specified number of years.

Decisions about the arrangements to be entered into for new schools (including replacement schools) are the prerogative of the patron of the schools. Boards of management should refer all such issues to the patron.

In appointing the board of management of the school, the Bishop delegates to the members certain responsibilities for the Catholic school in the parish. Such delegation carries a duty of accountability by the board of management to the Bishop and – where appropriate – to the Department of Education and Science.

Subject to the approval of the Minister, the Bishop, as patron of the school, may, at any time, resume the direct management of the school, or may nominate another manager.⁸

Guidelines for the Formulation of an Ethos Statement in a Catholic Primary School

All Catholic primary schools established before 1997 are subject to a lease signed when the school was set up. This lease included an undertaking that the school would be managed in accordance with the Rules for National Schools. In 1997, the patrons and the Minister for Education agreed (following discussions with the education 'partners') to vary the terms of the existing lease. The new document (Deed of Variation), which supplements the original lease, provides that the school will be managed in accordance with the rules laid down by the Minister of Education and in accordance with a Roman Catholic Ethos. This Deed of Variation for Catholic Primary Schools contains a schedule, which is given below.

Schedule

A Roman Catholic school (which is established in connection with the Minister) aims at promoting the full and harmonious development of all aspects of the person of the pupil: intellectual, physical, cultural, moral and spiritual, including a living relationship with God and with other people. The school models and promotes a philosophy of life inspired by belief in God and in the life, death and resurrection of Jesus Christ. The Catholic school provides religious education for the pupils in accordance with the doctrines, practices and tradition of the Roman Catholic Church and promotes the formation of the pupils in the Catholic Faith.

All Catholic primary schools have been required, since January 2002, to display in a prominent place in the school the Schedule for a Catholic school. The Schedule is the agreed document between the INTO, the CPSMA, the Bishops, the National Parents' Council and the Department of Education and Science. This Schedule must be included in all school policies – in the school's admission policy and in the criteria for the appointment of all school staff. In 2005, the Minister for Education and Science asked the CPSMA to ensure that the Schedule for a Catholic school be displayed prominently in every Catholic school.

Resulting from the Deed of Variation for Catholic primary schools and from the Schedule to the deed, Catholic primary schools arrive at ethos statements. Catholic primary schools that are run by religious congregations usually consult a charter embodying the charism of the founder/foundress when drawing up their ethos statements. Some parish schools consult the mission statement of the parish pastoral council

when composing their statement. These ‘ethos statements’ are also called vision statements or mission statements. The ethos of a Catholic primary school is best expressed, helped to develop and enriched as a result of the continuing interaction between a shared dialogue on the core values of the school (involving the patron, trustees, board of management, principal teacher, staff, parents and students) and the daily practices which endeavour to embody these values.

The following describes best practice in formulating an ethos statement for a Catholic primary school.

1. The board of management establishes a working party including the principal, the chairperson and one other Board member along with the school chaplain to prepare the elements of an Ethos/Mission Statement. The elements are taken from the Schedule for the Catholic School and other relevant documents (charism of religious congregation, mission statement of parish pastoral council etc.). These elements constitute a ‘Formation Document’.
2. The formation document is then presented to the board of management. The board approves or amends this formation document and then invites all the members of staff (teaching staff and ancillary staff) to discuss the approved/amended document.
3. The members of staff either approve or further amend the formation document as presented to them by the board.
4. Following the staff consultation the approved/amended formation document is once more discussed by the board of management. The board approves or amends the document further.
5. At this stage the amended formation document is forwarded to the school’s parents’ council/parents’ association and to the school’s students’ council for approval, amendment or additions.
6. Following consultation with the parents and the students the Board asks the original working party (mentioned at 1. above) to prepare a draft ethos/mission statement.
7. After approving the draft ethos/mission statement the board then sends it to the school patron and to the trustees (i.e. the religious congregation, the parish priest etc.) for approval.
8. The board of management then presents the approved ethos/mission statement to all the school staff and to the parents.
9. The ethos/mission statement is displayed prominently in each classroom and in the public areas of the school. It should be displayed in the school lobby alongside the Schedule.

The above procedure takes between six and eighteen months. When completed, the resulting ethos/mission statement is not fixed for all time but should be revisited at suitable intervals.

Notes

1. For the full text of the ‘Stanley Letter’ see *Irish Educational Documents, Vol. 1*. Edited by Hyland and Milne.
2. *Rules for National Schools under the Department of Education*. Government Publications. Preface.
3. *Code of Canon Law*. Catechetical Formation. No. 774.2.
4. *Rules for National Schools under the Department of Education*. Government Publications. 1965.
5. *Primary Curriculum*. Introduction p. 58. Government Publications 1999
6. *Code of Canon Law*. Catechetical Formation. No. 777.2.
7. Education Act 1998. 8(1)(a) and *Rules for National Schools* Rule 14.
8. Education Act 1998. 16 and 17 and *Rules for National Schools* Rule 14.

DEED OF VARIATION FOR CATHOLIC PRIMARY SCHOOLS

Note: All Catholic primary schools established before 1997 are subject to a lease signed when the school was set up. This lease included an undertaking that the school would be managed in accordance with the Rules for National Schools.

In 1997, the Patrons and the Minister for Education agreed (following discussions with the education 'partners') to vary the terms of the existing leases. The new document (Deed of Variation), which supplements the original lease, provides that the school will be managed in accordance with the rules laid down by the Minister for Education and in accordance with a Roman Catholic Ethos.

The new agreement will also be used in the case of all Catholic primary schools established in the future. Members of boards of management should make themselves familiar with the terms of the Deed of Variation. In particular, paragraphs A and B and the Schedule to the Deed of Variation should be noted.

TEXT OF DEED OF VARIATION

THIS INDENTURE OF VARIATION made the _____ day of _____ 1990
 BETWEEN _____ of _____ and

 _____ of _____ (hereinafter called 'the Land Owners' (which expression shall, where the context so admits or requires, include their Successors and Assigns) of the First Part
 _____ of _____ and
 _____ of _____ (hereinafter called 'the Present Trustees', which expression shall, where the context so admits or requires, include their successors and assigns) of the Second Part and THE MINISTER FOR EDUCATION of Marlborough Street, Dublin 1 (hereinafter called 'the Minister', which expression shall, where the context so admits or requires, include the Successors and Assigns of the Minister of Education) of the Third Part is made SUPPLEMENTAL to an Indenture of Lease (hereinafter called 'the Lease') dated the _____ day of 19 _____ made between _____ (therein and hereinafter called 'the Lessors') of the First Part, _____ (therein and hereinafter called 'the Trustees') of the Second Part and the Minister of the Third Part.

WHEREAS:

1. By the Lease, the Lessors, in order to promote the establishment of a National School at, which National School is known as _____ National School (hereinafter called 'the School') demised the plot of ground upon which the School is now erected (hereinafter called 'the Demised Premises') to the Trustees for the term of _____ years from the _____ day of _____ 19 _____, upon the trusts therein and subject to the yearly rent thereby reserved.

2. The Minister, in order to assist in the establishment of the School, approved the payment of certain monies by the Commissioners of Public Works in Ireland out of funds provided by the Oireachtas for the erection of National Schools in Ireland, towards the erection of the School.
3. The School is managed in accordance with the Rules for National Schools under the Department published from time to time by that Department, and the Patron of the School whose rights and obligations are as defined in the said Rules is the Bishop of _____ and his successor as such Bishop (hereinafter called 'the Patron').
4. The Lease was made by the Lessors to the Trustees, as the Present Trustees hereby acknowledge, to erect and maintain not merely a National School in connection with the Minister on the plot of ground thereby demised, but a National School in connection with the Minister adopting and reflecting in its management and in the education, whether moral, intellectual or social, offered and given by it in the School to the children attending thereat, a Roman Catholic ethos.
5. The Minister is desirous that every National School in the state should be placed under the management of a board of management and it is proposed that a minority only of such board of management should be nominated by the patron.
6. The Present Trustees, with the approbation of the Minister, as testified by his being a party hereto, and with the Consent in writing of the Land Owners as testified by their being a party hereto and executing these presents, are desirous of revoking the trust in the lease to the effect that a National School in connection with the Minister shall at all times, during the term thereby demised, be maintained upon the Demised Premises and *in lieu* thereof, declaring a new Trust that a National School in connection with the Minister adopting and reflecting in its management and in the education, whether moral, intellectual or social, offered and given by it in the School to the children thereat, a Roman Catholic ethos shall, during the term of the Lease and any renewal thereof, be maintained upon the Demised Premises and otherwise on the like Trusts as are declared in the Lease.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said desire, the Present Trustees, with the approbation of the Minister as testified by his being a party hereto, and with the Consent of the Land Owners as testified by their being a party hereto and executing these presents, Hereby Revoke that part of the Trusts declared by the Lease to the effect that 'a National School in connection with the Minister shall at all times, during the term demised by the Lease, be maintained upon the Demised Premises'.

NOW THIS INDENTURE FURTHER WITNESSETH that in further pursuance of the said desire the Present Trustees, with the approbation of the Minister as testified by his being a party hereto and with the consent of the Land Owners as testified by their being a party hereto, HEREBY DECLARE that the Demised Premises and the School are now and shall, henceforth during the term demised by the Lease and any Renewal thereof which may be made, be Held Upon Trust that a National School in connection with the Minister adopting and reflecting in its management and in the education, whether moral, intellectual or social, offered and given by it in the School to the children attending thereat, a Roman Catholic ethos (i.e. an ethos in accordance with the doctrines, practices and traditions of the Roman Catholic Church) shall at all times, during the term aforesaid, be maintained upon the said Premises and otherwise on the like Trusts as are declared in the Lease.

A. (1) The Present Trustees, for themselves, their successors and assigns, and with the Approbation of the Minister, as testified by his being a party hereto, hereby COVENANT with the Land Owners, their successors and assigns, that they, the Present Trustees, their successors and assigns, shall take all reasonable steps to ensure that any board of management which may, from time to time, be appointed in accordance with the instrument of Management to manage the School (hereinafter called 'the board of management' and references herein to a board of management shall be construed accordingly) shall firstly manage the school in accordance with the doctrines, practices and traditions of the Roman Catholic Church and, secondly, shall make and keep themselves familiar with the ethos of the Roman Catholic Church and the Roman Catholic Faith insofar as the same relates to education and schools and thirdly, shall manage and cause the School to be managed in a manner which will uphold and foster such ethos and fourthly, shall not do anything or permit anything to be done in relation to the School, or the management thereof, which would have or would be likely to have a detrimental effect on the Roman Catholic Ethos of the School.

(2) For the guidance only of the Present Trustees and the Board of Management, and Without Prejudice to the right of the Land Owners from time to time to state what they consider to be the essential requirements then prevailing for a National School purporting to have a Roman Catholic ethos or reflecting a Roman Catholic ethos, a synopsis or guideline of what are the fundamental elements of such an ethos is stated in the Schedule hereto.

(3) In the event of the Board of Management adopting and maintaining a decision or a strategy which is, in the opinion of the Land Owners, contrary to or in breach of the Trusts hereinbefore and in the Lease declared or prejudicial to the Roman Catholic ethos of the School, they, the Land Owners, shall notify the Present Trustees in writing of what decision or strategy they consider to be contrary to or in breach of the said Trust or prejudicial to the

Roman Catholic ethos of the School and require the Present Trustees to take all reasonable steps to procure the alteration by the board of management, within the period of six weeks from the date thereof, of their decision or strategy and the substitution in lieu thereof of a decision or strategy which reflects and is in accordance with the said Trusts and the Roman Catholic ethos of the School.

(4) In the event of the board of management, within the period of two weeks after receipt by them of notification from the Present Trustees that the Land Owners consider a particular decision or strategy to be contrary to or in breach of the trusts hereinbefore and in the Lease declared or prejudicial to the Roman Catholic ethos of the School, contending that the decision or strategy, as the case may be, which has been or may have been adopted by them, is not contrary to or in breach of the said trusts or not prejudicial to the Roman Catholic ethos of the School, the Present Trustees shall request the board of management to communicate their arguments forthwith, in writing, to the Present Trustees as to why and how they contend that their decision or strategy is not contrary to or in breach of the said Trusts or not prejudicial to the Roman Catholic ethos of the School and the Present Trustees shall forthwith transmit such writing to the Land Owners, who shall consider such arguments within the period of three weeks from the date of receipt thereof by them. In the event of the Land Owners upholding the decision or strategy of the board of management, they shall notify the Present Trustees accordingly and the Present Trustees shall, in turn, notify the board of management of the Land Owners' decision. In the event of the Land Owners rejecting the arguments of the board of management they shall notify the Present Trustees accordingly and the Present Trustees shall request the board of management to alter their original decision or strategy so as to reflect and be in accordance with the decision expressed by the Land Owners within the period of four weeks of receipt by them, the board of management, of the said Decision of the Land Owners.

- B. In the event of the board of management being requested to alter any of their decisions or strategies in accordance with the provisions hereinbefore contained and their refusing or failing to do so within the time hereinbefore specified, the Present Trustees, for themselves, their successors and assigns, hereby Agree and Undertake with the Land Owners that they shall, in such event, for the reasons so stated, with the Approval of the Minister, request the Patron to dissolve the board of management and to appoint a new board of management for the School.
- C. It is hereby Agreed and Declared that these Presents and the Lease shall be read and construed together.

IN WITNESS whereof the parties of the First and Second Parts have hereunto set their hands and affixed their Seals and the Seal of the Minister has been affixed hereto the day and year first hereinbefore WRITTEN.

SCHEDULE

A Roman Catholic school (which is established in connection with the Minister) aims at promoting the full and harmonious development of all aspects of the person of the pupil: intellectual, physical, cultural, moral and spiritual, including a living relationship with God and with other people. The school models and promotes a philosophy of life inspired by belief in God and in the life, death and resurrection of Jesus Christ. The Catholic school provides religious education for the pupils in accordance with the doctrines, practices and tradition of the Roman Catholic Church and promotes the formation of the pupils in the Catholic Faith.

SIGNED, SEALED & DELIVERED

by the LAND OWNERS in the
presence of:

SIGNED, SEALED and DELIVERED

by the PRESENT TRUSTEES in the
presence of:

PRESENT when the Seal of the
MINISTER was affixed hereto:

THE BOARD OF MANAGEMENT AND OTHERS

Legislation relevant to primary schools:

- Education Act 1998
- Education Welfare Act 2000
- Children's Act 2001
- Disability Act 2005
- Education for Persons with Special Needs Act 2004
- Employment Act 1994 and 2001
- Equality Act 2004
- Health and Safety Act
- Data Protection Act 1988 and 2003
- Protection of Employees (Part-time Work) Act 2001
- Protection of Employees (Fixed-term Work) Act 2001

Part of the essential work of the board of management of a primary school is the maintenance of links with a number of people or groups. In some cases, it is sufficient for the board to know of the existence and work of other groups. In other instances, the board of management will have close and important contact with those who are involved in various aspects of the work of education.

The Bishop (Patron)

The Bishop, as leader of the Catholic community in the diocese and as patron of the school, has ultimate responsibility for the school. The Bishop delegates some of his responsibility to the board of management which is accountable to him. There will be contact between the board and the bishop on a number of specified issues – for instance, the appointment of the board, the appointment, suspension or dismissal of teachers, finance, school ethos. A number of the 'Maynooth Statutes' apply to primary schools, particularly in the area of appointment or dismissal of teachers and also to the question of religious education and of insurance. The Bishop is entitled to request reports or documentation from the school.

The diocesan secretary for primary education will usually be the link between the school and the Bishop. However, the Board is always free to make direct contact with the Bishop. Minutes of meetings of the board of management are usually seen by the Bishop when he visits the parish for confirmation.

The Bishop should be invited to any significant event in the life of the school, e.g. opening a new school or extension, Jubilee celebrations, retirement of long-serving teachers etc. The Bishop should be informed of any matter of interest or concern to the board of management that is likely to enter the public arena.

The Trustees

The trustees of Catholic primary schools are either nominated by the Bishop in the case of parochial schools and in the case of convent and monastery schools the trustees are nominated by the Leadership Team of the religious congregation.

In Catholic schools as parties to the lease of the school the trustees have responsibility for the following:

1. To act as the clients for the building of the school. It is a trustee responsibility and not the responsibility of the board of management. The trustees are required to consult with the board or the single manager but the trustees are the only body who can act as a client for the building of a new Catholic primary school.
2. The Trustees are required to undertake that the school is insured.
3. The Trustees are responsible for all major extensions and capital costs for major repairs to the school.
4. The Trustees in consultation with the board of management allow the school premises to be used by other groups. The permission of the Minister for Education and Science must be obtained for use of the school premises during the school day for purposes other than primary education. Groups who use the school premises must have their own insurance and enter into a licence agreement.

5. The Trustees in consultation with the patron, staffs, boards of management and parents are responsible for the amalgamation of a school.
6. The trustees, patron and the Minister's permission must be sought before any alteration to the school premises or the school grounds takes place.

The Parish

The Catholic primary school is a parish school.

The board of management would facilitate and promote close pastoral links between the local priests and the teachers and pupils of the school. The local priest visits the school regularly. He would be given access to all classes during the religious instruction period and, outside of that time, by arrangement with the principal teacher and the other teachers.

The role of the priest visiting the primary school is essentially a pastoral role. His work will embrace the whole school community, students, teachers and parents. His role is distinct from that of the board of management or that of the teacher.

The priest exercises his pastoral role with the pupils: by personal contact with the individual students; by class contact; through liturgical worship; by maintaining a lively interest in recreational, cultural and apostolic activities.

In keeping with his pastoral role, he will be available to the staff by way of individual and group discussion.

He will seek the cooperation of the staff members in the question of religious worship and apostolic activities.

The pastoral role of the priest in the school extends to the home of the pupils. He will make whatever informal contacts he can with the parents.

The board of management would encourage collaboration between the school and the parish, particularly in the preparation of the children for the Sacraments and for participation in the liturgical life of the parish community. Children would also be encouraged to become involved in appropriate ways in their parish, e.g. as altar servers, members of the junior choir etc.

The mutual help of the priest and teachers, with the support of the parents, is essential for the spiritual development of the pupils.

The board of management would also welcome the local priest's pastoral support for the teachers themselves, particularly in times of stress or difficulty. It is helpful if the priest and the teachers can reflect and pray together about their shared vocation of caring for the young people in the school.

The Pupils

The school exists for the pupils. The educational progress and the welfare of the children should be the overriding consideration in all decisions arrived at by the board of management.

The board of management has a duty of care for the children attending the school. This duty is exercised by the board's promotion of the welfare of the children and by a vigilance that is aware of difficulties and tries to eradicate or at least diminish them.

The board of management must ensure that the school premises is safe for pupils and teachers. The board must also endeavour to provide a good learning environment by maintaining the school in good structural and decorative order and by providing, within its means, for appropriate teaching aids and class requisites.

The board of management must ensure that the school has a code of discipline and of behaviour for pupils that is drawn up in consultation with parents and known to parents. The code of behaviour should note that any form of bullying is unacceptable.

Corporal punishment of pupils is not allowed in primary schools. (See Rule 130, Appendix 42.)

From time to time, the Department of Education issues guidelines or directives about matters of concern in primary schools. The board of management should be made aware of such guidelines or directives and ensure that they are implemented as and when necessary.

Members of the board of management should show their interest and concern to pupils by attending concerts, exhibitions, sports days etc. organised by the school, when possible.

The Teachers

The teachers are the single most valuable and important asset of the school. If teachers are happy in their work, this will communicate itself to the pupils. Pupils learn best in a calm and positive atmosphere.

The board of management should meet the teachers informally at least once a year.

The board should ensure that the staff under the leadership of the school principal teacher, participate in a process of school planning. The board and the parents make an input into the school plan at appropriate stages of the process. When the plan is completed, it is submitted to the board of management for approval. The school plan is reviewed at regular intervals.

The board of management must be aware of its obligations under the Health, Safety and Welfare at Work Act.

In the event of a difficulty arising between the Board and an individual teacher, agreed procedures should be followed in a spirit of mutual respect and concern.

Most misunderstandings between teachers, or between a teacher and the principal teacher, can be dealt with informally. If a teacher chooses to lodge a formal complaint to the board of management, the grievance procedure is to be followed.

Teachers should be encouraged to avail of useful in-service courses and to pursue their professional development. Regulations regarding career breaks and study leave should be consulted.

The Parents

In line with the Church's teaching and the provisions of the Irish Constitution, the board of management acknowledges that parents are the primary educators of their children. Much of the protection for Catholic schools derives from rights granted to the parents under the provisions of the Constitution.

The board of management would strive to ensure that parents find the school an open, welcoming, inclusive place. There should be a parents' association in each school. The following extract is from the Education Act 1998:

26. – (1) The parents of students of a recognised school may establish, and maintain from among their number, a parents' association for that school and membership of that association shall be open to all parents of students of that school.

(2) A parents' association shall promote the interests of the students in a school in cooperation with the board, principal, teachers, students of a school and for that purpose may –

(a) advise the principal or the board on any matter relating to the school and the principal or board, as the case may be, shall have regard to any such advice, and

(b) adopt a programme of activities which will promote the involvement of parents, in consultation with the principal, in the operation of the school.

(3) The board shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when it is established.

(4)(a) A parents' association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs.

(b) Where a parents' association is affiliated to a national association of parents, the rules referred to in paragraph (a) shall be in accordance with guidelines issued by that national association of parents with the concurrence of the Minister.

Parents' associations may choose to affiliate to the National Parents' Council and should be encouraged to do so. (NPL Primary Head Office is at 12 Marlborough Court, Dublin 1. Tel 01-887 4034.)

In a spirit of collaboration and trust, the constitution of the parents' association will recognise that there are areas of school activity that belong to the professional work of the teachers. There will also be a recognition that certain areas of responsibility (e.g. finance) belong to the board of management.

A parents' association is entitled to raise funds for the administration and activities of the association. Full accounts must be maintained and presented at the parents' association AGM, in accordance with the rules of the association.

The parents' association should consult with the board about fundraising for the school or school projects. The approval of the board is needed before these funds are raised. The expenditure of these funds is by the board of management, in consultation with the parents' association. The Board prepares a total account of income and expenditure at the end of each school year and this is available to parents. (Constitution of Boards and Rules of Procedure, Section 19)

Any funds raised must be used for the purpose/s for which the money was collected. If, in exceptional circumstances, it becomes unnecessary for the board to use all the funds collected for the purpose specified, the board will communicate this to the parents' association and, where appropriate, the local community. In any event, the funds must be used for the school. The change of purpose for which the funds are used will be decided by the board in consultation with the parents' association committee.

The board, in consultation with the school principal teacher, should ensure that arrangements are made for parents to meet class teachers on a regular basis.

Parents will naturally be concerned about the welfare and progress of their own children. They are entitled to have access to records kept by the school relating to the progress and education of their child. (Educational Act 1998.9(g))

If a parent has a particular difficulty about any aspect of the school's work, the matter should be referred in the first instance to the class teacher and subsequently, if necessary, to the principal teacher. The matter should be dealt with informally, if possible.

If it becomes necessary to deal more formally with the matter, the agreed complaints procedure should be followed (see Appendix 50).

Anonymous complaints about the teachers or about any matter connected with the school would not be considered by the board of management. Individual members of the board should not agree to bring anonymous verbal messages to the board of management meeting. Board members should advise people who approach them with complaints or requests that the matter should be referred to the principal teacher or to the chairperson of the board, as appropriate.

Copies of all circulars from the Department of Education should be made available to parents.

The parents should be informed annually of the school financial situation.

Ancillary Staff

Some primary schools have full-time or shared caretakers and/or secretaries whose salaries are paid by the Department of Education. Under the more recent (1992 and 2000) schemes, boards of management are given a grant towards the provision of caretaker and clerical services. The amount of the grant is linked to the number of pupils in the school.

Arrangements for the use of the grants are left to the board of management. While the grants must be used for the purpose for which they are given, the actual allocation of monies as between caretaker and clerical services, rates of pay, hours of work, job description etc. are matters for the board to decide. Guidelines for the going hourly rate of pay for comparable work can be obtained from your local employment bureau.

Most primary schools employ cleaners. Cleaners are paid by the board of management out of school funds. Cleaners should have a clear job description and arrangement about hours worked, rates of pay etc.

The attention of the board of management is drawn to the legislation relating to part-time employees. Guidelines are printed in Appendix 35. It can be helpful if an individual member of the board takes responsibility for informing the board on various pieces of employment legislation. Explanatory leaflets and copies of relevant legislation are available from the Department of Enterprise, Trade and Employment, 65A Adelaide Road, Dublin 2.

No board of management should agree to omit deductions of tax and/or PRSI from the wages of any employee.

Inspectors

Because the state is responsible for ensuring a minimum standard of education for all children and because considerable state funding (by way of salaries and grants) is paid to each school, the state is entitled to ensure the quality of work and observance of regulations in each school.

Inspectors are appointed by the Department of Education to visit primary schools and to report on the work in progress. Each school has a District Inspector and a Divisional Inspector assigned to it.

Inspectors are a group of professional educators who give great support to the staff of the school. The advice of the Inspectors about individual schools and about the general quality of work in schools is sought by the Department of Education. The Inspectors will also advise the board of management on specific topics, if requested. It is important that the board of management should maintain good relations with the Inspectors attached to the school.

Inspectors will engage in Whole School Evaluation (WSE) in accordance with agreed procedures.

The Department of Education and Science

The Rules for National Schools are set down by the Minister for Education and Science and may be changed from time to time by circulars issued on behalf of the Minister for Education and Science.

The circulars are issued by the Department of Education and Science. All circulars should be noted under 'Correspondence' at the regular meetings of the board of management.

It is important that the chairperson and principal teacher would become familiar with the different sections within the Department of Education and Science. It is useful to learn the names of the officials dealing with the different areas.

Telephone queries, other than for routine pieces of standard information, should always be followed by a letter from the chairperson or principal teacher as appropriate. Confirmation of any sanctions given by the Department on foot of a telephone query should always be sought in writing.

The Department of Education and Science requires a number of returns (e.g. salary form, statistics) to be made by each school at regular intervals. These would usually be prepared by the principal teacher and signed by the chairperson on behalf of the board of management.

The Department of Education determines the number of teachers to be appointed to individual schools. The 'schedule of staffing' is issued from time to time by the Department. Some additional teachers may be appointed to some schools on the basis of special circumstances.

While the board of management appoints the teachers (subject to the Department of Education's sanctioning of qualifications and the approval of the Bishop), the teachers' salaries are paid directly by the Department of Education. The Department also looks after PRSI, tax deductions and superannuation contributions for teachers.

One of the main contacts between the board of management and the Department of Education is likely to concern funding, particularly capital funding if any building work is undertaken. The Department specifies procedures to be followed in a number of instances. It is essential that the board cooperates with these procedures.

The Teaching Council

Why have a teaching council?

The purpose of the teaching council is to:

- Regulate the teacher profession and the professional conduct of teachers.
- Establish and promote the maintenance and improvement of standards of:
 - programmes of teacher education and training;

- teaching, knowledge, skill and competence of teachers;
- professional conduct of teachers;
- promote the continuing education and training and professional development of teachers;

What will a teaching council do?

The council is charged with doing everything it can, in accordance with the Teaching Council Act 2001, to advance the council's purpose. In particular, it will:

- Promote teaching as a profession;
- Establish codes of professional conduct for teachers;
- Establish and maintain a register of teachers;
- Determine the education, training and qualifications required of registered teachers;
- Provide for a process of registration;
- Establish procedures and criteria for the probation of teachers;
- Advise the Minister on:
 - minimum entry requirements to teacher education and training programmes;
 - the professional development of teachers;
 - teacher supply;
 - anything else relating to the functions of the council that it considers appropriate or that is requested by the Minister.
- Have power to conduct inquiries and impose sanctions in relation to a teacher's fitness to teach;
- Conduct and commission research on matters relevant to the objects of the council and publish consequent findings;
- Represent the teaching profession on educational issues;
- Establish procedures for the exchange of information with teachers, organisations involved in education and the public;
- Provide the Minister with information;
- Review and accredit programmes of teacher education and training for the purpose of teacher registration;
- Act as the designated authority in relation to the recognition of teacher qualifications obtained in countries outside Ireland;
- Cooperate with the Northern Ireland body, which performs similar functions to the council in relation to teacher qualifications and teacher exchanges between the state and Northern Ireland, in accordance with Ministerial directions.

Must the council take account of any particular matters in performing its functions?

The teaching council will be an autonomous, independent body designed to oversee the self-regulation of the teaching profession. However, in performing its functions, the council must implement the Minister's policies relating to teacher education and training, probation, qualification, professional conduct and standards of teaching. In advising the Minister, it must have regard to the implications of its advice for the resources that are available and to the practical implementation of any advice.

National Council for Special Education (NCSE)

The Department is continuing to support the structural and legislative changes that are necessary to ensure that the special educational needs of children are being met. To this end, a number of administrative functions previously carried out by the Department are now being undertaken by the NCSE. The role of the Council includes taking over some key functions in relation to special education provision from the Department of Education and Science. These functions include:

- Carrying out research and providing expert advice to the Minister on the educational needs of children with disabilities and the provision of related services;
- Providing a range of services at local and national level in order that the educational needs of children with disabilities are identified and provided for;
- Co-ordinating with the Health Service Executive, schools and other relevant bodies the provision of education and related support services to children with disabilities.

In so-doing, the council will have a very significant impact on the delivery of services by operating at local level and interacting with schools, pupils and parents with a view to ensuring speedy access by these children to the best education appropriate to their needs. The council, with its network of over 80 Special Education Needs Organisers (SENOs) is providing a structure for the delivery of an effective and speedy education service to children and families coping with disability on a daily basis. Working locally on the ground, the SENOs are a focal point of contact for parents and schools. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Sub-Committees

Particularly in bigger schools, the board of management will probably find it helpful to set up a number of sub-committees with specific mandates, e.g. finance sub-committee, maintenance sub-committee etc. The members would be from the board of management, with the possibility of co-opting a minority of members from outside the board.

The terms of reference of any sub-committee should be agreed by the board of management and clearly stated in writing. Arrangements for accountability and reporting to the board must also be stated in writing and adhered to.

It is possible to establish a sub-committee for a specific purpose and for a specified limited period of time.

CPSMA

All boards of management of Catholic primary schools are members of the Catholic primary school Management Association (CPSMA). A modest levy per pupil is paid annually by each school to CPSMA.

CPSMA is organised on a diocesan basis. There is an elected diocesan council that meets a number of times a year and is expected to organise various meetings for boards of management in the Diocese. Your board should enquire from the diocesan secretary for primary education about the local organisation.

Each diocese sends delegates to an annual provincial council meeting and to the annual general meeting (central council) which is held annually.

SOLAS, the newsletter of CPSMA, is issued a number of times each year and is sent to the chairperson of the board of management. Board members should ensure that they are informed about the contents of the newsletter.

In addition to a diocesan network and council, CPSMA maintains a full-time Central Office at Veritas House, 7/8 Lower Abbey Street, Dublin 1. Tel 01 874 2171 and 1850 407 200, Fax 01 874 7397. Emergency after hours contact number: 087 7425862.

Your board of management may avail of the services of central office. Copies of the constitution of CPSMA may be obtained from the diocesan secretary for primary education or from central office, CPSMA.

INTO

The Irish National Teachers' Organisation (INTO) is at once the professional body and the trade union representing teachers in primary schools.

INTO shares the concerns of management about ensuring the best possible education for the pupils in the schools. It is helpful for the board of management to establish a good working relationship with the officials of the local branch of INTO.

At national level, CPSMA maintains contact with the officials of the head office of INTO. In some instances joint delegations of CPSMA and INTO negotiate on behalf of the schools with the Department of Education or other bodies. At times, CPSMA negotiates directly with INTO and agrees procedures or positions on issues of common concern. Agreements reached with INTO are usually published in *SOLAS* (CPSMA) and in *INTOUCH* (INTO).

Insurance Company

It is the duty of the board of management (delegated by the trustees) to put in place and maintain comprehensive insurance cover for the school. The 'school custodial policy' is recommended to all schools.

Any board of management that may be considering alternative insurance cover should refer to their diocesan office before making any decision.

The prompt payment of the premium to ensure continuous cover is a most serious responsibility of the board of management.

The board should ensure that there are procedures within the school for recording every accident. A report form for every incident of injury to persons or of damage to property should be sent without delay to the insurance company and to the chairperson of the board (see Appendix 47).

If the board of management is about to initiate any procedures that may eventually call on the professional indemnity policy of the board, the insurance company should be informed immediately.

Officials of Allianz Insurance plc. are available to answer queries from chairpersons of boards of management. A number of explanatory leaflets are available on request from Church & General Insurance plc.

Insurance of Members of the Boards of Management of Primary Schools

The Allianz Insurance policy covers the individual members of the Board and the Board as a corporate body, and the boards successors, for any claim made by any individual or a group against the individual members of a board and the board as a corporate body. This cover applies providing the Board members are acting in good faith and within the provisions of:

- The 1998 Education Act;
- The Rules and Procedures for BOM;
- The Rules for National Schools;
- The Directive of the Patron.

The board and the individual members of a board as a corporate body and as individuals are also indemnified for any claims made against them under Section 14 of the Education Act 1998.

Important Information for Members of Boards of Management

There have recently been considerable comments in the media regarding the possible exposure of individual members of boards of management to legal actions relating to criminal acts by employees of the school board. To allay concerns of existing members of boards of management and prospective new members, we wish to confirm the following:

The Indemnity to Management Section of the Allianz Custodian School Protection Policy provides cover in relation to legal liabilities arising, *inter alia*, from the performance of their duties by the board of management. The indemnity provided is in respect of legal costs and damages incurred in connection with a claim.

Naturally, there are terms, exceptions and conditions attached to the policy, but it is important to state that there has never been a case where a board of management has been left without indemnity in relation to such claims. In effect, a board, or a member of a board, who do (does) not consciously set out to commit a criminal act are provided with cover in the dispensation of their duties.

Critically the cover provided under the Allianz policy includes legal liability that attaches to the board of management, collectively and individually, as a consequence of a criminal act by an employee or other person for whom the board is responsible.

It is correct to state that the policy does not afford any protection to the perpetrator of any such criminal act. However, this does not affect the indemnity provided to the board of management. In such a circumstance, indemnity is provided not only to the board of management as a corporate body, but also to each individual member of the board of management.

If you have any queries or require any further clarification regarding the foregoing, please contact our education team at 01 613 3966, your local Allianz representative or your insurance broker.

It is the duty of the board of management (delegated by the trustees) to put in place comprehensive insurance cover for the school.

The board shall ensure that all such insurances are effected and maintained as are necessary to safeguard the school, the board and the trustees against all public liability and against the consequences of negligence on the part of any person employed by the board or any servant or agent of the board, or any defect in the buildings, premises, furnishings or equipment of the school whereby loss or damage might result to any person in or upon the school premises.

The following is the position for schools operating from premises owned by the Minister:

A lease, to be executed between the Minister for Education and Science and the relevant school patron, is being introduced for schools operating in premises owned by the Minister. Under the terms of that lease, schools are obliged to take out public liability and employer's liability insurance but are not required to take out buildings cover. Buildings will be covered by state indemnity.

The lease will be put into place on a phased basis, starting with schools that are commencing operation in a premises owned by the Minister in the 2007/08 school year. Thereafter, leases will be put in place for schools already operating in ministerially-owned premises. It is intended to have leases put in place for all such schools as soon as practicable. However, up to and until such time as the lease is executed between the Minister and the relevant patron, schools operating in ministerially-owned premises are obliged to have adequate buildings cover in place, along with public liability and employer's liability insurance.

The insurance policy shall be available for inspection by interested parties.

Procedures and Record Keeping

The need for schools to give ongoing and detailed consideration to the issues of procedures and record keeping has, particularly in recent months, been a feature in relation to the settlement of a number of legal liability claims under the following insurance covers:

- Employer's liability;
- Public liability;
- Professional indemnity;
- Employment practices liability.

Insurers have successfully defended claims where appropriate records were maintained and procedures were prepared and actively pursued. Unfortunately, insurers have also experienced situations where the absence of such records and procedures contributed adversely to claim settlements, for example:

- Absence of a safety statement (as required by the Safety, Health and Welfare at Work Act);
- Absence or inappropriateness of policies and procedures in relation to issues such as admissions, bullying, discipline, equality, staff appointments etc.
- Absence of written confirmation from the Department of Education and Science (DES) in relation to:
 - Temporary teachers;
 - Additional teachers;
 - Approval and withdrawal of approval for special needs assistants.
- Lack of clarity in relation to arrival and dismissal of pupils, after-school activities (games etc), school trips and supervision.

Insurers do appreciate that changes in legislation, largely driven by the necessity to comply with EU directives, and compliance with procedures established by the Department of Education and Science increase demands on schools. It is essential to bear in mind, however, that compliance with such legislation is not optional – it is a legal requirement. Non-compliance can expose schools to the possibility of the incurrance of fines or penalties. Furthermore, such non-compliance can impact adversely on the settlement of claims.

The adoption and utilisation of sets of appropriate procedures, including record keeping, will result in benefits to schools in a number of ways, such as:

- Assist in ensuring the protection of school assets;
- Consistency of approach to addressing issues and problems;

- Improved quality of record keeping;
- Reduction in the number of delays/queries;
- Reduction in costs/expenses;
- Improved level of defence in claim situations.

Appropriate records of all discussions, meetings, agreements etc. should be maintained by boards of management. Approvals from the Department of Education and Science should always be recorded in writing. The implementation of such an approach by boards of management will be of considerable benefit in avoiding any subsequent confusion or misunderstanding in relation to what should or should not be done or what was agreed or approved. Furthermore, as we have said earlier, in the event of any claims occurring under insurance policies, the availability of such records can be crucial to the success or otherwise of any defence.

With regard to the issue of insurance in relation to procedures and record keeping, the Allianz Custodian School Protection Policy provides cover for the legal liability of the school and the board of management in respect of:

- Bodily injury to employees – (employers liability insurance);
- Accidental bodily injury to third parties and accidental damage to third party property (public Liability Insurance);
- Breach of duty arising from any negligent act, error or omission, breach of warranty, of trust or confidentiality libel or slander committed in good faith – (professional indemnity insurance);
- Claims arising out of wrongful employment practices (employment practices liability insurance)

- all arising out of or in connection with a school-related activity, which is defined in the policy as:

‘any activity usual to a school which is carried out with the full knowledge and authority of and under the control of the board of management/governors of the School or of any other person specifically authorised by them’.

The policy cover is not dependent on or subject to the implementation of procedures, therefore resulting legal liability attaching to the school and/or the board of management is covered, subject as always to the terms, conditions, limitations and exclusions of the policy. However, the existence of appropriate procedures and written records will enhance the possibilities of successfully defending claims, thus reducing the cost of claims, which, in turn, will have a positive impact on premiums. It is therefore in all our interests that schools should give serious attention to the issues of procedures and record keeping.

Notification of Claims

The Policy Condition (condition 6 claims procedure) in relation to the notification of these type of claims requires the school to give immediate written notice to the company on:

- receiving notification of a claim; or
- becoming aware of any circumstances which might reasonably be expected to result in a claim irrespective of the views of the insured as to the validity or otherwise of such claim or prospective claim.

As can be seen from the above, the company must be immediately advised not only of actual claims but also of circumstances that may give rise to a claim irrespective of the views of the school.

Failure to notify claims or circumstances in a timely manner:

- can seriously affect the ability of the company to adequately and appropriately investigate claims and any related circumstances;
- prejudices the establishment of a position by the company in relation to acceptance/settlement/defence of any claim or circumstances.

Costs and Settlements

In addition to the above, the claims condition in the policy also contains the following requirements:

- No admission, repudiation, offer, promise, payment or indemnity shall be given by or on behalf of the insured without the written consent of the company;
- The company shall be entitled if it so desires to take over and conduct in the name of the insured or any indemnified party the defence or settlement of any claim or to prosecute in the name of the insured or any indemnified party for its own benefit any claim for indemnity or damages or

otherwise. The company shall have full discretion in the conduct of any proceedings and in the settlement of any claim and the insurer or any indemnified party shall give all such information and assistance as the company may require.

In other words, the school must not enter into an discussion or negotiation with the claimant(s) without the prior written consent of the company. Furthermore, the company is entitled to conduct all negotiations in relation to the handling and settlement of any claim.

Additionally, under the legal expenses section of the policy, cover only applies to legal costs and expenses that are **reasonably and properly incurred by the insured with the prior approval of the company.**

Going Forward

As has been pointed out many times in previous articles – **claims impact on premiums.** Where increased claims costs are as a direct result of non-compliance with policy terms and conditions by some schools, this can potentially result in a disproportionate in case in loss ratios. If this situation were allowed to continue, maintaining rates/premiums at their existing levels would clearly be unsustainable. However, such a course of action would adversely affect all schools, including those who do comply with policy terms and conditions.

Within the context of an insurance policy, the conditions constitute what we know as conditions precedent to liability, which in basic terms means that an insured (school) must strictly comply with all of the obligations imposed by such a condition. Failure on the part of an insured to comply with such conditions would entitle an insurer to repudiate liability for any circumstance or claim affected by such non-compliance.

Therefore, in order to address the problems of non-compliance with policy terms and conditions, it is the intention of Allianz to adopt a stricter approach to the reporting and handling of claims. It is therefore essential that all schools immediately review their procedures for reporting both actual claims and circumstances that might reasonably be expected to result in a claim to the company in accordance with the policy terms and condition. Schools that do not report claims and circumstances as required by the policy will, in future, run the risk of having all liability repudiated for any such claim or circumstance.

Strict compliance with policy terms and conditions by all schools in the future will play a significant role in the control of claims costs, which, in turn, will have a positive impact on premiums. In the circumstances, the necessity for schools to ensure that they comply with policy terms and conditions is very much self-evident.

For more information in relation to the notification of claims please refer to Chapter 10 of the Allianz Guide to Insurance, Safety and Security in the School on the schools website: www.allianz.ie/schools.

Supervision of Pupils Outside Official School Opening Hours

Under the legal principle of *in loco parentis* the duty of care imposed on a school is to take such care of pupils as a careful parent would of his/her children. The school has a duty to supervise pupils at all times during which they are in the charge of the school. If the school allows access to the school premises before the official opening hours then the duty to supervise applies. In the same way, where pupils are on the school premises after hours a similar duty applies.

It is not unusual for parents to leave their children at the school some time before the start of the school day, and likewise collect their children some time after school finishes. While parents are not entitled to arbitrarily attempt to absolve themselves from the responsibility for the safety of their children, such action by parents does not wholly absolve the school of their responsibility to provide supervision.

Unfortunately this is a dilemma that holds little sway with the courts, who will argue that the practice of parents leaving pupils at a school before hours or collecting them after hours is one which is known to schools, and within acceptance of that fact there is an obligation to provide supervision.

Nevertheless schools can alleviate the potential exposure to claims in this regard by issuing a letter/note to all parents at the beginning of term advising them of the times during which the school can accept responsibility for their children. Such a letter/note is effectively in the form of a disclaimer and can prove

to be a useful deterrent against claims made against the school. While it is doubtful if such disclaimers carry the desired protection in law, we do, in general terms, recommend their usage.

As regards the school transport system, schools are not party to this, and the fact that the children are conveyed to or from school by bus does not impose an additional obligation on the school. As we have stated, it is important that parents are made aware that no arrangements exist for the supervision of their children who arrive at the school, whether by school bus or otherwise, before the official opening times. A similar situation arises in respect of children who remain after school hours awaiting collection by the school bus.

Please refer to pages 39 and 40 of our Guide to Insurance, Safety and Security in School for a recommended wording in relation to the notification of official school times.

Where a principal or other member of staff takes it upon themselves to voluntarily provide supervision outside of official school hours, they could be deemed by a court to have created a precedent, and consequently they could be held to be liable if, having established the practice, they fail to do so for some reason or another.

Notwithstanding all of the foregoing, it is important to emphasise that cover under the Allianz Custodian School Protection Policy in respect of accidental injury or damage, as defined in the Policy, will, subject to the policy terms, definitions, conditions, limitations and exclusions, operate where the school is held to be legally liable, whether such injury or damage occurs before, during or after official school times.

Insurance and School Finance

The control and management of school finances requires that appropriate procedures are put in place to ensure that all income and expenditure is recorded and accounted for in a clear and precise manner.

Section 18 (1) of the Education Act 1998 states that a board of management 'shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice'.

As a minimum the following procedures should be adopted:

- (a) As an integral part of any selection process, the veracity of references of persons who will handle money and financial records should always be verified;
- (b) All expenditure should be approved by the board of management;
- (c) The number of accounts operated by a school should be kept to a minimum, preferably one;
- (d) Cheque books should always be kept in a secure location with access limited to approved persons only;
- (e) Authority to sign cheques should always be by at least two approved signatories, one of whom must be the chairperson of the board of management, with a second signature being the Treasurer (preferably) or other approved person;
- (f) Pre-signing of cheques should not be permitted in any circumstances;
- (g) There should be a requirement that all requests for cheques to be signed be accompanied by a cheque requisition which details the following:
 - i the amount to be paid;
 - ii who the cheque is payable to;
 - iii include an invoice for the amount requested or full details of the purpose of the expenditure;
- (h) All payments which are made to employees, with the exception of the reimbursement of vouched and approved expenses, must be taxed in accordance with the requirements of the Revenue Commissioners;
- (i) Expenses should only be reimbursed where accompanied by an appropriate claim for expenses, which contains details of the date, the purpose for which the expense was incurred and, where appropriate, supporting receipts/vouchers;
- (j) All payments should be made by crossed cheque or electronic transfer (such as direct debit etc) only;
- (k) Where the school operates a petty cash account, the following procedures should be implemented:
 - i the account should be operated by one nominated person;
 - ii pre-numbered petty cash docketts should be used for every transaction;
 - iii docketts should be signed by the recipient and be supported with details of the purpose for which

- the cash is required together with receipts where appropriate;
- iv the account should be reconciled and approved by the treasurer on a monthly basis.
- (l) Appropriate records of all income should be maintained, including source, date of receipt, purpose etc. Receipts should be issued in all instances, without exception;
- (m) All money should be kept in a securely locked safe;
- (n) Cheques and cash should be deposited in a timely manner;
- (o) Bank accounts should be reconciled on a monthly basis to ensure bank balances are in order;
- (p) Where school credit cards are issued, clear and concise guidelines regarding usage of such cards should be issued to each approved user. Statements should be reconciled and signed off on a monthly basis and should be accompanied by supporting receipts and details of the purpose for which the expense was incurred;
- (q) Grants received from the Department of Education must be expended in accordance with the Department guidelines and spent during the specified period. Balances must be repaid to the Department as required and must not be used for other purposes;
- (r) Appropriate records should be maintained which clearly show the links between expenditure and any grant;
- (s) Fundraising for the benefit of a school should only be with the prior approval of the board of management. Full details of all connected income and expenditure should be maintained and submitted to the Board for approval;
- (t) On any occasion where a large amount of cash is being collected, appropriate security measures should be implemented. Of particular importance in this regard is personal safety of those handling the cash. Regrettably many criminals are prepared to resort to violence in their attempts to obtain money. Therefore all persons handling money on behalf of the school should be specifically advised that where there is a danger to personal safety from criminals demanding money – hand it over. Money can be replaced!
- (u) The basis on which the board of management is allowed to borrow funds should be formally recorded, including any and all limitations, such as source, purpose, amounts etc;
- (v) School accounts must be properly audited or certified annually in accordance with best accounting practice;
- (w) In addition, interim internal audits should be carried out as an integral part of any finance control procedures implemented by schools;
- (x) At each board of management meeting, an income and expenditure account should be presented to the board. This should include the following:
 - i payments made;
 - ii payments for approval;
 - iii latest bank statement including reconciliation;
 Approval by the board should be recorded in the meeting minutes.

‘Hot Work’

The improper use of arc welders, oxygen/acetylene torches, blow torches and other similar equipment using naked flames, has resulted in a number of serious fires in schools. Construction, renovation, maintenance and repair work may, from time to time, require the use of such equipment which, in turn, creates an additional risk of fire at the premises.

Where possible all such work should be carried out by a *bona fide* contractor carrying their own separate insurance. However, whether the work is being done by a contractor or by a staff member, there are some basic precautions that should be taken to reduce the risk of loss or damage, irrespective of who carries out the work:

1. The safety statement prepared by the school should incorporate provisions for the carrying out of ‘hot work’;
2. Only allow suitably qualified persons to carry out such work;
3. Provide the contractor with a copy of the safety statement prior to commencement of work;
4. All ‘hot work’ should be made subject to a ‘hot work’ permit. In most cases the person issuing the permit will be the project supervisor appointed by the school in accordance with the Safety, Health and Welfare at Work (Construction) Regulations, 1995;
5. Prior to the start of any such work, ensure that:
 - (a) Precautions have been taken to protect combustible materials in the immediate vicinity of the work;

- (b) There are no combustible materials in the immediate vicinity of the work;
6. Ensure that the equipment is never left unattended while in use;
 7. Station a person, who is not directly involved in the work, trained in the use of fire extinguishing appliances in the vicinity of the hot work operation for the duration of the work and for sixty minutes thereafter, with frequent monitoring during the following three hours;
 8. Locate appropriate portable extinguishers in the vicinity of the hot work operation for the same period.

It is important to bear in mind that where work is carried out by a contractor under the Royal Institute of Architects of Ireland (RIAI) form of contract, the contractor will be responsible for damage to the contract works only resulting from a range of specified perils (including a fire), with the employer (the school) being responsible for any such damage caused to the existing property, even where such damage is caused by the contractor. Consequently, claims for any such damage to the existing property will be dealt with under the schools insurance.

Local Services

It is useful for the board of management to be familiar with the services available in the locality. These would include hospitals, counselling services, family therapy units, social services, community care, speech therapists, drugs advisory unit, Childline, ISPCC, health services, school attendance officer, Gardaí and so on.

The board of management (or its maintenance sub-committee) will need a list of Emergency Services and local contractors who can be called on at short notice to remedy defects in the school premises.

The board of management will also need to have contact with the local Bank where school accounts are held and with various groups that may have a presence in the locality, e.g. Chamber of Commerce, youth groups, sports clubs etc.

The board can get useful assistance and information from the local employment and training services.

Local Community

While the main purpose of the school premises is the education of children, the school ought to be a focal point for the community and to be used by them for various activities, with the consent of the board of management as sanctioned by the trustees and in consultation with the teaching staff. Such activities could include:

- Evening classes and lectures;
- Clubs;
- Meetings of the local community for various purposes;
- Social activities.

In granting the use of the school premises, the board of management shall have regard for the following:

- **The activity (lectures, meetings etc.) for which the school is sought must not be contrary to the ethos of the school;**
- **The school premises must be left ready for school work;**
- **Responsibility for insurance and security will rest with the users of the school;**
- **A charge to cover the cost of heating and lighting the school (where applicable) shall be made;**
- **Any damage to the school premises shall be paid for by the users of the premises.**

For rules governing the use of school premises during elections, see Appendix 60.

Other Primary Schools

The boards of management and staff of other primary schools in your area share the concerns of your Board. Informal contacts and meetings between the schools, particularly between schools in the same parish, can be helpful.

A board of management may not make any unilateral decision for its own school that may impinge on another school until it has consulted the diocesan authorities and, if necessary, the boards of management of the schools in question.

The board of management of a school does not have the authority to change the status of the school (i.e. single sex; co-educational; junior only; senior only; vertical etc.); any such change requires the sanction of the Bishop and of the Department of Education.

Arrangements about the amalgamation of schools are subject to the procedures agreed between CPSMA, INTO and the Department of Education (see Appendix 75).

Transport

The duties and responsibilities of the board of management with regard to school transport are outlined in circulars issued annually by the Department of Education and Science (see Appendix 65, 66, 67, 68).

The administration of the school transport scheme at primary level is done by Bus Éireann (applications, tickets, routes). The primary and post-primary schemes are co-ordinated by the chief executive officer of the local Vocational Education Committee (VEC) who acts as transport liaison officer (TLO). The TLO works in conjunction with Bus Éireann and with School Management.

The TLO should be reminded that the primary school year of 183 days is longer than that of post-primary schools. Transport should be provided for Primary school children up to the end of June each year.

Post-Primary Schools

The board of management of the primary school should establish links with the management of post-primary schools to which pupils transfer. The board would also encourage the principal teacher of the Primary school to maintain liaison with the principals of the post-primary schools to discuss matters of mutual concern.

The transfer of children from primary to post-primary schools should be eased as much as possible.

THE BOARD OF MANAGEMENT IN ACTION

Frequency of Meetings

The rules of procedure for boards of management require a meeting at least once in every school term, and usually five meetings per annum. However, experience has shown that if a board meets no more than once a term, the members can find it difficult to become familiar with the concerns of the school and with their own role. In the event of serious issues arising, it can be difficult for the board to function as a group, confident in their knowledge of the Rules for National Schools and various agreements.

In the absence of regular meetings of the board, the task of management will tend to be left to the chairperson and the principal teacher of the school. This is not satisfactory for any of the members of the board of management (including the chairperson and principal teacher).

Consequently, CPSMA encourages boards to meet once a month – as a general rule – during the school year. Through regular meetings, the board members will come to function as a team. They will get to know the school and will be in a position to offer useful support and advice to the principal teacher. They will also be enabled to take seriously their responsibility for many matters connected with the school.

Length of Meetings

Board meetings would usually last from an hour to an hour and a half. If there is an item of particular concern that may necessitate a longer meeting, it is advisable to determine at the start of the meeting when the meeting will end.

It is generally recommended to adjourn a meeting and reconvene some days later rather than to rush to a decision when board members are tired and anxious to finish.

Declaration of Interest

In accordance with Rule 15 of the Rules of Procedure (see below) any board member related to an employee or candidate for employment in the school must withdraw from a Board while any question relating to that person is being discussed.

In addition, any board member who is employed or is a candidate for employment in the school must also withdraw from any board meeting at which any question relating to him/her is being considered. A board member who stands in a relevant family relationship to a pupil or employee of the school should withdraw from any meeting at which any question relating to that person is being considered.

Sample Agenda

The Agenda for every ordinary meeting of the board of management should include the following items:

1. Opening prayer;
2. Apologies;
3. Minutes of previous meeting;
4. Matters arising from the minutes;
5. Correspondence;
6. Finance – treasurer’s report;
7. Principal teacher’s report;
8. Any other business;
9. Agreed report;
10. Date of next meeting.

1. Opening Prayer

The board members ask the blessing of God on their work for the children of the school for which they have responsibility.

Any bereavements or special needs would be noted at this point.

A different member of the board could be invited to lead the group in a short prayer at each meeting.

2. Apologies

The attendance at the meeting should be noted in the minutes.

Note Rule 7 (c) of the Rules of Procedure, which states that if a member is absent from three consecutive ordinary Board meetings, without good cause, the patron may appoint another person to the board.

3. Minutes of Previous Meeting

The minutes are drawn up and kept by the recording secretary, who is the board member elected to that office by the Board.

The minutes need not be long. It is essential to record decisions arrived at by the board and any votes taken. It is not generally necessary to record details of the discussion of the board.

The board will decide how to convey the minutes to the members. This could be either:

- (a) reading the minutes aloud at the start of the meeting;
- (b) sending a copy of the minutes to board members as soon as possible after the previous board meeting;
- (c) sending a copy of the minutes to board members with the notice and agenda for the next meeting;
- (d) other.

The minutes of the meetings of the board of management are confidential to those entitled to be present at Board meetings or at a particular board meeting (cf Rule 15 of Rules of Procedure).

When board members agree that the minutes are an accurate and complete record of the business of the previous meeting, the chairperson signs the official copy, which is retained by the recording secretary.

The minute book of the board of management meeting is made available to the Bishop on the occasion of his annual visit to the parish for confirmation. In exceptional circumstances, the Bishop or the Department of Education may request to see a copy of the minutes of a particular meeting or meetings (Rule 11 (b) of the Rules of Procedure).

4. Matters Arising

The chairperson and/or board members would make a brief check to ensure that any decision taken at the previous meeting had been implemented.

If any matter arising from the minutes requires a long discussion, it may more appropriately be dealt with under another heading of the agenda.

5. Correspondence

If there is a considerable amount of correspondence, it can be helpful to have prepared a list for each board member. This would merely state the origin and the subject matter of each item of correspondence.

The board should be made aware of all correspondence addressed to the chairperson of the board. The principal teacher may properly deal with correspondence addressed to him/her, or she/he may decide to bring the matter to the attention of the Board for their information or to seek the advice of board members.

Much of the correspondence – e.g. from the Department of Education – needs simply to be noted by the board of management. This can be indicated on the list of correspondence. Other items may need some discussion and decision by the board.

Any letters of complaints must be dealt with in accordance with agreed procedures (see Handbook) or contact Central Office, CPSMA, 7/8 Lower Abbey Street, Dublin 1.

If a letter is received from a solicitor on behalf of a client, it is advisable to get legal advice before replying.

6. Finance – Treasurer's Report

The treasurer's report should be presented at every board meeting. The report should indicate:

- (a) The true bank balance at the end of the preceding calendar month (i.e. bank statement less any outstanding uncashed cheques);
- (b) Payments that have been made since the issuing of the bank statement plus payments that will fall due before the next board meeting;
- (c) Any income due in the same period.

On the basis of this information, the board of management will be in a position to consider the financial situation of the school and to make decisions about items of expenditure that may be considered necessary or desirable.

The board of management would refer regularly to the section on finance (and accompanying notes) in the Rules of Procedure for Boards.

Sample Treasurer's Report (Draft Financial Report)

Financial Report for the Month ended 30 September, 2007

School: _____

Receipts		Payments	
Code	Description	Code	Description
	THIS MONTH		THIS MONTH
	RECEIVED		EXPENDED
	1 SEPT TO DATE		1 SEPT TO DATE
	BUDGET		BUDGET
10	D.E.S. GRANTS	12.0	EDUCATION
11	Capitation Grant	12.1	Consumable Materials
12	Disadvantaged Area Grant	12.2	Teaching Aids
13	Home/School Liaison Grant	12.3	Library
14	Learning Support Grant	12.4	Games
15	Non-English Speaking Grant	12.5	Books (Free Book Scheme)
16	Free Book Grant	12.6	Books (Remed. Scheme)
17	Traveller Grant	12.7	Learning Support
18	Special Needs Grant	12.8	Photocopying
19	I.C.T. Grant	12.9	DEIS
19.0	Resource Grant	12.99	Resource
1.11	Curriculum Grant	12.11	Early Start
1.12	Giving Children Even Break/N Prog	12.12	Curriculum
1.13	DEIS Grant	12.13	Giving Children Even Break/
1.14	Early Start Grant	12.14	Minor Works
1.15	Minor Works Grant	12.15	Traveller
1.16	Supervisors Grant	12.16	Special Needs
1.17	Other (Specify)	12.17	I.C.T.
20	FUNDED EMPLOYMENT	12.18	Non-English Speaking Grant
21	Secretarial Grant	13.0	REPAIRS AND MAINTENANCE
22	Careaker Grant	13.1	Buildings and Grounds
30	SPECIFIC GRANTS	13.2	Furniture, Fittings and Equip
31	Capital Grants	13.3	Maintenance Wages (incl. P.R)
32	Summer Works Scheme	14.0	ESTABLISHMENT
33	Other Department Grants	14.1	Rates
34	School Meals	14.2	Insurance
40	OTHER	14.3	Light and Power
41	Bank Interest	14.4	Heating
42	Book Rental Scheme	14.5	Cleaning Materials
43	Reimbursable Receipts	14.6	Cleaning Wages/Contract Cle
44	Insurance Claims	15.0	ADMINISTRATION
45	Account Transfers	15.1	Secretarial Salaries (incl. P.R)
46	Sundry	15.2	Printing & Stationery
50	TOTAL RECEIPTS	15.3	Postage & Telephone
		15.4	Professional Fees
		15.5	Subscriptions / Advertising
		15.6	Training Courses / In-service
		16.0	FINANCE
		16.1	Bank Interest and Charges
		16.2	Loan Repayments
		17.0	OTHER
		17.1	Reimbursable Payments
		17.2	Petty Cash
		17.3	Account Transfers
		17.4	Revenue Commissioner
		17.5	Supervision
		17.6	Sundry
		18.0	CAPITAL EXPENDITURE
		18.1	Buildings
		18.2	Furniture, Fittings, Equipment
		18.3	Summer Works Scheme
		19.0	TOTAL PAYMENTS

Enter Opening Balance figure in cell below

Opening Balance at 1 September, 2007 _____

5.0 Add: Receipts for the Month _____

19.0 Less: Payments for the Month _____

Closing Balance at 30 September, 2007 _____

Draft Financial Report Form

18.— (1) Except in the case of a school established or maintained by a vocational education committee, a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

(2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of students in the school, in so far as those accounts relate to monies provided [by the Oireachtas].

7. Principal Teacher's Report

This is the part of the meeting during which the principal teacher enables the board of management to become familiar with the life and functioning of the school. It also enables the principal teacher to avail of the advice and views of the board members. Both the principal teacher and the board members should be familiar with the terms of circular 16/73 (see Appendix 1) on the role of the principal teacher.

The principal teacher would report to the board of management on a wide range of issues that may vary according to the time of the year. These issues could include:

- Intake of new pupils – numbers etc;
- Projection of enrolments for the following year(s) with any implications for accommodation, staffing etc;
- New teacher(s);
- Posts of responsibility;
- Substitutes/temporary teachers appointed with the approval of the chairperson since the last meeting of the board;
- Any incident of behaviour, vandalism, any accident etc. that is of concern to the staff of the school;
- Proposals about any programmes, lectures etc., to be introduced for the pupils.;
- Events that took place or are planned for the following month;
- Dates of mid-term breaks, holidays etc. (school calendar);
- Review of school transport;
- Concern about the condition of the school premises or grounds;
- Placement of 6th class pupils in post-primary schools;
- Retention of a particular pupil in any class;
- Service for children with special needs within the school;
- Deployment of additional (concessionary) teachers (if any);
- Any other item of information about which the principal teacher is concerned or that she/he judges it useful/necessary/interesting to pass on to board members.

The relationship between the board of management and the principal teacher should be one of openness and of mutual loyalty.

In the course of the year, the board of management would usually have occasion/opportunity to consider the relationship of the board with many of the groups outlined in Section 3.

The following are among the other areas of the school organisation with which board members would be familiar and on which they should be advised/informed by the principal teacher:

- Enrolment procedures;
- Arrangement of classes (bigger schools, multi-grade schools etc.);
- Arrangements for supervision of pupils;
- School timetable;
- Arrangements for parent/teacher meetings;
- Homework policy;
- School uniform;
- Arrangements for substitution for absent teachers;
- Fire drill;
- Code of behaviour/discipline for pupils;
- School outings (all of which must be sanctioned by the board of management for insurance purposes);
- Administration of 'school meals', milk schemes, book grant;
- Home/school liaison – formal and informal;
- School library – access to county library, mobile library etc.;
- Assessment of pupils, school reports;
- Availability of back-up services for children with special needs;
- Provision of class requisites;
- Retreats, lectures etc. provided for pupils;
- Identification of staff in-service needs;
- The process of school planning, incorporating staff, parents and board of management members;
- Curricular innovations, NCCA proposals etc.

8. Any Other Business

Some chairpersons find it useful to ask at the beginning of the meeting if any board member wishes to raise a matter under AOB.

It is not generally advisable to allow substantive issues to be brought up under AOB. If any board member introduces any such issue, it is usually preferable to defer discussion until the following meeting when the issue can be noted as a main item on the agenda.

The item AOB is intended to allow brief discussion or announcement about items not otherwise discussed at the meeting.

9. Agreed Report

Under the terms of the Rule for Confidentiality (see Rules 8 & 9, Procedures for Boards) the board should decide at the end of each meeting what information may be disclosed, to whom and how. In some instances, it is appropriate for the school principal teacher to convey information to teachers and parents. At other times, the chairperson may need to make an announcement. Usually, however, most of the information may be conveyed informally to teachers and to the parents' council.

It is essential that all board members respect the confidentiality of certain matters, as agreed by the board.

10. Date of Next Meeting

It can be helpful to agree the dates for all board meetings for the year when the board holds the first meeting each academic year.

If this has been done, the chairperson would remind board members of the date and check that the date arranged is still suitable for the members. Dates should not be changed unless there is very good reason for doing so, and then with the maximum notice possible.

If the schedule of meetings for the year has not been agreed, then, at the end of each meeting the board members will decide when the next meeting will take place and at what time.

Cohesion of the Board of Management

An effective board of management is one that has a shared sense of purpose and of commitment to the school for which it has collective responsibility.

It is useful for board members at the beginning of their term of office to consider together what their particular role is. Items from Section 1 of this book may assist the board in articulating their role within the overall mission of the school. Board members might discuss objectives for their term of office that would include the development of the school and of the board of management itself. A sense of purpose can engender enthusiasm in the board members.

The board members should review their perception of their role and the contribution of the board to the school at least once a year.

The particular functions that are carried out by the board of management in fulfillment of their role are outlined in the other sections of this book.

The information is available. What can be important is the general discussion by the board members through which they can arrive at some shared understanding of what they are about.

During discussions, the chairperson would encourage full participation by board members. It is important not to allow educational jargon to exclude any member. The talents of each member of the board should be recognised and affirmed. The contribution that she/he has to make to the functioning of the board should be valued and encouraged.

Tasks to be done by the board of management could be delegated to different members according to their interests and available time. This sharing of tasks can generate a sense of involvement for individual board members.

The chairperson should endeavour to generate good communication between members of the board so as to unite the group. She/he should draw on members' experience and knowledge, and encourage the development of ideas rather than the mere articulation of a point that is either accepted or rejected.

Board members must be assisted in realising and accepting that they carry the responsibility for the management of the school, subject to their accountability to the patron and subject to the regulations of the Department of Education and Science.

Boards of Management – A Framework for Good Practice

Bearing in mind the challenges when it comes to the election and appointment of new boards, it is timely to draw attention to a framework of good practice for boards of management. Some suggestions to achieve this are offered by the CPSMA and IPPN:

1. It is important to outline the functions and responsibilities of a board of management, and that each board member has an active part in the management of the school;
2. Board members must know the school, study the schedule for the school as outlined in the Deed of Variation (cf CPSMA Handbook, p. 11);
3. Board members must be willing to uphold and support the ethos, culture and traditions of the school;
4. The workload should be shared fairly between all board members. New board members should be invited to participate in all discussions and work. The new board members should be helped by the more experienced board members in learning with the pupils, teachers, staff, patron, Minister for Education and Science, the Department of Education and Science, the INTO, NPC-P, IPPN and the managerial bodies that represent the patron: Jewish Schools, Jewish Education Board; Educate

- Together Schools, Educate Together Patron Company; Church of Ireland Schools, Church of Ireland Education Board; Irish Schools, Gaelscoileanna and An Foras Patrúnach; Catholic Schools, CPSMA and Muslim schools, Muslim Education Board;
5. The agenda for each board meeting (prepared by the chairperson, the secretary to the board of management and the principal) is centred on the issues affecting the school;
 6. The decisions reached at each board meeting should be recorded in the minute book;
 7. At the end of each meeting the board of management should issue an agreed report to the parents, teachers and the school community;
 8. The chairperson's role is one of facilitating the board of management through an agenda of business with a view to achieving responsible collective decisions which, once agreed on, are upheld by all board members as part of collective responsibility. These decisions are recorded in the board of management minute book;
 9. Decision making is achieved by consensus – voting is used as a last resort. The chairperson has a casting vote;
 10. Between meetings, the chairperson, the principal, the board of management secretary and the treasurer should communicate frequently;
 11. The chairperson reports back at the next meeting on issues and any decisions taken in between meetings by the officers of the board and the principal teacher;
 12. The board of management is required under the Education Act to assist the parents in the formation of a parents' association. The NPC-PC Head Office will assist boards in this. Information can be obtained from NPC-P Head Office, 12 Marlborough Court, Dublin 1, telephone (01) 887 4034;
 13. The board members should have a good working relationship between the parents' association, the teaching staff, the school staff, the patron and the school trustees;
 14. The board should arrange from time to time meetings with (1) the school staff, (2) the parents' association (3) the school trustees;
 15. Boards should be fair and consistent in making decisions on issues that affect the school staff, the pupils, parents and school trustees;
 16. Boards should host an annual celebration of the schools' success with the staff and parents' association;
 17. Under the Education Act, the board is required to prepare an annual financial report which is made available to the parents' association, patron, school trustees, Minister for Education and Science and official of the DES;
 18. The board of management manages the school as 'a body corporate' on behalf of the patron in accordance with the regulations of the Minister for Education and Science.

A Framework of Roles within an Effective and Efficient Board of Management

Below is a suggested 'menu' of delegated duties to share the workload of the BOM between all members. Overall responsibility still rests collectively with the BOM as a 'corporate unit'.

Chairperson

Responsibilities include:

- Chairing board of management meetings;
- Official correspondence on behalf of school;
- Liaising with the principal teacher between meetings;
- Recruitment- and employment-related issues for all school staff;
- All capital projects – with trustees' approval;
- Signatures for cheques with treasurer or other member nominated by board of management.

Principal Teacher

Responsibilities include:

- The day-to-day management of the school, staff and pupils;
- All professional educational (teaching and learning) issues;
- Providing leadership to the overall school community;
- Preparing and monitoring annual budget with treasurer and chairperson.

Secretary

Responsibilities include:

- Recording the decisions of each meeting;
- Setting the agenda for meetings in consultation with the chairperson and the principal.

Treasurer

Responsibilities include:

- Reporting to each board of management meeting on school finances;
- Preparing an annual budget in consultation with the principal teacher and chairperson;
- Liaising with principal/school secretary re. bill payments and lodgement;
- Liaising with book-keeper/accountant re. the preparation of accounts for annual returns;
- Liaising with the bank re. school account.

Maintenance Officer

Responsibilities include:

- Managing the cleaning staff, cleaning contractors and caretaking staff;
- Organising the cleaning/maintenance, equipment and supplies.

Safety Officer

Responsibilities include:

- The board of management's health and safety statement;
- Provision of keys and alarm codes to staff of the school and other agreed users of the building;
- The maintenance of an appropriate security and fire alarm system;
- Co-ordinating a list of out-of-hours key holders for the school in the event of alarm activation of access requirement for repairs and maintenance;
- Hire of school premises to outside groups – security, arranging keys etc.

BOARDS OF MANAGEMENT OF NATIONAL SCHOOLS CONSTITUTION OF BOARDS AND RULES OF PROCEDURE

*MARGIN NOTES
ADDED BY CPSMA*

1. General

National Schools operate under the Education Act 1998, other relevant legislation and the Rules for National Schools, currently applicable, which are made by the Minister for Education and Science.

Role of the Board of Management:

Section 15 of the Education Act 1998 states (1) It shall be duty of the board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

The Archbishop or Bishop of the Diocese is the Patron of the Catholic School.

(2) A board shall perform the functions conferred on it and on a school by this Act and in carrying out its function the board shall

- (a) do so in accordance with the policies determined by the Minister from time to time and
- (b) uphold, and be accountable to the patron for so upholding the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school,
- (c) consult with and keep the patron informed of decisions and proposals of the board
- (d) publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special education needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerns, are complied with,
- (e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society,
- (f) have regard to the efficient use of resources (and, in particular, the efficient use of grants provided under section 12), the public interest in the affairs of the school and accountability to students, their parents, the patron, staff and the community served by the school, and

In most dioceses, the school property is held by the diocesan Trust. A vacant school building cannot be disposed of by the diocese without the agreement of the Minister for Education.

If, in exceptional circumstances, it proves impossible to have a father and a mother on the board the matter should be referred to the Department of Education, outlining the particular circumstances and the efforts made to comply with 3 (a) (ii)

- (g) use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.
- (3) For the avoidance of doubt, nothing in this Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which the board is responsible.

Note: Indemnification for Board Members

Section 14(7) of the Education Act 1998 states ‘Except as provided by this Act, no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act.’

2. Definitions

- (a) The patron is the person or body of persons recognised as such by the Minister for Education and Science as defined by Section 8 of the Education Act 1998. The patron may manage the school personally or may nominate a suitable person or body of persons to act as manager. Subject to the provisions of Section 16 of the Education Act 1998, the patron may at any time resume the direct management of the school or may nominate another manager.
- (b) The trustees are the persons nominated by the patron as trustees of the school. They are parties to the lease of the school premises. The trustees undertake that the buildings shall continue to be used as a national school for the term of the lease and guarantee that the premises and contents are insured against fire and tempest.

In the case of Catholic schools, in most dioceses the school property and enterprise are held by the diocesan trust. In a congregation-owned school the trustees are those legally named as such by the religious congregation. In the case of convent and monastery schools, while the Bishop is the patron, ownership rests with the congregational trustees.

The role of trustee does not encroach on the rights and duties of a school's patron.

- (c) The board of management/manager is the body of persons or the person appointed by the patron and recognised by the minister as defined by Section 14 of the Education Act 1998.
- (d) ‘Parent’ includes a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, or other person acting in loco parentis who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the state, means the adopter or adopters or the surviving adopter.
- (e) Days as it appears in this document should be taken to mean calendar days as distinct from ‘school’ days.

3. Constitution of Boards of MANAGEMENT

(a) For schools having a recognised staff of more than one teacher:

- (i) Two direct nominees of the patron;
- (ii) Two parents of children enrolled in the school (one being a mother, the other a father, elected by the general body of parents of children enrolled in the school);

(Note: To ensure the widest possible representation, where practicable, parents should be from separate families and bear no relationship to any other member of the board);
- (iii) The principal teacher (or acting principal teacher) of the school;
- (iv) One other teacher on the staff of the school, elected by vote of the teaching staff, including the principal teacher;
- (v) Two extra members proposed by those nominees, described at (i) – (iv) above, acting in accordance with the process set out at Appendix C.

(b) For schools having a recognised staff of one teacher:

- (i) One direct nominee of the patron;
- (ii) The principal of the school;
- (iii) One parent elected from parents of pupils enrolled in the school elected by the general body of parents of children enrolled in the school);

(Note: To ensure the widest possible representation, where practicable, parents should bear no relationship to any other member of the staff or board)
- (iv) One extra member proposed by those nominees, described at (i) – (iii) above, acting in accordance with the process set out at Appendix C.

4. Procedure for the election and nomination of members of boards of management

- (a) In accordance with Section 8 and 14 of the Education Act 1998, the patron is responsible for initiating the steps necessary for the establishment of a board of management in a national school. To this end the patron requests a representative to arrange for the elections and nominations as set out in Appendices A, B and C.
- (b) Except in special circumstances with the approval in writing of the Minister, or in the case of teacher-members of the board so far as their remuneration as teachers is concerned, no member of the board shall take or hold any beneficial interest in any property held or used for the purposes of the school or receive any remuneration for his/her services as a member of the board. However, a principal teacher in receipt of an allowance for carrying out duties as secretary to the board of management shall be deemed as an exception in this instance due to his/her receipt of remuneration for the carrying out of these duties.
- (c) The patron's representative will arrange for a meeting of those elected/nominated as per the procedures in Appendices A and B. The purpose of this meeting will be to agree the nomination of extra member(s), as set out in Appendix C.
- (d) The patron's representative shall communicate to the patron the names of the persons duly elected/nominated in accordance with Appendices (a), (b) and (c) of this document.

- (e) The patron shall then formally appoint the board of management.
- (f) The patron shall appoint one of the members so appointed as chairperson of the board of management.
- (g) The patron shall communicate the name of the chairperson to the Minister, and confirm to the Minister by written declaration attached at Appendix F that the appointment of the members conforms to the procedures and requirements set out in this document. Where there is a change in chairperson during the term of office of a board, the patron should notify the Minister accordingly.
- (h) Except where the Minister communicates to the contrary, within ten days of receipt of the information at (g), the board will be deemed to have been recognised by the Minister and shall assume office forthwith.
- (i) The first meeting of the board must be held within one calendar month of the date of recognition of the board by the Minister.

5. Position in the event of failure to nominate the extra members as provided for under 3(a)(v) and 3 (b)(iv) of this document

If there is a failure to nominate the extra members as provided under the process at Appendix C, the management of the school, under normal funding arrangements, shall revert to the patron who may manage the school or nominate a manager for a period of up to six months in accordance with Section 16 of the Education Act 1998, at the end of which time, if the issue is not resolved, the Minister may intervene directly or indirectly to that end.

6. Non-eligibility

- (a) A person, other than the principal teacher or, where it arises, the elected teacher-representative, who is employed for the purposes of the school may not be appointed to nor be a member of the board of management.
- (b) A person shall not be eligible to be a member of a board if that person:
 - (i) is an undischarged bankrupt; or
 - (ii) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors; or
 - (iii) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction;
 - (iv) has been placed on the Sex Offenders' Register by order of a court.

Decisions arrived at by consensus or by vote are decisions of the board. Individual members of the board should support these decisions in public, irrespective of their own views.

7. Term of office, dismissal of board or members, cessation of membership

- (a) Term of office, dismissal
 - (i) The term of office of the board shall be four years:
 - (ii) A member, including the chairperson, shall hold office for a period not longer than the term of the board but may be eligible for re-appointment;
 - (iii) In accordance with the Education Act 1998 (Section 16), the patron may with the consent of the Minister remove a member of the board or dissolve the board of management (Rule 14);
 - (iv) In accordance with the Education Act 1998 (Section 17), the Minister for Education and Science may require that patrons make arrangements for the dissolution of a board and the appointment and election of a new board where the board has failed to fulfil its responsibilities;
 - (v) Before deciding to remove a member of the board or to dissolve the

board the patron shall inform that member or board of the intention to so remove and the reasons therefor and shall afford such member or board the opportunity to make representations to the patron on the matter.

- (vi) Whenever the patron dissolves a board, the patron may, subject to the approval of the Minister, appoint any person or body of persons as the patron thinks fit to perform the functions of the board, for a period not normally exceeding six months.
- (vii) Where the patron removes a member of a board the resulting vacancy shall be filled in accordance with the provisions of (c) below.

(b) Cessation of membership

Where a member (including the chairperson):

- (i) is adjudged bankrupt; or
- (ii) under the protection or procedure of a court, has made a composition or arrangement with creditors; or
- (iii) is sentenced to a term of imprisonment, or placed on the Sex Offenders' Register by a court of competent jurisdiction; or
- (iv) ceases to be a member of the category of person provided for in Section 3 above, to which he or she belonged at the time of his or her becoming a member of the board (see note below), that member shall thereupon cease to be a member of the board.

Note: Any parent who ceases to have a child enrolled in the school shall cease to be a member of the board except in the case of a parent of a child who completes primary education on 30 June of the year in which the term of the current board of management expires. Such a parent may remain on the board until the end of the board's term of office provided this period does not exceed five months in total.

(c) Vacancies

- (i) Where a member of a board:

dies, or

resigns by giving written notice to the chairperson, or

is absent from three consecutive ordinary meetings of that board unless such absence was approved by that board, or

ceases to be a member of that board by virtue of (b) above, or

is removed by the patron

that member's office shall become vacant and shall be filled, as soon as may be after the vacancy occurring, by a new member appointed in the same manner as that in which the vacating member was appointed;

- (ii) The new member so appointed shall hold office for the residue of the vacating member's term;
- (iii) Any change in the membership of the board shall be recorded in the minutes of the next meeting of the board.

8. Confidentiality

- (a) Individual members of the board are required to keep confidential the matters discussed at meetings unless otherwise agreed by the board.
- (b) Where allegations of a breach of confidentiality by a board member rises, the matter should be brought to the attention of the patron at the earliest

Decisions and/or actions taken by the chairperson between meetings of the BOM would be reported to the board at the next meeting.

Circulars and general documentation addressed to the chairperson should be made available to the members of the BOM.

opportunity. The patron shall carry out an investigation into the matter and shall reach a conclusion on the matter.

- (c) Where the patron is satisfied, after due investigation, that any member of the board infringed this injunction of confidentiality, he/she may, subject to the consent of the Minister remove that person from membership in accordance with Section 16 of the Education Act 1998 and shall not subsequently nominate that person as a member of any board of management.

9. Board communications/transparency

- (a) Good management practice will require frequent communications to parents, staff and the school community.
- (b) The board shall put in place procedures to support good communication within the school community. Section 26(3) of the Education Act 1998 advises boards to 'promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and to a parents' association when it is established'.
- (c) The board, at the closure of each board meeting shall determine the information to be conveyed to parents, teachers and the school community, and the manner and terms in which it should be conveyed. Issues which must remain confidential to board members should be clearly identified and members notified of their obligations in respect of the confidentiality requirements under Section 8 above.

See Declaration of Acceptance of Membership Document.

Note: In authorising the dissemination of information under (c) above, the board shall pursue a policy of openness and have a positive approach to sharing information with the school community. The provisions of 8(a) regarding confidentiality need not necessarily conflict with the operation of such a policy; 8 above is intended to protect against inappropriate disclosure rather than to obstruct good communications and transparency.

10. The Chairperson

- (a) Each board of management shall have a chairperson, who shall be entitled to vote and who in the event of a tied vote shall also have a casting vote.
- (b) The chairperson shall be appointed by the patron and his/her authority shall derive from such appointment. In exercising this function the patron shall give due consideration to the opportunity to engage in a consultative process within the wider school community. The patron, in appointing an individual as chairperson might also give due consideration to the possibility of perceived conflicts of interest in holding the position of chairperson.
- (c) The principal or elected teacher representative shall not be eligible for appointment as chairperson. In addition, the chairperson, where practicable, should bear no direct relationship to any serving staff member or board member.
- (d) In the absence of a chairperson from a particular meeting, the board shall elect a chairperson to preside at that meeting. The patron shall appoint an Acting chairperson where the circumstances require it (i.e. due to the longterm absence of the chairperson).
- (e) The board may authorise the chairperson, and/or another member, in respect of a particular function or functions, to act on its behalf for a specified period of time.
- (f) The board shall authorise the chairperson to act on behalf of the board in entering into an agreement with each new staff member appointed to the staff of the school (In the case of teaching staff Rule 18 (2) of the Rules for National Schools refers).

- (g) The chairperson or principal teacher (with the permission of the chairperson) shall act on behalf of the board in certifying the school returns and other official forms as required (Rule 17 of the Rules for National Schools refers).
- (h) The Rules for National Schools state that managers should visit their schools and satisfy themselves that the Rules are being complied with; this requirement shall be fulfilled by the chairperson of the board of management. Board members may also visit their schools; however such visits must only be undertaken where official board business is being conducted and as authorised by the chairperson of the board.

11. The secretary

In circumstances where the principal teacher acts as secretary to the board of management and is in receipt of an allowance to act as secretary to that board, the requirement for a recording secretary will not apply. Duties of principal teachers acting as secretary to boards of management are outlined in Circular 0079/2007.

However, in the circumstances where the principal teacher of a school does not take up the allowance payable for acting as secretary to a board of management;

*cf. Education Act 1998 and
Schedule of Deed of Variation for
a Catholic Primary School.*

- (a) The board shall elect a recording secretary from amongst its members.
- (b) It shall be the duty of the recording secretary to:
 - (i) Keep minutes of each meeting in an appropriate form to be retained in a safe place and to be available on request to representatives of the patron, the trustees and the Department of Education and Science;
 - (ii) Set the agenda for meetings in consultation with the chairperson of the board and the principal;
 - (iii) Record in the minute's decisions reached at meetings including the numbers of those voting for or against a motion.

12. The treasurer (see also 19)

- (a) The board shall elect a treasurer from amongst its members. The treasurer should be familiar with the requirements of Section 18 of the Education Act 1998.
- (b) The Treasurer shall keep the school account(s). What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, a computerised template of an efficient accounting system is available, on request, from Primary Administration Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath and is also available on the Department's website at www.education.ie.
- (c) All monies received shall be lodged in the school bank account(s). All payments shall be made by cheque or through secure online banking services. Transactions must be authorised by two of three nominated signatories of the board, one being the Chairperson and the other the Treasurer in the first instance. However, the Chairperson may nominate a board member to act as signatory in his/her absence. Where possible, two signatories should be from different representative bodies on the board, nominated by the board for this purpose. The board must satisfy itself that proper internal controls are in place for the use of online banking services and that all proper and usual records are kept in respect of each online transaction.

There are a range of payment methods available to boards including cheque, direct debit, bank giro, credit transfer etc. Boards should discuss the most cost effective payment methods with their bankers.

A petty cash account may be operated. The board shall make petty cash disbursements to its members in respect of costs incurred on board business, e.g. postage, telephone charges and other minor items. It may impose such conditions as it thinks fit in the disbursement of this petty cash. All proper and usual accounts and records should be kept.

- (d) The treasurer shall present at each meeting an up-to-date statement of the school accounts giving details of income and expenditure since the previous meeting.
- (e) The treasurer shall retain vouchers of expenditure for inspection and audit by the school's accountant and by officials of the department. All financial documents shall be submitted to the board of management, and on request to the representatives of the patron, the trustees, and to the department at the end of each financial year.

13. Procedure for board meetings

(a) Frequency of meetings

A board shall hold such and so many meetings at such times as the Chairperson deems necessary but shall hold a minimum of one meeting per school term and shall hold not less than five meetings in any school year.

(b) First meeting

- (i) Every member of the board shall, at or before the first meeting of the said board, sign a declaration of acceptance of membership of the board and an undertaking that the Rules for National Schools, agreed procedures and relevant legislation shall be complied with, to be inserted in the minutes of the board and, until such are completed he/she shall not be entitled to act as a member of the board;
- (ii) Where necessary, the board shall elect a recording secretary from amongst its members in accordance with Section 11 of this document. The board shall also elect a treasurer from amongst its members in accordance with Section 12.

(c) Ordinary meetings

- (i) The chairperson may at any time call a meeting of the board;
- (ii) At least seven clear days before each ordinary meeting, a notice of the time and place of the intended meeting, together with an agenda for the meeting, shall be sent to every member of the board. It should be clear that all members of the board are entitled to be notified of all meetings – including meetings where issues may concern an individual member directly and he/she may be required to subsequently withdraw or decide not to attend if the meeting is solely for that purpose. Where exceptional circumstances warrant it, a meeting of the board may be convened at less than seven days' notice and this fact should be recorded in the minutes;
- (iii) The quorum of the board shall be three members in the case of one teacher schools and five members in the case of all other schools;
- (iv) Subject to (c) (iii) above, a board may act notwithstanding one or more than one vacancy among its members;
- (v) The proceedings of the board shall not be invalidated by reason of any defect in the appointment or qualifications of any member thereof;
- (vi) Where a matter is put to a vote, it shall be determined by a majority of votes of the members present and voting therein and, where there is an equal division of votes, the Chairperson of the meeting may exercise a second or casting vote. The numbers of those voting for and against a motion shall be recorded;
- (vii) Minutes of the proceedings of the board shall be recorded in an appropriate form and shall be signed by the Chairperson of the meeting of which they are a record, or by the Chairperson of the next meeting. Minutes are the property of the board and shall be available on request

No member of the board in his/her individual capacity shall in any way interfere with the administration of the school by the principal teacher.

Records of correspondence, of payments made and of grants received should be retained.

to representatives of the patron, the trustees and the Department of Education and Science.

(d) Requested meetings

- (i) On receipt of a requisition signed by not less than one quarter of the members of the board plus one, or on the requisition of the patron, such requisition stating the business to be transacted, the chairperson shall convene a special meeting of the board within seven days and no business other than that specified in the notice shall be dealt with at such a special meeting;
- (ii) In the event where a chairperson fails to convene a meeting within seven days, either the patron or one of the members requesting the meeting shall call such a meeting.

(e) Emergency meetings

- (i) The principal with the approval of the chairperson shall have power to convene an emergency special meeting of the board of management should the need arise;
- (ii) This meeting shall be held as soon as possible after notification of such meeting has been conveyed to all available members;
- (iii) The usual quorum shall be required.

14. Responsibilities of the board to the patron, the trustees and the Department

The board shall make to the patron, the trustees and when requested, the Department such reports and returns and give to them such information as they may require for the exercise of their respective functions in relation to the school.

Such reports should include all details of online transactions.

All expenditure of state money must be fully accounted for in the annual certified accounts of the school.

15. Disclosure of interest/integrity of board proceedings

- (a) A member of a board, including the chairperson, who has any interest in any company or concern with which the board proposes to make any contract, or any interest in any contract which the board proposes to make, shall disclose to the board the fact of the interest and the nature thereof and shall take no part in any deliberation of the board relating to the contract, and the disclosure shall be recorded in the minutes of the board.
- (b) A member of the board who stands in a relationship to a person who is a candidate for appointment by the board as teacher or other member of staff of the school, including the principal, shall disclose to the board the fact of the relationship and the nature thereof and shall take no part in any deliberation or decision of the board concerning the appointment and the disclosure and the decision shall be recorded in the minutes of the board. In this context board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
- (c) Where any member of the board is related to any person (e.g. a pupil or teacher) who may be the subject of or have a direct involvement in a matter which is before the board for consideration, that board member shall disclose to the board the fact of that relationship and the nature thereof. Unless the board is fully satisfied that the relationship concerned is not prejudicial to the preservation of the principles of natural justice and specifically that the legal requirement that board proceedings should not be open to the charge of bias, then that member shall take no part in the board's deliberations on the matter and the disclosure and absence of the member shall be recorded in the minutes. In this context board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the deliberations of the board.

All monies paid to or generated by the school should be lodged in the school account(s).

The BOM is responsible for all monies held in the school account(s).

- (d) Where any member of the board is personally the subject of a matter which is before the board for consideration, that board member shall withdraw from the board's deliberations on the matter unless the board is fully satisfied that the presence of the member during any such deliberations is not prejudicial to the preservation of the principles of natural justice and, specifically, the legal requirement that board proceedings should not be open to the charge of bias. The absence of the member from the deliberations shall be recorded in the minutes. The provisions set out in Section 13(c)(ii) above concerning notification to individuals of board meetings should be followed in this instance.
- (e) Where the patron is satisfied, after due investigation and following receipt of a recommendation from the board, that any member of the board failed, at a material time, to disclose a relationship, he/she shall remove that person from membership of the board in accordance with Section 16 of the Education Act 1998, and shall not subsequently appoint that person as a member of any board of management.
- (f) In the event of a member of the board refusing to withdraw from a meeting, as provided for in this section, the chairperson shall adjourn the meeting and, in the event of such member again refusing to withdraw at the re-convened meeting, the chairperson shall report the matter in writing to the patron, who shall remove that person from membership of the board in accordance with Section 16 of the Education Act 1998 and shall not subsequently appoint that person as a member of any board of management.

16. Correspondence

- (a) The Chairperson shall act as correspondent for the board with the Department of Education and Science and other agents. The chairperson may however, nominate the principal teacher to act as correspondent in his/her absence, where necessary.
- (b) No member of the board shall make or cause to be made representations to the Minister or to the Department in regard to the business of the board without having discussed the matter at a meeting of the board and having been authorised by the board to make representations on its behalf.

c.f. Employment Equality Act (1998), Part-time Workers Act (2000), Equal Status Act and Sections in Handbook dealing with BOM employees.

17. Access to the school

Sections 13 and 18 of the Education Act 1998 provides that full access to schools should be afforded to members of the Inspectorate and other Department officials involved in the inspection of schools. In addition Rule 11 of the Rules for National Schools provides that 'the Minister and persons authorised by him/her may visit and examine the schools whenever they think fit'. The patron and its delegates shall have the same right of access. Trustees and their delegates may also visit and examine the school site and buildings when appropriate.

18. Use of the school premises

In 2005 the Department issued Circular Letter Prim 16/05 to all boards of management in respect of the Sharing of School Facilities with the Community. The purpose of this circular was to urge trustees and boards of management to give serious consideration to such requests where possible. In urging and encouraging the trustees and boards to respond sensitively to this need, the Department fully appreciates that the decision ultimately lies with the relevant board or trustees and that the first priority at all times should be the interest of the school, its teachers and pupils.

Boards of management should familiarise themselves with the content of this circular, which is available on the Department's website at www.education.ie.

It should be noted that the use of school premises during the school day, for purposes other than regular school business must have the prior approval of the Minister for Education and Science.

19. Finance

(a) Capital expenditure and works

- (i) No alteration, extension or replacement of the school building and/or grounds shall be undertaken by the board unless and until such have been approved in writing by the patron and trustees;
- (ii) In addition to the approval required under (i) above, capital expenditure for which grant aid is to be sought must not be entered into until prior written sanction to do so has been received from the Department of Education and Science;
- (iii) Boards must comply with current building and planning regulations;
- (iv) Nothing in this section shall prevent the board from carrying out minor works covered by Circular 0141/2006 ('Grant Scheme for Minor Works to National School Properties'). If in doubt on the interpretation of the terms of that circular, the board should consult with the Building Unit, Department of Education and Science;
- (v) The patron may designate the chairperson or a member of the board to act on behalf of the trustees in dealing with the Department of Education and Science in regard to capital expenses. Such designation must be made in writing.

(b) Capitation

- (i) Capitation grants shall be used to meet operating costs such as heating, cleaning, lighting, purchase of teaching materials and maintenance of school premises and grounds;
- (ii) Each board shall arrange, in consultation with the principal teacher, for the allocation of a sum of money annually from the capitation grant for the provision of classroom requisites.

(c) Grant payments

All state grants from the Department shall be used only for the purpose for which they are provided.

The Department issues a schedule of anticipated grant payments at the beginning of each school year and subsequent statements at regular intervals confirming the grant payments which have issued over the course of the school year. These statements issue to the chairperson and principal of each school and should be retained carefully for reference for accounting and budgeting purposes. A copy of these statements should also be made available to each member of the board of management and to the Parents' association.

(d) Insurance

- (i) In general, it is the duty of the board of management (delegated by the trustees) to put in place comprehensive insurance cover for the school. In the case of Catholic schools it is the duty of the trustees in consultation with the board of management to insure school property;
- (ii) The board shall ensure that all such insurances are effected and maintained as are necessary to safeguard the school, the board and the trustees against all public liability and against the consequences of negligence on the part of any person employed by the board or any servant or agent of the board, or any defect in the buildings, premises, furnishings or equipment of the school whereby loss or damage might result to any person in or upon the school premises;
- (iii) The following is the position for schools operating from premises owned by the Minister:

A Lease, to be executed between the Minister for Education and Science and the relevant school patron, is being introduced for schools operating in premises owned by the Minister. Under the terms of that lease, schools are obliged to take out public liability and employers' liability insurance but are not required to take out buildings cover. Buildings will be covered by state indemnity;

The lease will be put into place on a phased basis, starting with schools that are commencing operation in a premises owned by the Minister in the 2007/8 school year. Thereafter, leases will be put in place for schools already operating in ministerially-owned premises. It is intended to have leases put in place for all such schools as soon as practicable. However, up to and until such time as the Lease is executed between the Minister and the relevant patron, schools operating in ministerially-owned premises are obliged to have adequate buildings cover in place, along with public liability and employers' liability insurance;

(iv) The insurance policy shall be available for inspection by interested parties.

(e) Accounting practice

What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, a computerised template of an efficient accounting system is available, on request, from Primary Administration Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath and is also available on the Department's website at www.education.ie. Boards of management are asked to consider utilising this package for accounting systems.

Boards may also avail of online banking systems. However, the board must satisfy itself that proper internal controls are in place for the use of online banking services and that all proper and usual accounts are kept in respect of each transaction. (Section 12 above).

(i) All expenditure by or on behalf of the board of management must be approved by the board. The keeping of accounts and records must be in accordance with Section 18 of the Education Act 1998;

(ii) A total account of the board's income and expenditure shall be prepared at the end of each school year and shall be properly audited or certified in accordance with best accounting practice. This account should be made available to the school community, the patron, trustees and the Minister. This account should incorporate details of all accounts which may be maintained separately by the board in compliance with the terms of particular grant schemes;

(iii) Copies of this account, referred to at (ii) above, shall be presented to members of the board and a copy of this account retained as part of the minutes of the board of management;

(iv) The school accounts shall also be available for audit by officers of the Department of Education and Science and officials of the Comptroller and Auditor General's Office if requested;

(v) All transactions from the school accounts must be signed by the chairperson and treasurer. However, the chairperson may nominate a board member to act as signatory in his/her absence as outlined at 12(c) above;

For schools availing of online banking see Section 12(c) above .

(f) Budgeting

- (i) Boards of management should budget in such a way as to enable them to meet commitments which may be substantial but which arise only periodically;
- (ii) Boards' expenditure should not exceed their annual income;
- (iii) Overdrafts or other forms of debts or excesses of expenditure over income must be approved by the patron, in conjunction with trustees where required, and should be avoided except for limited periods, and where the board is satisfied that the overdraft or debt can be cleared by the board;
- (iv) At the commencement of its financial year the board shall frame and adopt a budget for the year;
- (v) This budget should include provision for all relevant items of expenditure such as insurance, purchase of classroom requisites, maintenance costs etc;
- (vi) The board of management may form a Finance Sub committee to operate under the authority of the board;
- (vii) Fundraising in the name of the school must have the prior consent of the board of management. A Parents' Association should consult with the board about fundraising for the school or school projects. The approval of the board is needed before these funds are raised. The expenditure of these funds is by the board of management, in consultation with the parents' association. All monies raised or generated for an agreed project for the school should be lodged to the school account.

20. Appointment procedures for teachers/Special Needs Assistants (SNAs)

Procedures for the appointment of teachers are set out at Appendix D.

Procedures for the appointment of SNAs are set out at Appendix E.

21. Appointment of all employees of the board of management

The board is reminded of its duty to comply with current legislation and all Department circulars, including the vetting of employees which currently apply in relation to appointments.

22. Salary return (Rule 17 of the Rules for National Schools)

The school return furnished in connection with the claims for payment of salaries must be examined and checked by the chairperson, and the certificate printed on the return must be signed by the chairperson, without alteration, as a condition of payment of salaries.

When the payment of salary to the teacher would be delayed owing to the inability of the chairperson to sign the school return, the return must be certified by a member of the board, other than a teacher-member, nominated by the board for this purpose.

The board shall notify the Department as far in advance as possible on the appropriate form of all proposed changes of teachers.

23. On Line Claim System (OLCS) for Primary Schools

The Department has introduced an On Line Claim System referred to as OLCS from the 16 March 2007. All primary schools will be using it in the near future.

The system is a major new development for the recording of leave, the payment of casual and non-casual teachers (substitutes) and substitute special needs assistants. It is a web-based system which enables schools to input details of the absences of teachers and special needs assistants and the claims for the payment of casual and non-casual teachers and substitute special needs assistants on line

using a PC in the school. The data inputted in the school is transferred by web to a central OLCS database. The data is subsequently transferred from the OLCS database to the Department payrolls on a daily basis.

The OLCS replaces the substitute teacher salary claim form, which had to be input manually and posted to the Department. It also replaces the quarterly return forms used to record absences of teachers and special needs assistants.

The details regarding teacher absences are summarised in Circular 32/2007. This circular should be checked when recording leave on OLCS. Details regarding the absences of special needs assistants are outlined in Circular Pay SNA 18/04.

Security:

To maintain the integrity of the OLCS it is important that boards of management ensure that the necessary control and security measures are complied with. The designated user and approver of the system should be advised to keep the passwords secure at all times and not to pass them to other members of staff. If the user or approver must leave the PC unattended he/she should logout of OLCS. The data user and approver should always ensure that all details of the teachers and special needs assistants are input correctly to the system. In particular they should check that bank account details are input correctly.

APPENDIX A

Procedure for the nomination/election of a person who will be nominated to the patron for appointment as a teacher representative

1. A staff meeting should be held for the purpose of selecting the teacher who will be nominated to the patron for appointment as teacher representative on the board of management. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting.
2. At the meeting, nominations shall be invited from among the authorised teaching staff, including the principal teacher. For this purpose teaching staff shall be taken to include those serving in a school in a permanent capacity or in a fixed-term capacity where the term of appointment is six months or greater.
3. The following teachers are not eligible to nominate, vote and or be nominated:
 - Casual/non casual (Substitute) teachers;
 - teachers on career break;
 - teachers on secondment;
 - teachers on service overseas;
 - teachers on study leave of periods of six months or more.
4. Each nomination must be seconded.
5. If there is only one nomination, the person nominated shall be deemed to be elected.
6. If there is more than one nomination, a secret ballot shall be held at the meeting, in which case two tellers shall be appointed.
7. The vote shall be counted in public at the meeting and the result of the ballot shall be notified to the staff and to the patron's representative.
8. In the event of a tied vote between nominees, the election of the teacher representative shall be determined by the drawing of lots.
9. In the case of a two-teacher school, the classroom teacher automatically becomes the nominee to the patron for appointment as teacher representative, unless the school is a base school for a resource or learning support teacher, in which case the procedure set out at 1–8 above applies.
10. In relation to the two teacher-members on boards of management for convent and monastery schools the position shall be that if the principal teacher be a religious, the elected teacher-member shall be a lay person and, if the principal teacher be a lay person, it is recommended that the elected teacher-member shall be a religious.
11. The procedure set out at 1–9 above shall be used to fill any vacancy.

APPENDIX B

Procedures for the nomination/election of a parent(s) for appointment by the patron as parent representative(s) on the board.

This procedure should be used for the initial selection of a parent representative(s) and in the case of any by-election held following consultation with the parent association.

The method of election of parent representatives shall be determined in consultation with the parent representatives on the outgoing board and any parents' association in the school.

Data Protection Act

When circulating details of nominees put forward for appointment of parent representatives on a board, the patron's representative and parents' association should exercise vigilance and be aware of their obligations arising from the Data Protection Act 1988 and 2003 and the need to ensure full compliance with the Act in relation to the collection, use and disclosure of any processed personal data. As the responsibility for interpreting and observing the Act rests with each individual school, institution or education body, these bodies should familiarise themselves fully with the provisions of the Act.

The Act is designed to protect the privacy of individuals with regard to automated personal data and to give effect in this country to the Council of Europe Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data 1981.

There is a choice of two procedures which can apply, as set out at options 1 and 2.

Note: To ensure the widest possible representation, where practicable, both parents should be from separate families and bear no relationship to any other member of the board and be elected by the general body of parents of children enrolled in the school.

Option 1

1. The patron's representative shall arrange for a meeting of parents of children enrolled in the school. At least ten days' notice of such a meeting shall be given in writing to each person entitled to vote at such a meeting. This notification shall
 - (i) indicate that at the meeting nominations will be sought from parents for persons to stand for election as parent representatives on the board;
 - (ii) clarify whether there will be a ballot at the meeting to elect the representatives or whether the ballot will be conducted subsequently as a postal ballot;
 - (iii) where it is intended to have a postal ballot, indicate the latest date for return of ballot papers and the date, time and place of the public counting of votes.
2. At the meeting nominations should be invited for both a mothers' panel and a fathers' panel.
3. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected.
4. If more than one nomination is received for either of the panels, a secret ballot shall be held at the meeting or subsequently. Two tellers shall be appointed, one of whom may act as Returning Officer in the case of a postal ballot.
5. In the event of a postal ballot, the poll must close and the casting of votes take place within ten days of the meeting.
6. Each person voting shall have one non-transferable vote for each panel.
7. The votes shall be counted in public.
8. The election shall be determined on a plurality of votes (i.e the first past the post system).
9. The result of the ballot shall be notified to the parents and to the patron's representative.

10. The voting returns from the ballot may be retained for the purposes of co-option in order to fill vacancies occurring during the life of the board where it is decided, having consulted the parents' association, not to have a by-election.

Option 2

1. The patron's representative shall arrange to have a list of the names of all the parents of children in the school circulated to each household, seeking from parents and guardians nominations of candidates for election to the board of management. This list should associate parent names with the classes attended by their children. However, the requirements of the Data Protection Act 1988 require that the patron's representative must seek permission for the circulation of such personal information.
2. Each parent may make one nomination for the fathers' panel and one for the mothers' panel, which shall be forwarded to the patron's representative in order that a list may be drawn up of the ten persons in receipt of the highest number of nominations for each panel.
3. The invitation to parents to submit nominations shall request parents to establish that the person(s) nominated are willing to stand for election.
4. If there is only one nominee for either panel, the nominee(s) shall be deemed to be elected.
5. If more than one nomination is received for either of the panels, a secret ballot shall be held and parents may vote for those nominees who have confirmed their willingness to become members of the board.
6. Those accepting nomination should be encouraged to furnish a short personal profile for inclusion on the ballot paper which may include an address and telephone number. The requirements of the Data Protection Act 1988 require that the patron's representative must seek permission for the circulation of such personal information from those accepting nomination.
7. Separate ballot papers should be used for the election of one mother and one father. Each person voting shall have one non-transferable vote for each panel. Arrangements should be made to distribute and collect the ballot papers from those eligible to vote and to nominate a person of standing as Returning Officer. The notification of the ballot should also indicate the date, time and place for the counting of the ballot.
8. The votes shall be counted in public.
9. The election shall be determined on a plurality of votes (i.e the first past the post system) and the result of the ballot shall be notified to the parents and to the patron's representative.
10. The voting returns from the ballot may be retained for the purposes of co-option in order to fill vacancies occurring during the life of the board where it is decided, having consulted the parents' association, not to have a by-election.

Vacancies among parent representatives

When a vacancy occurs among parent representatives, the board of management having consulted with the parents' association may recommend to the patron either

- (i) the co-option as a replacement the person with the next highest number of votes from among those not elected to the board initially; or
- (ii) the board of management may recommend a by-election to replace the parent representative.

APPENDIX C

(This process shall apply mutatis mutandis for the selection of one extra member in the case of boards of schools with one teacher)

Procedure for the selection of two members from the community for appointment to the board of management

1. The patron's representative shall convene a meeting of the two nominees of the patron, the two elected parent representatives, the elected teacher representative and the principal.
2. This meeting shall be convened within seven days of the completion of the election processes set out in Appendices A and B.
3. At this meeting, having discussed the skill needs of the board, in line with the criteria set out at 4 below, for the effective management of the school, the members shall propose two extra members from the wider community, agreed unanimously amongst them, to the patron for appointment.

Every effort shall be made to reach unanimous agreement. However, if the members are experiencing difficulty in this regard they may hold further meetings in order to facilitate the process. A maximum of three such meetings is recommended.

In the event that it is not possible to get unanimous agreement by the third meeting, a majority of 5 to 1 of the members shall propose two extra members from the wider community to the patron for appointment. These discussions, including the three recommended meetings, shall conclude within fourteen days. It would be expedient for the members to identify those other persons who might be approached in the event that those initially selected decline the invitation. The members should determine the order in which the persons selected will be approached.

The period for agreement on the selection of the two extra members may be extended from fourteen days to an absolute maximum of twenty-one days but only where the two persons initially selected decline.

If there is failure by the majority of the members to nominate the two extra members as set out above, the patron shall appoint two members from the persons originally considered by the board for nomination.

4. The criteria to be applied in selecting persons to act as board members from the community shall be:

In the case of Roman Catholic primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall have an understanding of and commitment to Catholic education as outlined in the Deed of Trust for Catholic Schools.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.
- (v) In the case of Roman Catholic Gaelscoileanna/Gaeltacht schools, people nominated shall also have an understanding of and commitment to the ethos of the school. It is also expected that those nominated shall have a good knowledge of the Irish language.

In the case of Church of Ireland primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Church of Ireland, as determined by the Church of Ireland, although it is at the discretion of the patron to decide otherwise.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.

- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

In the case of Presbyterian primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Presbyterian Church in Ireland, although it is at the discretion of the patron to decide otherwise.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

In the case of Methodist primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community/parish served by the school and shall be members of the Methodist Church in Ireland, although it is at the discretion of the patron to decide otherwise.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

In the case of Educate Together schools

- (i) Persons nominated from the community served by the school shall have a commitment to the ethos of the school.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

In the case of Gaelscoileanna under the patronage of Foras Pátrúnachta na Scoileanna Lán Ghaeilge

- (i) Persons nominated from the community served by the school shall have an understanding of and a commitment to the ethos of the school. It is expected also that those nominated shall have a good knowledge of the Irish language.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.
- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.

In the case of Muslim primary schools

- (i) Persons nominated shall have a commitment to the ethos of the school and the community served by the school and shall have an understanding of, and commitment to Islamic education as outlined in the Deed of Trust for Muslim Schools. They shall be members of the Muslim community in Ireland as determined by the Islamic Foundation of Ireland which is the official democratically elected representative body of, and for Muslims in Ireland, although it is at the discretion of the patron to decide otherwise.
- (ii) Persons nominated shall possess skills complementary to the board's skill requirements.
- (iii) Persons shall be nominated with a consciousness of having a gender balance on the board.

- (iv) Persons nominated shall be interested in education and its promotion but would not normally be parents of pupils attending the school.
- 5. The patron's representative of the outgoing board shall immediately establish the willingness of the nominees to act.
- 6. When the nominees have been chosen and it has been confirmed that they have agreed to act as members, the patron's representative of the outgoing board of management shall forward the names of the agreed nominees to the patron for appointment together with the names of the other persons nominated to serve on the board. It should be noted that the total period provided for notification of the composition of the board to the patron, acceptance by the patron and notification to the Minister shall not exceed ten days.
- 7. In the event of a vacancy the remaining members of the board should propose a name to the patron for appointment using the criteria at 4. above within one month of the vacancy occurring.

APPENDIX D

The procedures set out in this appendix are designed to provide fair and impartial procedures for candidates for appointment and a board of management is bound to apply these procedures. These procedures have been authorised by Statute and agreed by and between the parties identified under the Education Act 1998, i.e. the patron/trustees, the management authorities, teacher representatives, parent representatives and the Departments of Education and Science, and Finance.

Section 24 (1) – (4) of the Education Act provides as follows

24. (1) Subject to this section, a board may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act.

(2) The numbers and qualifications of teachers and other staff of a school, who are to be paid from monies provided by the Oireachtas, shall be subject to the approval of the Minister, with the concurrence of the Minister for Finance.

(3) A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

(4) Pending the agreement of procedures provided for in sub-section (3), the procedures applied in the appointment, suspension and dismissal of teachers or other staff immediately before the commencement of this section shall, after such commencement, continue to be applied.

1. Appointment procedures for teachers

- (i) In accordance with Section 15 of the Education Act 1998 the board of management manages the school on behalf of the patron. All appointments of teachers in the school shall be made by the board of management in accordance with the Rules for National Schools and are subject to the prior approval of the patron.
- (ii) Boards are reminded of
 - (a) obligations under the Education Act 1998 and employment legislation including the Protection of Employees (Fixed-Term) Work Act 2003 and Protection of Employees (Part-Time) Work Act 2001;
 - (b) requirements set out in the Rules for National Schools and Department circulars concerning the diocesan and other approved redeployment panels;
 - (c) requirements in regard to qualifications of teachers, i.e. boards of management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school regardless of the duration of the vacancy. If no suitable qualified teacher applies and an untrained person is appointed, the board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of an untrained person;
 - (d) Requirement to comply with the Constitution for Boards and Rules of Procedure.
- (iii) The following procedures are to be followed in all cases of the appointment of teachers unless, in special circumstances, the Minister decides otherwise.

Advertisements

Procedures for appointment of Teachers (Section 1) and Principals (Section 2).

Section 1: Appointment of a teacher

- (i) Vacancies shall be notified to all teaching staff of the school and shall be advertised in at least one national daily newspaper. From 1 January 2008, boards of management will have the option of advertising on a limited number of specified websites used for education recruitment. Further details of web-based advertising will be outlined in a forthcoming circular. The advertisement shall invite applications with curriculum vitae from eligible male and female teachers to be submitted by a specified date to the chairperson of the board of management.
- (ii) The advertisement shall state
 - the name, address, roll number and patronage of the school;
 - the number of teaching posts (including principal);
 - the nature of the vacancy (i.e. whether a teaching post or a Principalship);
 - the status of the vacancy (i.e. whether permanent fixed-term/temporary or substitute teacher);
 - the latest date for receipt of completed applications, which shall not be earlier than two weeks after the last date of publication of the advertisement;
 - date of commencement of employment in the teaching post;
 - that a curriculum vitae must be submitted with the application;
 - whether additional references, reports or other documentary information are required, e.g., evidence of registration with teaching council and compliance with current vetting requirements.
- (iii) The advertisement may also state:
 - The nature of the duties, which, initially, may be allocated to the post (e.g. learning support resource teacher, resource teacher etc.). It should be noted that duties included in the advertisement may be subject to change;
 - Whether or not a list of suitable applicants may be set up from which future vacancies may be filled, however permanent vacancies may not be filled from a panel established following interviews for a fixed-term post (valid for the four-month period from the date of the advertisement. This particular list may only be compiled if it has been referred to in the advertisement);
 - Whether a stamped addressed envelope is required for the return of documentation;
 - That applicants should mark envelope 'Application';
 - The advertisement should indicate if standard application form (principal) is to be used (i.e. CPSMA standard form)
- (iv) Special care shall be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.
- (v) Advertisements must not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts 1998 to 2004, i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race and member of the travelling community, with the exception of Section 37 of the Employment Equality Act regarding the protection of a schools ethos.
- (vi) There shall be no unreasonable delay between the insertion of the advertisement and the filling of the post.

Section 2 Appointment of principal teacher

1. A board of management advertising a principal teacher vacancy is required to either
 - (a) Place the full advertisement in a national newspaper in accordance with the current procedures outlined at Section 1 above

and/ or

- (b) Place the advertisement on www.publicjobs.ie and place a short notice in a national newspaper indicating that the post is advertised on the www.publicjobs.ie website. From 01/01/2008, boards of management will have the option of advertising on a limited number of specified websites used for education recruitment. Further details of web-based advertising will be outlined in a forthcoming circular.

and

- (c) To notify all of the teaching staff in the school of the vacancy (including staff on approved absences i.e. career break, secondment etc.)

- 1.1 The advertisement whether set out entirely in a national newspaper or placed on websites per Section 1. b) above must include all of the data relevant to a teaching post (See 1 (ii) above), i.e. school name, address, patron, number of teaching posts (including principal) in the school, effective date for filling of post, curriculum vitae to be submitted, whether additional references, reports or other documents are required, closing date for applications and the address to which applications should be sent. The closing date for receipt of applications cannot be earlier than two weeks after the date of publication of the advert. See sample advertisement below.

- 1.2 Where the board of management decides to advertise a principal teacher post on the public service website, www.publicjobs.ie, it should submit the advertisement directly to the Public Appointments Service and allow five days if emailing the details of the advertisement or fourteen days if posting. The contact number at the Public Appointments Service is Tel. 01 8587504; email: info@publicjobs.ie. Postal address, Chapter House, 26-30 Upper Abbey Street, Dublin 1. The date of placement of the short newspaper advertisement should coincide with the first date that the principal post is advertised on www.publicjobs.ie.

A circular will follow detailing the procedures to be followed for additional web-based advertising.

- 1.3 Vacancies for principal teachers should not be advertised in July or August, except in exceptional circumstances and with the prior approval of the patron.

Sample 1: Website advertisement www.publicjobs.ie

Sample 2: Website advertisement www.educationposts.ie

Please note that the name of the school, website address and contact details provided above are fictitious and are included for illustrative purposes only.

Sample: Short advertisement sample for national newspaper.

principal teacher required from 1 September 2007 for St Mary's NS, Cork RN: 12345X. See www.publicjobs.ie. See www.InsertNameofWebsiteHere.ie.

SAMPLE ADVERTISEMENTS

In the samples used in this section, the latest date on which the advertisement could appear in the newspaper would be 17 May 2007, i.e. the closing date of 1 June 2007 for receipt of applications is fourteen days after the last date of publication.

Sample 1

PRIMARY TEACHER (Permanent) required for 1 September next at ST PAUL'S NS (Roll No.) Dublin, under the Patronage of the Catholic Archbishop of the Dublin Diocese (16 Teacher School). Applications with curriculum vitae and references to chairperson, board of management no later than

1 June 2007. Envelope should be marked 'Application'. Nature of duties of the post are subject to change. A list of suitable applicants may be set up from which future vacancies may be filled within a four-month period from the date of this advertisement. Enclose SAE for return of documents.

Sample 2

PRIMARY TEACHER Permanent with initial duties as learning support resource teacher required for 1 September next at EARL STREET NS (Roll No.) under the patronage of Educate Together. (7 Teacher School). Applications with curriculum vitae and references to chairperson, Board of Management no later than 1 June 2007. Envelope should be marked 'Application'. Nature of duties of the post are subject to change. A list of suitable applicants may be set up from which future vacancies may be filled within a four-month period from the date of this advertisement. Enclose SAE for return of documents.

3. Selection board

A. Principal teachers

- (i) A selection board shall be constituted and shall comprise the chairperson of the board of management and at least two assessors independent of the board of management, to be appointed by the patron after consultation with the chairperson. At least one of the members shall be a woman and at least one a man.
- (ii) The selection board shall meet as soon as is practicable and shall, in the first instance, establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

The following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:

- professional qualifications;
 - teaching experience and reports on competence;
 - other relevant experience;
 - references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate the board shall check his/her references.
- (iii) Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications and of the interviews shall be kept by the chairperson of the board of management for a minimum period of one year.
 - (iv) Circular 2/02 sets out the criteria for the assessment of eligibility of applicants for principal teacher.
 - (v) The terms of Section 15 (b) of disclosure of interest shall apply to all members of the selection board, i.e. a member of the board who stands in a relationship to a person who is a candidate for appointment by the board as teacher or other member of staff of the school, including the principal, shall disclose to the board the fact of the relationship and the nature thereof and shall take no part in any deliberation or decision of the board concerning the appointment and the disclosure and the decision shall be recorded in the minutes of the board. In this context board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship that could be regarded as prejudicial to ensuring absolute impartiality in the selection process.
 - (vi) If the chairperson or other member of the selection board stands in a relationship to a person who is a candidate for employment in the school, he/she shall withdraw from the selection board and the patron shall nominate another chairperson or member in his/her place.
 - (vii) Failure to disclose any relationship material to the selection may invalidate the process.

B. Teachers

- (i) A selection board shall be constituted and shall comprise the chairperson of the board of management, the principal teacher and an assessor independent of the board of management, to be appointed by the patron after consultation with the chairperson. At least one of the members shall be a woman and at least one a man.
- (ii) In the case of the selection of a teacher in a period after a principal teacher has been appointed but before that principal has taken up duty, the principal designate shall fill the position of principal on the selection board.

The selection board shall meet as soon as is practicable and shall establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

The following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:

- professional qualifications;
- teaching experience and reports on competence;
- other relevant experience;
- references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate the board shall check his/her references.

Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications and of the interviews shall be kept by the chairperson of the board of management for a minimum period of one year.

- (iii) The terms of Section 15 (b) of disclosure of interest shall apply to all members of the selection board (see A(v) above).
- (iv) If any member of the Selection board, including the chairperson, stands in a relationship to a person who is a candidate for employment in the school, he/she shall withdraw from the selection board and the patron shall nominate another chairperson or member in his/her place.
- (v) Failure to disclose any relationship material to the selection may invalidate the process.

4. Assessment of applications/shortlisting

- (i) The chairperson of the board of management shall submit all completed application forms to the selection board.
- (ii) Established criteria of the board shall take account of the provisions of the Employment Equality Act 1998 and the Code of Practice of the Equality Authority.
- (iii) Care must be taken to ensure that the criteria do not lead to discrimination on grounds set out in Section 6(2) of the Employment Equality Acts 1998–2004, i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community, with the exception of Section 37 of the Employment Equality Act regarding the protection of a school's ethos.

5. Interviews

- (i) If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the selection board. Otherwise, at least three eligible applicants shall be called for interview.
- (ii) Each applicant called for interview shall be given at least seven clear days' written notice and a specific interview time outside school hours. Each applicant called for interview shall be supplied with details of the established criteria for the post when issued with written notice of interview.

- (iii) Calls to interview should normally be issued within three clear weeks of the latest date for receipt of applications
- (iv) The venue for the interviews should be comfortable and appropriately furnished for a meeting between a group of adults and should include a comfortable waiting area.
- (v) All questions at interviews shall relate to the requirements of the particular post and of the Rules for National Schools.
- (vi) No question shall be asked nor information sought in any form from a candidate which might be construed as being discriminatory on grounds of gender or marital status, e.g. questions in regard to sporting interests and skills which would favour men rather than women applicants or vice versa.
- (vii) In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions put should not give the impression that the board has a preconceived view of the suitability of either a man or a woman for a particular post.
- (viii) Each assessor is required to complete his/her own individual marking sheet and return it to the chairperson of the selection board following the interviews. These sheets may subsequently be made available to candidates on request.
- (ix) Having interviewed such applicants as present themselves, the selection board shall submit a written report to the board of management, nominating the applicant whom it considers suitable for appointment.
- (x) A list in order of merit of other candidates who are also deemed suitable shall be retained by the selection board for use in the event of the post not being filled by that nominee.
- (xi) The board of management shall appoint the teacher so nominated unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the patron, whose decision in this matter shall be accepted by the board. When offering the successful applicant employment the board should ensure that the applicant is vetted. School authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of appointment.
- (xii) The chairperson shall seek the approval of the patron for the appointment.

6. Notification of applicants

- (i) Having received approval in accordance with 5(xi), the board shall notify the teacher of his/her appointment. The successful candidate should be advised that the offer is subject to the sanction of the Minister, registration with the teaching council and vetting clearance.
- (ii) As soon as the board of management has received notification of the teacher's acceptance of the post, all unsuccessful candidates shall be notified. Both the successful candidate and the chairperson shall complete the relevant appointment form and forward it to the Primary Payments Section of the Department of Education and Science. If the post is warranted and the chairperson of the board certifies that the teacher has met the criteria and the appointment has been made in accordance with the procedures outlined in this appendix, the Minister for Education and Science will sanction the appointment.
- (iii) On receipt of the sanction referred to at (ii) above the board shall then enter into the appropriate agreement with the teacher.
- (iv) Records of the criteria for assessment of applicants and of the interviews shall be kept for a minimum period of one year by the chairperson of the board of management.

7. Appointments as principal teacher or as teacher in convent and monastery schools

- (i) If the authorities of the religious order concerned wish to appoint a member of the order the board of management shall, subject to the prior approval of the patron and of the Minister,

appoint the person proposed by these authorities provided that the person is qualified for the post in question.

- (ii) If the authorities of the order consider that a lay person should be appointed the procedure set out at 2–6 of this Appendix shall be followed.
- (iii) Where a religious order has been guaranteed a certain number of posts in a re-organised school which is not a convent or monastery school, the board of management shall, subject to the prior approval of the Minister, appoint to such posts members of the order nominated by the authorities of the religious order concerned provided that the persons nominated are qualified for the posts in question.

8. Appointment of fixed-term (temporary) teachers

Employment Legislation:

- (i) Under the Terms of Employment (Information) Act 1994 and 2001 a board of management as employer must provide his/her employee with a written statement of the particulars of the employee's terms of employment, e.g. place and hours of work, responsibilities, disciplinary/grievance procedures, employer policies (health and safety, harassment, sexual harassment etc.).
- (ii) Under the Terms of the Protection of Workers (Fixed-Term) Act 2003 (Section 8) the terms and conditions for a fixed-term employee must contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event. If an employer is renewing a fixed-term contract, the fixed-term employee must be informed in writing by the employer of the objective ground justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration.
- (iii) The appointment of fixed-term (temporary) teachers shall be a matter for the board of management subject to the approval of the Minister.
- (iv) Those teachers engaged for their first fixed-term contract should receive their written terms of employment within two months of the date of their appointment. The terms and conditions should be signed by the employee and the employer. The employee should receive a copy of the document and the employer is to retain a copy on file.
- (v) Each statement of terms must contain the objective conditions determining the context whether it is: arriving at a specific date, completing a specific task or the occurrence of a specific event.
- (vi) Where an employer proposes to renew a fixed-term contract, the fixed-term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration at the latest by the date of renewal.
- (vii) In cases of anticipated vacancies of more than twenty-six weeks duration the positions should be advertised and filled through a formal recruitment process using the same procedures and criteria as for permanent vacancies.
- (viii) Where a teacher is granted temporary leave, i.e. career break, secondment, study leave etc., it shall be the responsibility of the employing authority to employ a temporary replacement for the period of the temporary absence. Any replacement shall be employed on the agreed terms and conditions of employment for fixed-term teachers.
- (ix) There is a requirement to recruit suitably qualified persons for all vacancies regardless of duration. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, an unqualified person may be recruited pending the recruitment of a qualified teacher which provision must be inserted in the terms of appointment issued to the unqualified person.
- (x) Where a fully qualified teacher is engaged on successive contracts in the same or similar

positions with the same employer, an interview process is required for the initial appointment only.

9. Terms of employment for fixed-term (temporary) teachers

(i) General

The principle to be applied to conditions of employment in respect of fixed-term employees is the principle of no less favourable treatment during the period of contract unless objective grounds exist for doing so. In general it is agreed that the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.

(ii) Notification of permanent vacancies to fixed-term teachers

Fixed-term teachers must be notified of the existence of a permanent vacancy. It is not possible to be prescriptive in respect of the methodology to be used. Methods may include: the use of the employer website/notifications to individuals outside of term time/the school notice board during term time. The method which will be used for the advertising of permanent vacancies is to be included in the written statement of terms given to each fixed-term teacher. The objective is to ensure that the fixed-term teacher is notified of the vacancy in a timely manner so as to allow that teacher the opportunity to apply for the position should he/she wish to do so. All employers should note the provisions of the Protection of Employees (Fixed-Term) Work Act 2003 which at Section 10.2 provides that the information regarding a vacancy 'maybe provided by means of a general announcement at a suitable place or undertaking or establishment'.

APPENDIX E
Circular SNA 03/03
Appointment Procedures for Special Need Assistants
(Updated August 2007)

1. Introduction:

- 1.1 The Minister for Education and Science wishes to inform management authorities that this Circular – SNA 03/03 has been updated in August 2007 and now sets out revised appointment procedures for special needs assistants in primary schools.
- 1.2 Boards of management, in accordance with the guidelines hereunder, are responsible for the appointment of special needs assistants in primary schools. Any such appointment is subject to the prior approval of the school's patron.
- 1.3 A special needs assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2. Advertising a Special Needs Assistant Post:

- 2.1 A special needs assistant post must be advertised in a local newspaper. The advertisement shall invite applications from eligible persons to be submitted by a specified date to the chairperson of the board of management.
- 2.2 Subject to any exceptions permitted by the Employment Equality Acts 1998 and 2004 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.

3. Details that must be included in the advertisement:

- 3.1 The name and address of the school;
- 3.2 The date of commencement of the post;
- 3.3 State if the post is full time or part time and the number of part-time hours;
- 3.4 A general description of the duties of the post;
- 3.5 The latest date for receipt of application;
- 3.6 State that a curriculum vitae must be submitted with the application;
- 3.7 State that references or the names and addresses of referees are required;
- 3.8 State that a list of suitable applicants may be set up from which future vacancies may be filled (valid for the duration of the school-year).

4. Selection board for appointment of special needs assistants:

- 4.1 The selection board shall consist of the chairperson of the board of management, the principal of the school and one other person nominated by the patron;
- 4.2 The selection board must include at least one male and one female;
- 4.3 If any member of the selection board, including the chairperson, stands in a relationship to a person who is a candidate for employment in the school, she/he shall withdraw from the selection board and the patron shall nominate another chairperson or member in his/her place.

5. Vetting for non-teaching staff

In 2006, the DES issued Circular 0094/2006 in relation to the vetting of teaching and non-teaching staff. The general terms of that circular still apply. However, the process with regard to the submission of applications for vetting has been revised and, at time of going to press, the Department is currently preparing a circular clarifying the position.

Under the revised arrangements in the case of schools under the patronage of the Catholic Bishops, the Diocesan Offices will submit applications for vetting in respect of non-teaching staff to the Garda Central Vetting Unit. For this purpose, each diocesan office will nominate two 'authorised signatories' who will be registered as such by the GCVU and receive appropriate training from the GCVU. Applications from persons other than the authorised signatories will not be accepted by the GCVU.

Each board of management will be required to nominate one person (normally the chairperson) as 'originator' of the request for vetting. She/he will request the appropriate application form from an authorised signatory in the relevant diocesan office. The completed form, duly signed by the originator, should be returned to the authorised signatory for submission to the GCVU.

The authorised signatory will communicate the result of the application to the originator on receipt of same from the GCVU.

6. Functions of the Selection Board

- 6.1 The selection board, prior to interviewing the candidates shall establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. Established criteria of the board shall take account of the Employment Equality Acts 1998 and 2004 and the Code of Practice of the Equality Authority.
- 6.2 The selection board shall meet within a reasonable period after the closing date for receipt of applications to determine those applicants to be called for interview.
- 6.3 The chairperson of the selection board shall keep a record of the criteria used.

7. Interviews:

- 7.1 While the selection board may decide to limit the number of applicants called for interview, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.
- 7.2 The selection board must adhere to the agreed criteria for the assessment of applicants.
- 7.3 The chairperson of the selection board must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.
- 7.4 When interviewing applicants, particular caution must be taken to ensure that no questions, comments or statements might be construed as discriminatory, e.g. on grounds of gender or marital status.

8. Appointing the successful candidate

- 8.1 Schools are reminded that the minimum qualification necessary for appointment as a special needs assistant is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate/Junior Certificate or the Day Vocational Certificate Examination or in an examination of equivalent standard.
- 8.2 Having interviewed such applicants as present themselves, the selection board shall submit a written report to the board of management, nominating
 - a) the applicant whom it considers most suitable for appointment and
 - b) a list of candidates in order of merit suitable for appointment to any further post arising in the school over the course of the school year.
- 8.3 The board of management shall meet and appoint the candidate nominated by the selection board unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the patron, whose decision in this matter shall be accepted by the board.
- 8.4 The board of management shall also retain the list of candidates deemed suitable for appointment. This list will be effective for the duration of the school year in question in respect of any appointment to posts of special needs assistants which may arise in the school.
- 8.5 If two or more special needs assistants commence duty on the same day, the board of management shall establish the order of seniority based on the order that the special need

assistants were listed as a result of the interview process i.e. the special needs assistant who was ranked highest following the interview process should be given the higher seniority rating. Please refer to Circular 0059/2006 – Seniority of special needs assistants which is available on the Department’s website at www.education.ie under Education Personnel/special needs assistants.

9. Medical certification

- 9.1 The board shall obtain from the successful candidate, prior to appointment, a certificate of medical fitness that he/she is fit to undertake the duties of the post. A sample form is attached at the end of this document.
- 9.2 While the medical practitioner shall be nominated by the board of management, any costs incurred shall be borne by the successful candidate.

10. References

- 10.1 Before notifying the successful candidate the board of management shall check his/her references.

11. Vetting

- 11.1 It is the responsibility of the board of management to ensure that any proposed new appointee as special needs assistant is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer appointment.
- 11.2 Please refer to Circular 0094/2006 – ‘New arrangements for the vetting of teaching and non-teaching staff’ which is available on the Department’s website at www.education.ie under Education Personnel/special needs assistants.

12. Contracts of employment

- 12.1 New appointees must be offered a contract of employment in accordance with the terms outlined in Circular SNA 15/05 – ‘Contract of Employment for Special Need Assistants’ which is available on the Department’s website www.education.ie under Education Personnel/special needs assistants.

13. Notification of the appointment to the Department of Education and Science:

- 13.1 On completion of the appointments procedure as outlined above, boards of management shall complete and submit the form ‘Notification of Appointment – Special Needs Assistant’, which is available on the Department’s website www.education.ie under Education Personnel/special needs assistants, to

Non Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Science
Cornamaddy
Athlone
Co. Westmeath

14. Queries

If you have any query in relation to this circular please email your query to sna_pay@education.gov.ie or telephone 090 648 4136.

CERTIFICATE OF FITNESS TO COMMENCE EMPLOYMENT AS A SPECIAL NEEDS ASSISTANT

To be completed by a Medical Practitioner nominated by the board of Management.

Surname:

Forename:

I certify that I have examined the above named and found that she/he is fit to undertake duties as a Special Needs Assistant.

Signed:

Date:

Stamp or Seal

APPENDIX F

Patron's Declaration

County: _____

Roll No: _____

Name and Address of School: _____

I confirm that I have appointed _____ as
chairperson of the board of management of the above-named school.

with effect from _____

(Date).

I also confirm that all board members have been appointed and the board of management has been established in accordance with the requirements set out in the Constitution of Boards and Rules of Procedure and the Education Act 1998.

Signed: _____ (Patron's signature)

Date: _____

Please note that where there is a change in the position of chairperson of the Board, the patron shall notify the Minister for Education and Science of that change as soon as the vacancy has been filled.

NOTE: A copy of this form should be completed and returned to Primary Administration 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath.

DECLARATION OF ACCEPTANCE OF MEMBERSHIP OF SCHOOL BOARD

School	Roll No.	County

I hereby declare that I accept membership of the board of management of the above-named school for its current term of office, and undertake, with the other members of the board, to manage the school in accordance with the Regulations of the Department of Education and with the terms of the Deed of Variation for _____ Primary Schools.

Member's Signature

Date

This declaration should be signed by each of the members at the first meeting of the board he/she attends.
This form may be kept as part of the Minute Book.

APPENDIX 1

RESPONSIBILITIES AND DUTIES OF PRINCIPAL TEACHERS AND TEACHERS IN CHARGE OF NATIONAL SCHOOLS

(Circular 16/73)

1. The manager of a national school is charged with the direct government of the school, the appointment of the teachers and, subject to the Minister's approval, their removal, and the conducting of the necessary correspondence (Rule 15 (1)).
2. Subject to the authority of the manager, the principal teacher is responsible (in addition to teaching duties which may vary according to the size of the school – and which may be determined by the Minister either generally or in relation to any particular school but from which the teacher can, in no case, be completely relieved) for the discipline of the school generally, the control of other members of the teaching staff, including the co-ordination and effective supervision of their work, the organisation of the school, the keeping of the records of attendance, the promotion of pupils, the timetable arrangements and their observance, the books used by the pupils, the arrangements in connection with the Free Books Scheme for necessitous children, and all other matters connected with the school arrangements in each division (Rule 123 (4)).
3. The authority of the principal teacher for the organisation and conduct of the school derives from the authority of the manager. Subject to the authority of the manager, the overall responsibility for the day-to-day activities of the school devolves on the principal teacher. The duties set out at Section B and C hereunder arise out of such responsibility.

SECTION B

The Principal Teacher and the Manager

1. The principal teacher should consult with the manager as the occasion demands and keep him/her informed on all matters concerning the school.
2. She/he should see that all lawful instructions issued by the manager are understood and carried out by the staff.
3. When a vacancy occurs on the staff, the principal teacher should make known to the manager the desirable qualifications of a new teacher, having regard to the needs of the pupils and the organisation of the school.

The General Discipline of the School

4. The principal teacher should organise supervision of the order and general behaviour of the pupils during school hours. In particular, she/he should organise and participate in the effective supervision of the pupils during breaks, lunch periods, assembly and dismissal. A table of names and times of supervision duties should be on display in the staff-room.

The principal teacher and the Staff

5. The principal teacher should ensure that each member of the staff carries out his/her duties in accordance with the requirements of the Rules for National Schools.
6. She/he should avail himself/herself of opportunities to visit classrooms to become familiar with the quality of the teachers' work. She/he should give encouragement, advice and teaching demonstrations or arrange for teaching demonstrations, particularly in the case of weak teachers and teachers on probation.
7. She/he should hold regular conferences with staff on matters concerning the general work of the school.
8. To enable his/her staff to keep abreast of modern educational theory and practice, she/he should, from time to time, arrange for suitable lectures, demonstrations and visits to selected schools, with the consent of the manager and on the advice of the inspector.
9. She/he should encourage the teachers of admission classes to take all reasonable steps to cooperate with the parents in easing the introduction of a child to school.

The Principal Teacher and Organisation

10. At the beginning of each school year, the principal teacher, in consultation with the staff, should plan a comprehensive scheme of work for the school, based on the requirements of an integrated curriculum.
11. After consultation with the staff, she/he should promote the pupils in accordance with the relevant sections of Rule 64 (amended) and the terms of Circular 10/67.

12. In consultation with the staff, she/he should decide on the organisation of the pupils for teaching purposes.
 13. She/he should arrange a fair distribution of teaching duties among the staff, taking into account the needs of the pupils and the abilities, experience, personality and preferences of each teacher. She/he should utilise the services of staff teachers with special qualifications or aptitudes in an organising and advisory capacity. The areas of arts and crafts, music and physical culture may be of particular relevance in this connection.
 14. She/he should arrange teaching duties for himself/herself which may vary according to the size of the school. Such teaching duties may be determined by the Minister either generally or in relation to any particular school.
 15. In consultation with the staff, she/he should draw up a suitable timetable and ensure its general observance, bearing in mind the degree of flexibility and freedom required by the curriculum and modern teaching methods.
 16. The principal teacher should ensure that each teacher prepares a long-term scheme of work and makes appropriate short-term preparation in accordance with the comprehensive scheme for the school, taking into account the ability and attainments of the pupils assigned to him/her.
 17. At the end of the month she/he should arrange that each teacher indicates in a Record of Progress that portion of his/her annual scheme of work dealt with during the month. So as to avoid unnecessary repetition of work, it should remain available in the school for at least one school year after the year to which it relates.
 18. In consultation with the staff, the principal teacher should arrange for regular assessment of the pupils' progress.
 19. As far as is practicable, she/he should organise the normal staff so that additional help can be provided for pupils who may require it.
 20. Where pupils are appropriately placed in a special class or remedial class, the principal teacher should ensure that the pupils' progress in these classes is reviewed regularly, that there is liaison between the ordinary class teachers and the teacher of the special or remedial class and that pupils are reintegrated as soon as it is feasible to do so.
 21. The principal teacher should ensure that additional opportunities and facilities are available to allow the more gifted pupils to make the fullest use of their natural abilities.
 22. She/he should arrange adequate supervision and work for pupils whose teacher is absent.
- The Principal Teacher and School Records**
23. The principal teacher should carefully carry out all official instructions in connection with Roll Books, Daily Report Books, Registers, Teachers' Reports, School Record Cards, Annual School Reports on Pupils, the Free Books Scheme and other official records.
- The Principal Teacher and Officials**
24. The principal teacher should cooperate with government and local government officials in all matters relating to the schools, bearing in mind the rights of the pupils and their parents. In particular, she/he should carefully comply with the requirements of Rule 123 (6) (see Schedule II and Rule 125 (1) and (2)).
- The Principal Teacher and Parents**
25. The principal teacher should seek to win the confidence, cooperation and good will of the parents of his/her pupils and should be prepared to discuss with them, individually or otherwise, any matter relevant to the education of their children. At the beginning of each school year the principal teacher should discuss with the Manager and the members of the school staff the question of group meetings of the parents of the pupils.
- The Principal Teacher and Senior Pupils**
26. The principal teacher should arrange for advice and guidance to pupils in their final year and to their parents of the opportunities, educational and otherwise, available to the pupils in the post-primary field.
- Miscellaneous**
27. The principal teacher, in consultation with the staff and having obtained the manager's prior approval, should arrange for tours and visits to places of educational interest.
 28. She/he should bring to the notice of the pupils the advantages, both national and personal, of the habit of saving.
 29. She/he should see that an adequate stock of books and other requisites is made available for the use of the school and for sale to the pupils.
- SECTION C**
- Duties which may be Delegated**
1. The effective supervision of the pupils during breaks, lunch periods, assembly and dismissal.
 2. The care and safe custody of school requisites, equipment and teaching-aids.

SECTION D

Vice-Principal Teacher

1. The vice-principal teacher is required to assist the principal teacher in the day-to-day organisation and supervision of the school. In addition to his/her teaching duties, the vice-principal teacher should be assigned specific duties by the Manager. Before assigning such duties to the Deputy principal teacher, the manager should discuss the matter with the principal teacher.

Assistant Teachers with posts of special responsibility

2. The manager should arrange, in consultation with the principal teacher, to assign specific duties to each teacher holding a post of special responsibility.

SECTION E

1. The list of duties at Section B and C are not exhaustive and may be amended by the Department of Education from time to time as circumstances warrant.
2. Responsibilities and duties of the principal teacher and other staff vary according to the type and size of the school. Where warranted, the Manager, in consultation with the principal teacher, may make whatever amendments to the lists of duties at Sections B and C as may be necessary to suit the particular needs of the school.

cf. Also Section 23 of 1998 Education Act: Duties of Principal Teacher

3. Cooperation with the manager in matters relating to school maintenance, heating and cleaning, care and general appearance of school and school grounds.
4. The organisation and supervision of special and/or remedial classes.
5. Supervision and work for pupils whose teachers are absent.
6. School records and official forms.
7. Arrangements for talks and demonstrations and for visits to selected schools.
8. Arrangements, in agreement with the manager, for effective liaison with parents.
9. Arrangements for educational tours and outings.
10. The promotion of saving.
11. The supervision of school and class libraries.
12. Responsibility for organising particular areas of the curriculum throughout the school.
13. Responsibility for a particular school activity, e.g. games, choir, orchestra, drama etc.
14. Arrangements for the supervision of pupils during religious exercises.

APPENDIX 2

APPOINTMENT OF ADMINISTRATIVE PRINCIPALS

(Circular 0200/2007)

The criteria for administrative principal status have been reviewed and an additional criterion has been introduced at (c) below.

The following criteria apply for the appointment of an administrative principal in the 2007/08 school year:

(a) The enrolment figure for the appointment and retention of administrative principals in ordinary/Gaeltacht schools is 178 pupils and in Gaelscoileanna is 158 pupils. On the appointment of the 7th mainstream class teacher the principal becomes an administrative principal and no consequential additional teaching post is warranted

or

(b) Principal teachers in ordinary/Gaeltacht primary schools with an enrolment of fewer than 178 pupils or in Gaelscoileanna with an enrolment of fewer than 158 pupils, but with a staffing of principal plus nine or more teachers, when all ex-quota posts are counted, may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal

or

(c) Where a school has staffing of principal plus four or five mainstream class teachers and also has a specialist autism unit established under the approval of the National Council for Special education, the principal will be appointed on an administrative basis. In such instance, a permanent mainstream class teacher may be appointed to replace the principal. Please note that a specialist autism unit consists of two to three classes.

4.1 Allocation of Administrative Principals under DEIS

Schools which qualified for the Urban Strand (Band 1 and 2) of the School Support Programme (SSP) under DEIS are entitled to the allocation of administrative principals on lower enrolment and staffing figures than apply in primary schools generally, under the following terms:

- The enrolment figure for the appointment and retention of administrative principals in urban/town primary schools participating in the SSP will be 144 pupils (principal plus five mainstream teachers). This will facilitate the

principal becoming an administrative principal. In such instances, a permanent mainstream class teacher may be appointed to replace the principal

or

- Principal teachers in urban/town primary schools participating in the SSP with an enrolment of fewer than 144 pupils but with a staffing of principal plus seven or more teachers when all ex-quota posts are counted may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal.

Any queries relating to the appointment of an administrative principal under DEIS should be made to the Social Inclusion Unit of the Department at 090 648 3773 or 090 648 3774.

5. Appointment of Administrative Deputy Principals

The following criteria will apply for the appointment of an Administrative Deputy Principal in the 2007/08 school year:

- Deputy principals in schools with twenty-four or more mainstream class teachers (including Developing School Posts) may be appointed as administrative (non-teaching) deputy principals. In such instances, a permanent mainstream class teacher may be appointed to replace the deputy principal. In the event that the appointment as administrative deputy principal is dependant on the confirmation of a developing school post, the appointment of administrative deputy principal and the replacement teacher should be done on a provisional basis pending confirmation of the developing school post

or

- Deputy principals in mainstream schools that, in addition to ordinary mainstream class teachers, also have five or more special classes for children with more complex, low incidence, special needs, may be appointed as administrative (non-teaching) deputy principals. In such instances, a permanent mainstream class teacher may be appointed to replace the deputy principal.

APPENDIX 3

ELIGIBILITY FOR APPOINTMENT AS PRINCIPAL

**For further information please refer to DES Publication
*Appointment of Principals, Permanent and Temporary Teachers***

The following are eligible for recognition as principal teacher of a school with an average daily enrolment for the preceding school year of:

1. Less than 80 pupils.
 - (a) persons who have successfully completed a recognised course of training, who have satisfactorily completed probation in accordance with Rule 95 and whose service is satisfactory; *or*
 - (b) in a provisional capacity, persons who have successfully completed a recognised course of training but who have not yet completed probation, provided that, if such persons have already given service as teacher, that service has been satisfactory.

In schools in the Gaeltacht or in infants' schools or infants' departments of schools, teachers trained before 1963 must hold the certificate of competency to give instruction in the school programme through the medium of Irish.

2. From 80 to 199 pupils: Persons eligible for recognition under Section 1 of this rule whose last three years of service have been satisfactory and who have given, in all, not less than five years' service.
3. 200 pupils or more: Persons eligible under Section 1 of this rule whose last five years of service have been satisfactory, who have given, in all, not less than seven years' service and who hold the certificate of competency to give instruction in the school programme through the medium of Irish or the Teastas Ard-Inniúlachta.

The period of seven years' service specified in this section may be reduced by two years for candidates who are graduates of a University.

APPENDIX 3(A)

ELIGIBILITY FOR APPOINTMENT AS PRINCIPAL TEACHER IN PRIMARY AND SPECIAL SCHOOLS

A Eligibility Criteria for Appointment as Principal Teacher in Primary and Special Schools

B Change to the procedure for the assessment of eligibility of Applicants for Principal Teachers

C Change to the Procedure for the Notification of Teachers

1 Introduction

1.1 The Minister for Education and Science has revised the criteria for eligibility for appointment as principal teacher to primary schools and special schools and is introducing changes to the procedures for the appointment of principals and other teachers.

1.2 The terms of Rule 76 of the Rules for National Schools and Appendix D, Section 3A (iii) and (iv) and Section 5 (xi) and 6(i) and (ii) of the *Boards of Management of National Schools – Constitutions of Boards and Rules of Procedures* (2000 edition) are

hereby amended. Boards should note that the requirement to seek the prior approval of the patron still remains.

1.3 The criteria for the eligibility for appointment to principal teacher will apply to all appointments advertised on or after 1 May 2002.

2 Eligibility Criteria for Appointment as principal to ordinary Primary Schools

2.1 To be deemed eligible to apply for the post of principal teacher in ordinary primary schools with less than 80 pupils, applicants must certify their application to the board of management that they:

- (a) are qualified primary teachers (The applicant should include a copy of qualifications; and
- (b) have satisfactorily completed probation.

2.2 To be deemed eligible to apply for the post of principal teacher in ordinary primary schools with

80 pupils or greater, applicants must comply with the conditions as stated in 2.1 above and in addition have given not less than five years qualified wholetime teaching service two of which must be in a recognised primary school in the Republic of Ireland.

Service in recognised post-primary schools within the Republic or in a primary school or post-primary school outside Ireland may be reckoned towards service provided this service was reckonable for incremental credit.

- 2.3 A board of management may request an applicant for a post to submit his/her latest inspection report and proof of the award of incremental credit where applicable.

3 Eligibility Criteria for Appointment as Principal to Special Schools

- 3.1 To be deemed eligible to apply for the post of principal teacher in special schools, applicants must certify in their application to the board of management that they:

- (a) are fully qualified primary teachers or have been awarded Restricted Recognition under the terms of Circular 25/00 (the applicant should include a copy of qualifications);
- (b) have satisfactorily completed probation; and
- (c) have a minimum of five years qualified whole time teacher service, two of which must be in a recognised primary school within the Republic of Ireland.

Service in a primary school or a post-primary school outside the Republic of Ireland may be reckoned towards service provided this service was reckonable for incremental credit.

- 3.2 Post-primary teachers are also eligible to apply for appointment to special schools in which children are enrolled up to the age of eighteen years of age including High Support Units, Young Offender Unites and Youth Encounter Projects if they comply with the requirements as outlined in 3.1(a) and (b) above and in such schools a proportion of the pupils attending the special school are of post-primary age and where second-level programmes, such as 'Junior Cert Elementary Programme' or Leaving Cert Applied Programme are being provided. The applicant must have a minimum of five years qualified wholetime teaching service two of which must be in a recognised primary or post-primary school within the Republic of Ireland.
- 3.3 A board of management may request an applicant for a post to submit his/her latest inspection report

and proof of the award of incremental credit where applicable.

4. Change in the Procedures for the Assessment of Eligibility of Applicants for Principal

- 4.1 The procedure for the appointment of principal teacher as outlined in Section 3A (iii) and (iv) of the Boards of Management of National Schools – Constitution of Boards and Rules of Procedures (2000 edition) has been amended as outlined in 4.2 below.

- 4.2 There is no longer a requirement for the chairperson to forward details of applicants to the Department to assess their eligibility under Rule 76 of the Rules for National Schools. Instead applicants for the post of principal teacher are requested to provide the information as outlined at Sections 2 and 3 above. The selection board shall ensure that the candidate nominated for appointment is fully qualified and meets the eligibility criteria.

- 4.3 A board of management may, if it considers necessary, request a candidate nominated for the post of principal to provide a certificate of fitness (from a qualified medical practitioner) prior to being formally offered the post.

5. Notification of Successful Candidate

- 5.1 The procedure for the appointment of teachers including principals as outlined in Section 5 (xi) and of the Boards of Management of National Schools – Constitution of Boards and Rules of Procedures (2000 edition) has also been amended as set out in 5.2 and 5.3 below.

- 5.2 There is no longer a requirement for the chairperson of the board of management to receive the prior sanction of the Minister for Education and Science for the appointment of the successful candidate before she/he is notified. The requirement to seek the prior approval of the patron still remains. After receiving the approval of the patron, the chairperson of the board of management should be advised that the offer is subject to the sanction of the Minister. As soon as the board has received notification of the teacher's acceptance of the post, all unsuccessful candidates should be notified.

- 5.3 Both the successful candidate and the chairperson should complete the relevant application form and forward same to the Primary Payments Section of the Department of Education and Science. If the post is warranted and the chairperson of the board certifies that the teacher has met the criteria as outlined in this circular and the appointment has been made in accordance with the procedures

outlined in Boards of Management of National Schools – Constitution of Boards and Rules of Procedures – the revised version of which is outlined in the Appendix to this circular, the Minister for Education and Science will sanction the appointment.

This circular is also available on the Department of Education and Science website at <http://www.education.ie>.

The booklet Appointment of Principals, Permanent and Temporary Teachers should also be consulted.

The chairperson and principal should retain all circulars for future reference.

Queries regarding the circular may be emailed to ppc@education.gov.ie.

APPENDIX 3(B)

DEPARTMENT OF EDUCATION AND SCIENCE PRIMARY BRANCH TO THE BOARDS OF MANAGEMENT AND PRINCIPALS OF PRIMARY SCHOOLS

Release Time for Principal Teachers in Primary Schools

1 Introduction

This circular amends Section 2.1 of Primary Circular 14/01 in relation to the number of days that teaching principals may take as release time in a school year. The terms of all other paragraphs and particularly paragraph 2.2 of Primary Circular 14/01 continue to apply.

2 Increase in Release Time

The amended number of days that teaching principals may take as release time in each school year is outlined in Table A below.

Table A

Size of School*	Number of Days Release Time
Principal +5/6	22
Principal +3/4	18
Principal +0/1/2	14

** Size of school refers to principal and mainstream class teachers only and excludes ex-quota posts, e.g. learning support, resource, disadvantaged concessionary posts etc.*

APPENDIX 4

REGULATIONS GOVERNING THE APPOINTMENT AND RETENTION OF TEACHERS IN PRIMARY SCHOOLS FOR THE SCHOOL YEAR 2007/08

1. Staffing in the 2007/2008 school year

1.1 The number of mainstream class teachers appropriate to a school shall be determined by reference to the school's valid enrolment on 30 September 2006.

The schedule of enrolment of pupils required for the appointment and retention of mainstream class teachers for the 2007/08 school year is attached as follows:

- Ordinary schools – Appendix A
- Gaelscoileanna – Appendix B and

- Gaeltacht schools – Appendix C.

1.2 Only pupils who were validly enrolled on 30 September 2006 should be taken into account for the purpose of determining staff numbers. In this regard the terms of Department Circulars 24/02 – Determination of Valid Enrolment in Primary Schools and 32/03 – Retention of Pupils in Primary Schools must be adhered to. Pupils retained on the school register on 30 September 2006 for the purpose of compliance with the Education and Welfare Act 2000 should not be counted towards valid enrolment for the purpose of determining staff numbers.

2. Developing School Criteria for the School Year 2007/08

- 2.1 A developing school is defined as a school where the enrolment on 30 September 2007 is projected to exceed the enrolment on 30 September 2006
- by a minimum numerical increase; and
 - by having a stipulated excess of five pupils above the required appointment figure.
- 2.2 The criteria for developing school status for the coming school year have been improved to meet the needs of certain smaller schools projecting an average class size in excess of twenty-seven pupils.
- 2.3 The revised criteria are set out as follows at (A) and (B):
- For primary schools with a staffing of principal plus seven mainstream class teachers or greater the minimum numerical increase referred to at i) above is twenty-five pupils.
 - For primary schools with a staffing of principal plus six mainstream class teachers or fewer, the minimum numerical increase referred to at i) above is fifteen pupils. An average class size in excess of twenty-seven pupils must also apply to schools seeking a post under this criterion.

Schools must qualify under both criteria at (i) & (ii) above and in the case of such schools, (an) additional permanent post(s) may be sanctioned provisionally pending the confirmation of the valid enrolment on 30 September 2007. The staffing will be adjusted in the light of the actual valid enrolments on 30 September 2007.

Two exceptions exist:

- School seeking the appointment of the second mainstream class teacher.

In such instances, schools projecting a minimum numerical increase on 30 September 2007 of fifteen pupils on 30 September 2006 enrolment, are not required to meet the stipulated excess number of five pupils on the appointment figure. The minimum projected enrolment of forty-eight pupils must be achieved to secure a second mainstream class teacher.

- Schools seeking the appointment of more than one developing school post.

In such instances, schools must meet the requirement of minimum numerical increase and the stipulated excess number of five pupils on the appointment figure for the first developing school post. In the case of each post sought thereafter the stipulated excess number of five pupils on the appointment figure must be met.

Application(s) for (an) additional post(s) under developing school criteria must be submitted to the Primary Payments Section on or before 12 October 2007.

3. Appointment of the 1st Mainstream Teacher in new schools

- 3.1 The enrolment required for the 2007/08 school year for the appointment of the 1st mainstream class teacher to a school opening in September 2007 is 20 pupils. This enrolment must be achieved by 30 September 2007.

4. Appointment of Administrative Principals

The criteria for administrative principal status have been reviewed and an additional criterion has been introduced at (c) below.

The following criteria apply for the appointment of an administrative principal in the 2007/08 school year:

- The enrolment figure for the appointment and retention of administrative principals in ordinary/Gaeltacht schools is 178 pupils and in Gaelscoileanna is 158 pupils. On the appointment of the 7th mainstream class teacher the principal becomes an administrative principal and no consequential additional teaching post is warranted;

or

- Principal teachers in ordinary/Gaeltacht primary schools with an enrolment of fewer than 178 pupils or in Gaelscoileanna with an enrolment of fewer than 158 pupils, but with a staffing of principal plus nine or more teachers, when all ex-quota posts are counted, may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal;

or

- Where a school has staffing of principal plus four or five mainstream class teachers and also has a specialist autism unit established under the approval of the National Council for Special Education, the principal will be appointed on an administrative basis. In such instance, a permanent mainstream class teacher may be appointed to replace the principal. Please note that a specialist autism unit consists of two to three classes.

4.1 Allocation of administrative principals under DEIS

Schools which qualified for the Urban Strand (Band 1 and 2) of the School Support Programme (SSP) under DEIS are entitled to the allocation of administrative principals on lower enrolment and staffing figures than apply in primary schools generally, under the following terms:

- The enrolment figure for the appointment and retention of administrative principals in urban/town primary schools participating in the SSP will be 144 pupils (principal plus five mainstream teachers). This will facilitate the principal becoming an administrative principal. In such instances, a permanent mainstream class teacher may be appointed to replace the principal;

or

- Principal teachers in urban/town primary schools participating in the SSP with an enrolment of fewer than 144 pupils but with a staffing of principal plus seven or more teachers when all ex-quota posts are counted may be appointed as administrative principals. In such instances, a permanent mainstream class teacher may be appointed to replace the principal.

Any queries relating to the appointment of an administrative principal under DEIS should be made to the Social Inclusion Unit of the Department at 090 648 3773 or 090 648 3774.

5. Appointment of Administrative Deputy Principals

The following criteria will apply for the appointment of an administrative deputy principal in the 2007/08 school year:

- Deputy Principals in schools with 24 or more mainstream class teachers (including Developing School Posts) may be appointed as Administrative (non-teaching) Deputy Principals. In such instances, a permanent mainstream class teacher may be appointed to replace the Deputy principal. In the event that the appointment as administrative deputy principal is dependant on the confirmation of a developing school post, the appointment of administrative deputy principal and the replacement teacher should be done on a provisional basis pending confirmation of the developing school post;

or

- Deputy principals in mainstream schools that, in addition to ordinary mainstream class teachers, also have five or more special classes for children with more complex, low incidence, special needs, may be appointed as administrative (non-teaching) deputy principals. In such instances, a permanent mainstream class teacher may be appointed to replace the deputy principal.

6. Island schools

In the event that a reduction in the pupil numbers of an island school will result in the loss of the second teaching

post in the school, the second teacher may be retained, subject to:

- the total number of pupils in the school being eight or above and
- the school being the only primary school remaining on the island.

7. Panel Arrangements

7.1 Redeployment panels exist for teachers employed in schools which are under the patronage of the following:

- The Catholic Church: The Catholic panels are compiled on a diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made by schools within the geographical area of the diocese.
- The Church of Ireland, Methodist Church in Ireland, Presbyterian Church are under joint patronage. The Church of Ireland, Methodist Church in Ireland and Presbyterian Church panels are compiled on a diocesan or united diocesan basis. Accordingly, each diocese operates its own panel and panel offers to teachers will be made from schools within the geographical area of the diocese or united diocese.
- Educate Together: The multi-denominational panels are operated by Educate Together on a national basis.

Redeployment panels also operate for

- Teachers who are members of religious orders. In the case of religious panels, each religious order operates its own panel.
- Certain teachers with restricted recognition teaching in special schools, special classes in ordinary schools or as resource teachers for children with low-incidence special needs in primary schools. Special Education Section of the Department operates the Special Education Panel on a national basis.

7.2 It is expected that the names of teachers eligible for re-deployment will be available from the relevant operator of the panel, i.e. diocesan offices, Educate Together etc., with effect from 28 March 2007.

7.3 A board of management seeking to fill a permanent vacancy for the 2007/08 school year is obliged to offer the post in the first instance to a teacher on the panel.

In the interest of

- the smooth operation of the panel
- assisting school management with staffing assignments for the coming school year and

- clarification for teachers that may be moving to a new school

Boards of management should endeavour to have such vacancies filled with immediate effect. In any event Boards should fill vacancies from the panels by 31 May 2007. Details of the manner in which teachers may be appointed from the panels are contained in the booklet 'Appointment of Principals, Permanent and Temporary Teachers (April 2002).

- 7.4 Boards of management with vacancies to fill and teachers whose names are placed on panels for redeployment should read carefully the booklet 'Panel Rights for Teachers' (updated version May 2005). The Department will not allow a board of management to fill a permanent vacancy with a teacher on temporary/fixed-term contract in September, 2007 where there are teachers remaining on the relevant panel for redeployment.
- 7.5 Boards of management will not be allowed to advertise permanent appointments for the current school year, 2006/07, after 1 May 2007. If a vacancy arises after that date it should be filled in a temporary/fixed-term capacity until the end of the school year and the permanent vacancy should be filled from the relevant re-deployment panel for the 2007/08 school year.
- 7.6 The teacher's contact address is given on the panel form. This is the address which will be used for making contact with a teacher on the panel during the summer vacation. A teacher on a panel must be contactable at that address until she/he has been offered and accepted a post. In the event that she/he has not obtained a post and is not contactable at the address her/his name will be removed from the panel list and salary, if applicable, will be withdrawn with effect from the start of the 2007/08 school year.
- 7.7 A board of management must notify the appropriate operator of the panel, (i.e. diocesan office/Educate Together/religious order/Special Education Section) and the Primary Payments Section of the Department immediately a panel teacher has accepted a post in its school, so that the teacher's name may be officially removed from the panel. Failure to notify the panel operator and the Payments Section of Primary Branch will hinder the efficient operation of the panel system and cause unnecessary difficulties for other boards of management.
- 7.8 Boards of management that are unable to fill vacancies from the panel, can only proceed to fill vacancies by open competition following approval from the Department.

8. Employment of Qualified Teachers

Boards of management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school, regardless of the duration of the vacancy. Information regarding recognised qualifications can be obtained from the Primary Administration Section of the Department (Tel: 090 6483735/6483736).

Under no circumstances should a board of management engage an untrained person and commit to retaining that person for the full duration of a teacher's absence on maternity leave, parental leave, career break etc.

It should be noted that a post-primary qualified teacher is not fully qualified for the purposes of appointment as a primary teacher.

In the event that no suitable qualified teacher applies for a post and an untrained person is appointed pending the availability of a qualified teacher, the board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of an untrained person.

The procedures for the appointment of teachers as outlined in the Constitution of Boards and Rules of Procedures for Boards of Management of National Schools must be adhered to at all times.

9. Appeal Board for Mainstream Staffing

9.1 Under arrangements introduced in August 2002 all staffing appeals are now considered by an independent Staffing Appeal Board.

- The appeal board may determine that a departure from the staffing schedule is necessary in the circumstances outlined at (a) to (c) below
 - (a) Where a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building,
 - (b) Where the board is satisfied, on the basis of verifiable evidence, that the required pupil numbers were enrolled in September or October 2006, but, due to circumstances outside the control of the school, were not enrolled on the 30 September 2006. However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year. **
 - (c) Where the board considers that in relation to the granting of a post under the developing school criterion, the projected pupil numbers required to retain the post were enrolled or are likely to be enrolled by December, 2007, but due to circumstances outside the control of the school,

were not enrolled as expected on 30 September 2007. A post allocated by the board under this criterion will be sanctioned on a provisional basis subject to confirmation of the required enrolment being achieved in December 2007. As with (b) above, for staffing purposes, a pupil can be included in the enrolment of just one school in any school year. **

** In the event that the school in which the pupil was enrolled on 30 September can verify that the pupil did not need to be counted for the appointment or retention of a teacher in that school, the appeal board will consider allowing the pupil to be counted as part of the enrolment for staffing purposes in the school to which she/he has transferred.

9.2 The appeal board, which operates independently of the Minister and the Department, will review appeals on the mainstream teaching allocation to schools for the 2007/08 school year.

9.3 It is proposed that the first meeting of the Staffing Appeal Board to deal with appeals for the 2007/08 school year will be held in May 2007. Further meetings will be held in July and October 2007.

The closing dates for receipt of staffing appeals are 11 May, 22 June and 12 October. These closing dates will also be posted on the Department's website. Please note that closing dates will be strictly adhered to and accordingly, appeals received after a particular closing date will not be considered by the board at that session.

Appeals must be submitted to Primary Payments Section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. Please mark the envelope 'Staffing Appeal'.

The standard application form is available on the Department website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

9.4 A board of management may appeal only once in a particular case. The appeal board's adjudication will be regarded as a final determination in relation to the post(s) and no further appeal in respect of the 2007/2008 school year shall be considered.

9.5 Further information in relation to the appeal board, together with the criteria under which an appeal can be made is set out in Department Circular 0024/2006, which is also available on the Department website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

10. Staffing Regulation

10.1 A statutory regulation governing the allocation of mainstream staffing and the establishment and operation of the Appeals Board is at draft stage. Copies of the regulation when implemented will issue to all boards of management.

11. Class sizes

The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of twenty-seven pupils. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

The attention of the Department has been drawn to the existence of very large classes in a limited number of schools. Given the level of staffing which the schedules allow, the Department considers that apart, perhaps, from exceptional accommodation constraints, there is no reason for the existence of very large classes in any particular school.

The Department's Inspectorate will monitor the deployment of staff and class sizes and, where necessary, discuss with school authorities the basis on which school policy decisions in this regard have been made, and report to the Department, where appropriate.

12. Posts of Responsibility

The Post of Responsibility Schedule is attached at Appendix D for the information of schools.

This circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

Please note that queries regarding the circular may be emailed to mailto:primary_payments@education.gov.ie.

Appendix A

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in National Schools for the 2007/2008 school year
 (The figures required for these purposes are the figures of enrolments on 30 September of the preceding school year)

Mainstream Class Teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	80	80
4	114	114
5	144	144
6	173	173
7	178	178
8	205	205
9	232	232
10	259	259
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

Appendix B

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in Gaelscoileanna for the 2007/2008 school year

The figures required for these purposes are the figures of enrolments on 30 September, of the preceding school year.

Mainstream Class Teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	77	76
4	98	96
5	125	122
6	153	153
7	158	158
8	193	193
9	229	229
10	259	257
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

Appendix C

Schedule of Enrolment of Pupils Governing the Appointment and Retention of Mainstream Class Teachers in Gaeltacht schools for the 2007/2008 school year

The figures required for these purposes are the figures of enrolments on 30 September, of the preceding school year.

Mainstream Class Teacher	Appointment Figure	Retention Figure
1	12	12
2	48	48
3	80	76
4	114	96
5	144	122
6	173	153
7	178	158
8	205	193
9	232	229
10	259	257
11	286	286
12	313	313
13	340	340
14	367	367
15	394	394
16	421	421
17	448	448
18	475	475
19	502	502
20	529	529
21	556	556
22	583	583
23	610	610
24	637	637
25	664	664
26	691	691
27	718	718
28	745	745
29	772	772
30	799	799

For the 31st mainstream class teacher and upward add an additional 27 units of enrolment.

APPENDIX D

Primary Posts of Responsibility Schedule

Number of Authorised Posts (incl Principal)	Principal	Deputy Principal	Assistant Principal Posts	Special Duties Posts
1	1	0	0	0
2	1	0	0	1
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	2
8	1	1	0	2
9	1	1	0	3
10	1	1	0	3
11	1	1	0	3
12	1	1	0	4
13	1	1	0	4
14	1	1	1	4
15	1	1	1	4
16	1	1	1	5
17	1	1	1	5
18	1	1	1	6
19	1	1	1	6
20	1	1	2	6
21	1	1	2	6
22	1	1	2	7
23	1	1	2	7
24	1	1	3	7
25	1	1	3	7
26	1	1	3	8
27	1	1	3	8
28	1	1	3	9
29	1	1	3	9
30	1	1	3	10
31	1	1	3	10
32	1	1	4	10
33	1	1	4	10
34	1	1	4	11
35	1	1	4	11
36	1	1	5	11
37	1	1	5	11
38	1	1	5	12
39	1	1	5	12
40	1	1	6	12
41	1	1	6	12
42	1	1	6	13
43	1	1	6	13
44	1	1	7	13
45	1	1	7	13
46	1	1	7	14
47	1	1	7	14
48	1	1	8	14
49	1	1	8	14
50	1	1	8	15
51	1	1	8	15
52	1	1	9	15
53	1	1	9	15
54	1	1	9	16
55	1	1	9	16
56	1	1	10	16
57	1	1	10	16

APPENDIX 4(A)

PROBATIONAL REQUIREMENTS FOR PRIMARY TEACHERS

The purpose of this circular is to set down probationary requirements for primary teachers, whether qualified in the state or in other jurisdictions.

The probation of primary teachers is a key element in their professional recognition, as successful completion of the probationary period within the parameters outlined in this circular is a pre-requisite for employment as a fully recognised primary teacher. The primary education environment which newly qualified teachers and teachers from other jurisdictions now enter is more complex than has been the case at any other time. In that context, therefore, this circular

- clarifies the range of teaching service that may be reckoned for probationary purposes and
- sets down in detail the probationary requirements of teachers who qualified outside the state.

Part One sets down the Service and Professional Requirements for the probation of teachers who qualified in the state. Part Two deals with the probationary requirements of teachers from other jurisdictions seeking to attain full recognition in Ireland and certain montessori teachers who qualified in Ireland. Part Three provides answers to Frequently Asked Questions.

Currently, overall administrative responsibility for the probation process lies with Primary Administration Section 2 of the Department of Education and Science. Matters of professional guidance, the carrying out of inspection visits during the probationary period and reporting on such visits are all functions of the Inspectorate.

The publication of this circular takes account of the General Allocation Scheme (Circulars Sp Ed 02/05 and 0036/2006) for the resourcing of schools to cater for pupils with special educational needs.

Under the Teaching Council Acts 2001 and 2006, and within a general requirement to implement Ministerial policy in the matter, the teaching council now has responsibility for determining the education, training and qualifications required for a teacher to be registered and for establishing procedures and criteria for the registration of teachers. In the future, the council will assume responsibility for establishing procedures for the induction and probation of teachers. The terms of this circular will apply until such procedures have been established.

This circular supersedes and replaces Circular 18/83 as well as references to probation requirements set out in Circular 25/00.

Contents

Part One

Teachers who have successfully completed, in the state, a course recognised for the purpose of employment as a primary teacher

1. Introduction;
2. Service requirements;
3. Professional requirements;
 - 3.1. Inspection visits and reports;
 - 3.2. Deferral of a General Inspection;
 - 3.3. A General Inspection resulting in the rating 'Not satisfactory'
4. Completion of probation;
5. Service as a teacher in a special school or in a special class in a mainstream primary school where Irish is not a curricular requirement;
6. Service as full-time resource teacher (low-incidence disabilities) under the General Allocation Scheme;
7. Notification to Department of Education and Science.

Part Two

Teachers who qualified outside the state, and certain montessori teachers who qualified in Ireland

1. Introduction;
2. Probation of a teacher awarded Provisional Recognition who has passed the SCG;
3. Probation of a teacher with Restricted Recognition in a special school or in a special class in a mainstream school;
4. Probation of a teacher with Restricted Recognition in a resource teaching (low-incidence disability) post in a mainstream school;
5. Special consideration: a teacher with Restricted Recognition who held a full-time Resource Teaching post prior to the General Allocation Scheme and who is continuing in an LS/RT post.

Part Three

Some additional Frequently Asked Questions.

Appendixes

1. Definitions used for the purpose of this circular;
2. Benefits arising from successful probation;

3. Initial teacher education programmes in the state recognised for the purpose of employment as a primary teacher;
4. Courses leading to recognised montessori qualifications in the state;
5. Notification of a General Inspection on the work of a probationary teacher.

Part One

Teachers who have successfully completed, in the state, a course recognised for the purpose of appointment as a primary teacher

1. Introduction

A teacher who has successfully completed, in the state, a course recognised for the purpose of appointment as a primary teacher (see Appendix 3), is placed on probation on taking up a teaching post in a primary school. During the probationary period the Department's Inspectorate will evaluate the teacher's effectiveness in a classroom environment, and in teaching the appropriate range of curriculum areas and subjects.

The completion of probation is subject to service and professional requirements.

2. Service requirements

- (a) As a general rule, service in a permanent, temporary or substitute teaching post in a primary school may be reckoned for probationary purposes, subject to the conditions in paragraphs (b) and (c) below. This service may be in a mainstream, special class or special school setting or in a post as a full-time resource teacher (low incidence disabilities) under the General Allocation Scheme.
- (b) In general, a probationary teacher must give continuous service of not less than 178 school days (excluding school closings) in a twelve-month period from the date on which he/she was first appointed to a post recognised for probationary purposes in a primary school. This equates to the normal school year minimum requirement of 183 school days, with allowance for breaks between periods of employment of up to 5 school days in total. This service will normally extend over a single school year. Significant absences from duty, for whatever reason, may require that the probationary period be extended into a second school year.
- (c) In the case of broken service (i.e. where there are breaks between periods of employment totalling more than five school days in the twelve months from the date of first appointment) a probationary teacher must give satisfactory service of not less than 300 paid days in total from the date of first appointment to a post

recognised for probationary purposes. Such service must include at least two periods of sixty consecutive school days, or two school terms, whichever is the longer.

3. Professional requirements

3.1 *Inspection visits and reports*

An inspector will visit a teacher during the probationary period in order to monitor progress, to provide advice and guidance and to report on his/her performance in teaching the range of curricular areas and subjects appropriate to the teaching setting.

In the case of continuous service, the inspector will normally complete an interim report (Beagthuirisc) on the teacher's work during the first half of the probationary year. The Beagthuirisc, which is discussed fully with the teacher, highlights areas of strength and areas for development in broad categories of the teacher's work and records the advice given to the teacher by the inspector. A General Report (Mórtthuirisc) following a general inspection will normally be furnished in the second half of that year. The Mórtthuirisc provides more detailed evaluative commentary on the teacher's work, identifies strengths and aspects for further development and provides an overall rating of the teacher's work ('Satisfactory' or 'Not satisfactory').

In the case of broken service, the Beagthuirisc will be completed during the first sixty-day period (or school term, whichever is the longer) and the Mórtthuirisc during a subsequent sixty-day period (or school term, whichever is the longer).

3.2 *Deferral of a General Inspection*

Normally, a general inspection, duly notified, will be carried out in the second half of the probationary period. Only in exceptional cases may a general inspection be deferred, at the discretion of the Inspector, as follows:

- where a teacher has been absent from duty for a significant length of time, for whatever reason; or
- where, in the judgement of the inspector, there are significant and fundamental;
- weaknesses in the teacher's work and where the teacher requires additional time to develop appropriate skills.

Where a general inspection is deferred, the inspector will furnish a Beagthuirisc to the Department indicating the reasons for the deferral and recommending an extension of the probationary period for no longer than one further year during which period a general inspection must be carried out. In such cases, the inspector will furnish a further Beagthuirisc prior to undertaking a general inspection.

Only in very exceptional cases can more than one deferral be permitted within the time set down for completion of probation (see paragraph 4(b) below).

3.3 *A general inspection resulting in the rating 'Not satisfactory'*

In the event of a General Inspection resulting in the rating 'Not satisfactory', the teacher will be required to undertake a further probationary period of not less than 183 school days (excluding school closings) effective from the date of that general inspection.

4. **Completion of probation**

- (a) Satisfactory completion of probation is a prerequisite for full recognition as a primary teacher and is contingent upon fulfilment of both service and professional requirements.
- (b) Probation is normally completed after one full school year, but, in any event, must be completed within a period of five school years accumulated service from a teacher's first appointment in a primary school to any post recognised for probationary purposes, whether in a permanent, temporary or substitute capacity (temporary or substitute service of less than sixty days in total will not be included in calculating the five-year period). Unless a teacher achieves a 'Satisfactory' rating within this period, full recognition will not be granted. Failure to achieve a satisfactory rating will be notified to the teaching council and may have implications for continued registration.
- (c) In the case of continuous service, where the professional requirements have been fulfilled, the probationary period terminates on the first anniversary of the date on which the teacher took up his/her first appointment in a post recognised for probationary purposes.
- (d) In the case of broken service, where the professional requirements have been fulfilled, the probationary period terminates upon completion of 300 paid days service from the date of first appointment in a primary school to a post recognised for probationary purposes.
- (e) Where, in very exceptional circumstances, probation is extended beyond the normal service requirements (see paragraph 3.2 above), the probationary period terminates on the date of a general inspection resulting in a 'Satisfactory' rating.

5. **Service as a teacher in a special school or in a special class in a mainstream primary school where Irish is not a curricular requirement**

Teachers who successfully completed, in the state, a course recognised for the purpose of employment as a primary teacher may be probated either

- in a special school setting where the full range of curriculum, with the possible exception of Irish, is taught; or
- in a special class setting in a mainstream primary school (e.g. classes for pupils with mild general learning disability, specific speech and language disorders, autism spectrum disorders) where Irish is not a curricular requirement, but where, otherwise, a full curriculum appropriate to the setting is taught.

The normal service and professional requirements apply in both settings.

A teacher's competence to teach Irish is not normally evaluated in special education settings as set out above. In order to achieve full recognition status for a mainstream class setting, a teacher who qualified in the state and has already been probated in a special education setting must receive a satisfactory additional report on his/her competence in the teaching of Irish (a *Ráiteas*) within two years of taking up a mainstream position.

6. **Service as full-time resource teacher (low-incidence disability) under the General Allocation Model (Circulars Sp Ed 02/05 and 0036/2006) held by a teacher who successfully completed, in the state, a course recognised for the purpose of employment as a primary teacher**

Where an unprobated teacher in this category is appointed to a full-time post as resource teacher for pupils with low-incidence disabilities, he/she may now be probated in that setting, subject to the normal service requirements and the following conditions:

- (a) The relevant professional requirements must be satisfied on the basis of an Inspector's evaluation of the teacher's work within the particular teaching context attaching to the post. The normal inspection and reporting requirements will apply (see Par. 3 above);
- (b) Where a teacher qualified in the state and probated in a full-time resource teaching setting takes up a position subsequently in a mainstream class, special class or special school, and in order to achieve full recognition in those additional settings, there will be a requirement to demonstrate competence in any professional skills that may have not been evaluated and reported upon in the resource teaching setting. These skills may include competence to manage larger class settings and teach the appropriate range of curriculum;

The teacher must receive a satisfactory report on this additional inspection within two years of taking up any of the positions involved. The

report on this additional inspection will take the form of a Ráiteas (Statement).

7. Notification to the Department of Education and Science

Under new procedures for the identification of probationary teachers, introduced for the school year 2006/2007, it is the responsibility of a school to notify the Department of Education and Science of any such teachers employed in the school. This applies to any unprobated teacher appointed to a post recognised for probationary purposes for a period of at least sixty days.

Failure to notify the Department by the specified date may delay key elements of the probationary process for individual teachers.

Part Two

Teachers who qualified outside the state, and certain montessori teachers who qualified in Ireland

1. Introduction

General conditions and procedures for the recognition of teachers who qualified outside the state, including those to whom the terms of EU Directive 89/48/EEC apply, are set out in Circular 25/00 'Recognition of Teacher Qualifications for the Purpose of Teaching in National Schools'. The provisions of this circular continue to apply until such time as new regulations are put in place by the teaching council.

Subject to fulfilment of normal probationary requirements, full recognition is awarded to applicant teachers who qualified outside the state and have already satisfied the Irish language and all other qualification requirements. This provision currently applies to teachers who have qualified as primary teachers in St Mary's College, Belfast, having successfully completed the four-year honours Academic Irish course. In addition it also applies to teachers who have completed their post-graduate certificate in Education through the medium of Irish in St Mary's College, Belfast. A teacher who qualified outside the state, but who has a primary degree in Irish from within the state, must fulfil certain of the Irish language requirements, through An Scrúdú le haghaidh Cáilíochta sa Ghaeilge (SCG), before the award of full recognition.

In the case of all other teachers who qualified abroad and whose primary teaching qualifications have been accepted by the Department (up to 28 March 2006), or subsequently by the teaching council, there are two categories of recognition. The recognition category is determined by the applicant's qualifications.

(i) Provisional Recognition permits a teacher who qualified outside the state to teach in all primary and special education settings while working

towards satisfying the Irish language requirements through An Scrúdú le haghaidh Cáilíochta sa Ghaeilge (SCG);

(ii) Restricted Recognition permits a teacher to teach only in certain categories of special school, special classes in primary schools where Irish is not a curricular requirement, or in a post as full-time resource teacher for children with special educational needs (low incidence disabilities) in mainstream schools. Restricted recognition also applies to certain montessori teachers who qualified in Ireland (see Part 4 of Circular 25/00).

2. Probation of a teacher awarded Provisional Recognition who has passed the SCG

(i) A teacher with Provisional Recognition may not be probated before passing the SCG. However, in the interim, the teacher's work may be monitored by a Department inspector.

In the case of a teacher who has passed the SCG, and who cannot provide evidence of having satisfactorily completed the equivalent of a probationary period of at least one year outside the state (see ii below), the probationary period is deemed to have begun on the date of notification of passing all modules of the SCG. Probation will be in accordance with the professional and services requirements set out in Part One.

Where, in very exceptional circumstances, the additional Irish language requirement to complete a three-week approved course in the Gaeltacht has not been fulfilled before the SCG has been passed, the beginning of the probationary period will not be delayed. However, a teacher will not be regarded as fully probated until such time as certified evidence of the Gaeltacht requirement has been provided.

(ii) A teacher who has passed the SCG and who has satisfactorily completed the equivalent of a probationary period of at least one year outside the state may have this probationary period accepted for the purpose of full recognition, subject to the following conditions:

- On application for recognition, the teacher must furnish certified evidence from the relevant state or local authority confirming satisfactory completion of a probationary period or its equivalent in that jurisdiction. In the absence of such evidence, the teacher will be placed on probation in accordance with the conditions set out in Part One of this circular.
- The Department of Education and Science Inspectorate will examine the certified evidence provided, to determine whether the

probationary evidence adequately satisfies the requirements of teacher probation in this jurisdiction. In the case of non-approval, the teacher will be required to complete a probationary period in accordance with the conditions set out in Part One of this circular;

- Where, in the view of the Inspectorate, the probationary evidence adequately satisfies the requirements of teacher probation in this jurisdiction, the teacher must achieve a 'Satisfactory' rating for the teaching of Irish within two years of first taking up a post in a mainstream class setting.

(iii) Where a teacher has passed the SCG, and has been probated in a special school or special class, he/she must achieve a 'Satisfactory' rating for the teaching of Irish within two years of taking up a post in a mainstream class setting.

3. Probation of a teacher with Restricted Recognition in a special school or in a special class in a mainstream primary school

In accordance with Circular 25/00, Part 4, a teacher with Restricted Recognition working in a special school, or in a special class in a primary school where Irish is not a curricular requirement, must, regardless of experience abroad, complete a probationary period in accordance with the service and professional requirements set out in Part One above.

4. Probation of a teacher with Restricted Recognition in a resource teaching (low-incidence disability) post in a mainstream school

Where an unprobated teacher with Restricted Recognition is appointed to a full-time post as resource teacher for pupils with low-incidence disabilities in a mainstream school, he/she may now be probated in that setting, subject to the normal service requirements and the following conditions:

- (a) The relevant professional requirements must be satisfied on the basis of an Inspector's evaluation of the teacher's work within the particular teaching context attaching to the post. The normal inspection and reporting requirements will apply (see Part One, Par. 3 above).

A teacher with Restricted Recognition who satisfies professional requirements in this setting is considered probated for the purposes of Part One, Pars. 4(a) and 4(b).

- (b) A teacher with Restricted Recognition probated in a full-time resource teaching setting is only eligible to continue in such a setting or to take up a position in a special class or special school. In order to achieve full recognition status in those additional settings, there will a requirement to

demonstrate competence in any professional skills that may have not been evaluated and reported upon in the resource teaching setting. These skills may include competence to manage larger class settings and teach the appropriate range of curriculum.

The teacher must receive a satisfactory report on this additional inspection within 2 years of taking up any of the positions involved. The report on this additional inspection will take the form of a Raiteas (Statement).

5. Special consideration: a teacher with Restricted Recognition who held a full-time resource teaching post prior to the General Allocation Scheme and who is continuing in an LS/RT post

An unprobated teacher in this category who is continuing in an LS/RT post under Circulars Sp Ed 02/05 and 0036/2006, may be probated in that setting, as an exceptional measure, subject to the conditions set out in par. 4 above.

Part Three

Some additional frequently asked questions:

Can a probationary teacher appeal a 'Not satisfactory' rating?

Yes, a probationary teacher may appeal against an inspector's report. The appeal procedure is as set down in the Procedure for Review of Inspections on Schools and Teachers under Section 13(9) of the Education Act 1998 [Department of Education and Science 2006] a copy of which has been sent to each school. The review procedure is also available on the Department of Education and Science website (www.education.ie)

If a teacher is probated, but leaves teaching for a number of years, what is their position on returning to teaching?

They retain their status as a probated teacher, but, like all probated teachers, their work will continue to be subject to ongoing evaluation by the Inspectorate.

Can proof of probation be obtained by teachers seeking work abroad?

Probated teachers may obtain, on request from the Department, a Qualified Teacher Status (QTS) Certificate issued under the terms of EU Directive 89/48/EEC (effected by S.I. 1 of 1991) which confirms full recognition status. Teachers applying for posts abroad usually require this Certificate and it may be obtained on request from: The teaching council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare.

Tel: (01) 610 6863/4 or info@teachingcouncil.ie

Appendix 1

Definitions used for the purposes of this Circular:

Primary school

A recognised school (as defined in the Education Act 1998) providing first-level education (such schools, historically, have also been termed national schools). For administrative purposes, the general term 'primary schools' encompasses special schools for the age-range four to eighteen. In this circular, a distinction is drawn between mainstream primary and special schools.

Probation

An element of the process by which a qualified teacher gains full recognition to teach in a primary school.

Qualified teacher

A teacher

- who has successfully completed, in the state, a course recognised for the purpose of employment as a primary teacher, or
- whose qualifications, if achieved outside the state, have been recognised by the Department of Education and Science (up to 28 March 2006), or by the teaching council thereafter

Posts recognised for probationary purposes

Service in a permanent, temporary or substitute teaching capacity in a recognised school; this service may be in a mainstream class, a special class (where the full range of curriculum, with the possible exception of Irish, is taught), a special school or in a post as full-time resource teacher (low-incidence disabilities) in a mainstream primary school.

Continuous service

Not less than 178 school days (excluding school closings) in a twelve-month period, irrespective of the date on which duty commenced (i.e. the normal school-year requirement of 183 school days with allowance for periods between employments totalling up to and including five school days)

Broken service

Periods between employments greater than five days in total within twelve months of the date of first appointment.

Beagthuirisc

In this context, an interim report on the progress of a probationary teacher's work completed by an inspector. The Beagthuirisc, which is discussed fully with the teacher, highlights areas of strength and areas for development in broad categories of the teacher's work and records the advice given to the teacher by the inspector.

Móρθuairisc

A General Report, following completion of a General Inspection (Mórfhiosrú) on a probationary teacher's work, furnished by an inspector, copies of which are

sent to them teacher and the school. The Móρθuairisc provides more detailed evaluative commentary on the teacher's work, identifies strengths and aspects for further development and provides an overall rating of the teacher's work ('Satisfactory' or 'Not satisfactory').

Full recognition

A teacher is considered fully recognised

- if he/she has successfully completed, in the state, a course recognised for the purpose of employment as a primary teacher; or
- if qualified outside the state, he/she has fulfilled all the requisite qualification and Irish language requirements;

and

- if he/she has fulfilled all appropriate probationary requirements.

Provisional recognition

A teacher who qualified outside the state, whether within the European Union or otherwise, and whose teaching qualifications have been assessed and accepted by the Department of Education and Science (up to 28 March 2006) or by the teaching council thereafter, but who does not possess an appropriate Irish language qualification, will be granted, on application, a five year period of provisional recognition to teach in primary schools. During this period of provisional recognition, the teacher will be required to work towards meeting the Irish language requirements. Following a review of the Scrúdú le haghaidh Cáilíochta sa Ghaeilge (SCG), extensions to the 5-year limit are now permissible in certain circumstances.

Restricted recognition

A teacher from another jurisdiction, whose teaching qualifications have been assessed and accepted by the Department of Education and Science (up to 28 March 2006) or by the teaching council thereafter, will be granted restricted recognition giving eligibility to teach in certain categories of special school and in the categories of special classes in mainstream primary schools where Irish is not a curricular requirement. In addition, such teachers are entitled to take up posts in special schools for young offenders and in Youth Encounter Projects or special education projects and may be appointed to posts as full-time resource teachers for pupils with low incidence disabilities in mainstream primary schools.

Restricted Recognition is also available for certain categories of montessori teachers, and to teachers with recognised post-primary teaching qualifications who wish to teach in special schools where a proportion of pupils are of post-primary age and where second-level programmes are being provided by the school. Please see Circular 25/00 (Parts Four and Five) for details.

Teachers granted Restricted Recognition are not eligible to teach in mainstream class settings and, therefore, do not have to meet an Irish language requirement.

Appendix 2

Benefits deriving from successful probation:

General benefits

A teacher who has been successfully probated in any setting, having met both service and professional requirements:

- is eligible to apply for career-breaks;
- is entitled to appropriate panel rights;
- is eligible for job-sharing;
- qualifies for the Teacher Exchange Scheme.

Eligibility for appointment to certain additional posts:

- (a) a teacher qualified in the state;
- (b) a teacher qualified outside the state who was awarded Provisional Recognition and fully satisfied the Irish language requirements.

A teacher in either of these categories who has been successfully probated in a mainstream, special class or special school setting, is eligible for appointment to the following additional posts:

- Principal teacher (subject to conditions outlined in Circular 02/02);
- Teacher in an LS/RT post under the General Allocation Scheme;
- Resource teacher for Travellers;
- Support teachers;
- Teacher in an Early Start unit;
- Home-School-Community Liaison teacher;
- Visiting teacher for Travellers;
- Visiting teacher for the Hearing and Visually Impaired.

(c) A teacher awarded Restricted Recognition

A teacher who was awarded Restricted Recognition and who has been successfully probated in a special school or special class setting is eligible only for additional posts that may apply in special schools. This includes a post as principal of a Special School, subject to the conditions set out in Circular 02/02.

(d) **A teacher probated in a Resource Teacher post**
A teacher (a) who qualified in the state or (b) who qualified outside the state and was awarded Restricted Recognition, and who was successfully probated in a full-time resource teaching (low disabilities) post in a mainstream school is not eligible for appointment to any additional posts until they have fulfilled the full requirements set out in Part One, par. 6, condition (b).

Appendix 3

Initial teacher education programmes in the state recognised for the purpose of employment as a primary teacher:

St. Patrick's College, Drumcondra, Dublin 9;

Mary Immaculate College, South Circular Road, Limerick;

Coláiste Mhuire, Griffith Avenue, Marino, Dublin 9;

Froebel College of Education, Sion Hill, Blackrock, County Dublin;

Church of Ireland College of Education, Upper Rathmines Road, Dublin 6;

Higher Diploma in Arts in Primary Education (Hibernia College).

Appendix 4

Courses leading to recognised montessori qualifications in the state

- Three-year full-time course in the Association Montessori Internationale (AMI) College, Mount St. Mary's, Milltown, Dublin 14;
- B.A. in Montessori Education or B.A. (Hons.) in Montessori Education awarded by St. Nicholas Montessori College, Dún Laoghaire (accredited by HETAC).

Appendix 5

Notification of General Inspection on the work of a probationary teacher

Under Rule 161(11) of the Rules for National Schools, three clear school days' notice of a General Inspection (Mórfhiosrú) is given in writing to the teacher and to the chairperson of the board of management.

Inspector's official address

Inspector's official phone number

Probationary Teacher's Name

School Address 1

School Address 2

School Address 3

Date

Notification of a General Inspection on the work of a probationary teacher

A chara

This is to notify you that I intend to carry out a General Inspection of your work as provided under Par. 3.1 Part One of Circular 0140/2006 'Probationary Requirements for Primary Teachers'.

The General Inspection is scheduled to take place on

Should any circumstances arise which would prevent the inspection from taking place, please notify me immediately.

Le meas

(Inspector's name and title)

APPENDIX 4(B)

CHECKLIST – APPOINTMENT OF PRINCIPALS

Have you:

Copies of the following documentation available for each member of the selection panel:

- Advertisement
Yes No
- Completed applicaiton form/s, CVs etc, stamped with the date of receipt
Yes No
- Ensure that no member of the panel stands in relationship to a person who is a candidate for a post in the school – if so, must withdraw and a new selection panel be constituted
Yes No
- Selection board – two independent assessors appointed by patron
Yes No
- Selection board – gender balance – at least one of the members shall be a woman and at least one shall be a man
Yes No

Have you:

- Selection Board establish the criteria for assessment of the applications
Yes No
- Specified on the form
 - the essential shortlisting criteria
 - the desirable shortlisting criters
 - the enhancement (only if required)
 to take account the provisions of the Employment Equality Act (1998) Code of Practice of Equality Authority, Schedule for Catholic School, Rules for NS
Yes No
- Applied and agreed shortlisting criteria including Schedule for a Catholic School to *all applicants*
Yes No
- Ensured that all panel members have completed and signed shortlisting criteria form and that the

chairperson of the selection panel has completed and signed the Short-listing Criteria Form.

Yes No

- Arranged for questions and anticipated responses to be prepared for the interview
Yes No
- Agreed date/venue for the interview
Yes No

Administration after Shortlisting Meeting

Have you:

- Ensured that the candidates are fully qualified and meet the eligibility criteria outlined in Circular 02/02.
Yes No
- Invited the shortlisted candidates for interview given seven days notice (if three or less apply all applicants are interviewed)
Yes No
- Supplied details of established critieria including Schedule for a Catholic School to all applicants called for interview
Yes No
- Requested professional and character reference for shortlisted candidates
Yes No
- Provided panel members with timetable for interviews
Yes No
- Prepared copies of Assessment Forms for each member of the selection panel.
Yes No

NB: Candidates are now entitled to copies of their own individual marks from each assessor and their own aggregate mark from the selection board, if requested. Candidate should receive copies of formal notes pertaining to themselves if requested (Data Protection Acts 1998 and 2003).

Interviews

Have you:

- Organised the interview room properly
Yes No
- Organised a comfortable waiting area – newspaper and water
Yes No
- Agreed on a marking evaluation system
Yes No
- Distributed questions and anticipated responses to each panel member
Yes No
- Briefed the panel members on recording of notes on the performance of each candidate
Yes No

Post Interviews

- Formally agreed a candidate to be recommended to the Board for appointment
Yes No
- Ensured that Assessment Forms are signed and collected from each panel member
Yes No
- Ensure that Assessors marking sheets are completed and signed and collected
Yes No
- Ensured that the form stating that the interview process has been completed is signed and collected
Yes No

Post Interview Administration

Have you:

- Submitted a written report to the board of management, nominating the applicant whom the selection panel considers most suitable for appointment
Yes No
- board of management appoints the principal so nominated unless there is a good and sufficient reason not to, in this instance matter referred to patron
Yes No

- Chairperson must seek *written prior approval* of the patron for the appointment of the *successful candidate before he/she is notified*
Yes No
- Having received *written approval* of the patron notify the teacher of his/her appointment. Advise the successful candidate the appointment is subject to sanction of DES
Yes No
- Chairperson must notify the DES that board of management has submitted the successful candidate's name to the patron and the patron has given written approval for the appointment
Yes No
- Inform all unsuccessful candidates when the successful applicant has accepted the post in writing
Yes No
- Successful candidate and chairperson complete the relevant form and forward to the DES
Yes No
- On receipt of DES sanction enter into the appropriate agreement with the teacher
Yes No

Checklist of documents to be kept on file

- Established criteria for post;
- Shortlisting criteria;
- Assessment questions;
- Marking sheets for each candidate (Data Protection Acts 1998 and 2003);
- Reports and notes of selection panel;
- Decision of the selection panel;
- Written report to the board of management;
- Copy of letter to patron seeking written approval for the appointment;
- Letter of approval from the patron for the appointment;
- Copy of letter notifying the DES that the BoM has submitted the name of the successful candidate to the patron for approval and the patron has given written approval;
- Copy of letter notifying the DES the process is completed;

- Letter of acceptance from the successful candidate;
- Appointment Form – Department of Education and Science Form (copy of original);
- Copy of letter from the BoM notifying the DES the process is completed.

APPENDIX 4(C)

CHECKLIST – APPOINTMENT OF TEACHERS

Have you:

Copies of the following documentation available for each member of the selection panel:

- Advertisement
Yes No
- Completed applicaiton form/s, CVs etc., stamped with the date of receipt
Yes No
- Ensure that no member of the panel stands in relationship to a person who is a candidate for a post in the school – if so, must withdraw and a new selection panel be constituted
Yes No
- Selection board – two independent assessors appointed by patron
Yes No
- Selection board – gender balance – at least one of the members shall be a woman and at least one shall be a man
Yes No

Have you:

- Selection Board establish the criteria for assessment of the applications
Yes No
- Specified on the form
 - the essential shortlisting criteria
 - the desirable shortlisting criteris
 - the enhancement (only if required)

to take account the provisions of the Employment Equality Act (1998) Code of Practice of Equality Authority, Schedule for Catholic School, Rules for NS

 Yes No

- Applied and agreed shortlisting criteria including Schedule for a Catholic School to *all applicants*
Yes No
- Ensured that all panel members have completed and signed shortlisting criteria form and that the chairperson of the selection panel has completed and signed the Short-listing Criteria Form.
Yes No
- Arranged for questions and anticipated responses to be prepared for the interview
Yes No
- Agreed Date/Venue for the interview
Yes No

Administration after Shortlisting Meeting

Have you:

- Ensured that the candidates are fully qualified and meet the eligibility criteria outlined in Circular 02/02
Yes No
- Invited the shortlisted candidates for interview given seven days notice (if three or less apply all applicants are interviewed)
Yes No
- Supplied details of established critieria including Schedule for a Catholic School to all applicants called for interview
Yes No
- Requested professional and character reference for shortlisted candidates
Yes No
- Provided panel members with timetable for interviews

Yes No

- Prepared copies of Assessment Forms for each member of the selection panel.

Yes No

NB: Candidates are now entitled to copies of their own individual marks from each assessor and their own aggregate mark from the selection board, if requested. Candidate should receive copies of formal notes pertaining to themselves if requested (Data Protection Acts 1998 and 2003).

Interviews

Have you:

- Organised the interview room properly

Yes No

- Organised a comfortable waiting area – newspaper and water

Yes No

- Agreed on a marking evaluation system

Yes No

- Distributed questions and anticipated responses to each panel member

Yes No

- Briefed the panel members on recording of notes on the performance of each candidate

Yes No

Post Interviews

- Formally agreed a candidate to be recommended to the Board for appointment

Yes No

- Ensured that Assessment Forms are signed and collected from each panel member

Yes No

- Ensure that Assessors marking sheets are completed and signed and collected

Yes No

- Ensured that the form stating that the interview process has been completed is signed and collected

Yes No

Post Interview Administration

Have you:

- Submitted a written report to the board of management, nominating the applicant whom the selection panel considers most suitable for appointment

Yes No

- Board of management appoints the principal so nominated unless there is a good and sufficient reason not to, in this instance matter referred to patron

Yes No

- Chairperson must seek *written prior approval* of the patron for the appointment of the *successful candidate before he/she is notified*

Yes No

- Having received *written approval* of the patron notify the teacher of his/her appointment. Advise the successful candidate the appointment is subject to sanction of DES

Yes No

- Chairperson must notify the DES that board of management has submitted the successful candidate's name to the patron and the patron has given written approval for the appointment

Yes No

- Inform all unsuccessful candidates when the successful applicant has accepted the post in writing

Yes No

- Successful candidate and chairperson complete the relevant form and forward to the DES

Yes No

- On receipt of DES sanction enter into the appropriate agreement with the teacher

Yes No

Checklist of documents to be kept on file

- Established criteria for post;
- Shortlisting criteria;
- Assessment questions;
- Marking sheets for each candidate (Data Protection Acts 1998 and 2003);
- Reports and notes of selection panel;
- Decision of the selection panel;
- Written report to the board of management;

- Copy of letter to patron seeking written approval for the appointment;
- Letter of approval from the patron for the appointment;
- Copy of letter notifying the DES that the BoM has submitted the name of the successful candidate to the patron for approval and the patron has given written approval;
- Copy of letter notifying the DES the process is completed;
- Letter of acceptance from the successful candidate;
- Appointment Form – Department of Education and Science Form (copy of original);
- Copy of letter from the BoM notifying the DES the process is completed.

APPENDIX 5 TEACHER'S CONTRACT

The teacher's contract is with the board of management of the school. The letters of appointment and of acceptance may form part of the contract. The contract is confirmed by the signing of the Form of Agreement.

The Form of Agreement requires the teacher to give three months' notice of intention to resign from the school. It also requires the board of management to give three months' notice of dismissal.

APPENDIX 6 SENIORITY OF PRIMARY TEACHERS

1. Introduction

- 1.1 The Minister for Education and Science has revised the criteria for seniority of permanent teachers in primary schools.
- 1.2 The terms of Rules 96 and 98 (1) of the Rules for National Schools are hereby revised.

2. Importance of Seniority

- 2.1 The sequence in which mainstream class teachers are appointed to a school determines the seniority of teachers. Seniority is important in determining teachers' eligibility for an acting post of responsibility and in deciding the order in which teachers are eligible to be placed on the panel when the enrolment figures drop sufficiently to warrant the suppression of a post.

3. Responsibility of board of management

- 3.1 The board of management, based on the teachers' date of commencement of duty in a school in a permanent capacity, determines the seniority of teachers. An exception to this is where a teacher is on a statutory absence when appointed to the post eg. maternity leave, adoptive leave etc., in such instances the teacher's seniority commences from the date of appointment to the post.
- 3.2 Once a teacher's order of seniority has been

established by the board it cannot be changed without the prior sanction of the patron.

- 3.3 Each board of management should ensure that the seniority listing of teachers is posted on the staff notice board each September. If teachers have not had their seniority established prior to appointment they should request a statement of order of seniority from the Board on commencement of duty in the school.

4. Rules for Determining Seniority

- 4.1 A principal teacher is always the most senior teacher in a school, irrespective of length of service given in a school.
- 4.2 Please see Section 6 below in relation to the seniority of a principal teacher who relinquishes his/her post of principal.
- 4.3 Service given previously in the same school as a substitute or temporary (qualified or unqualified) teacher does not count towards seniority.
- 4.4 A permanent teacher's ranking for seniority purposes will only commence from the date that a teacher is fully qualified.
- 4.5 If two or more permanent teachers commence duty on the same day, the board of management

should establish the order of seniority based on the order the teachers were listed as a result of an interview process i.e. the teacher who was ranked highest following the interview process should be given the higher seniority rating.

- 4.6 If a permanent teacher leaves a school either voluntarily or is redeployed and is reappointed to the school in a permanent capacity at a later date then the teacher's seniority will only commence from the date of reappointment.
- 4.7 Job sharing service is reckoned as full service for the purpose of seniority. Authorised absences, e.g. career break, maternity leave, adoptive leave, parental leave, paternity leave, sick leave, do not affect a teacher's seniority.

5. Seniority in an Amalgamated School

- 5.1 In the case of an amalgamated school, where a teacher has given unbroken permanent service continuously in one or more of the schools being amalgamated, the aggregate of that service will be reckoned in determining seniority.
- 5.2 A principal(s) who becomes a privileged assistant(s) in the amalgamated school will retain a seniority ranking next to the principal, irrespective of the length of actual service in their former school(s). Where there is more than one privileged assistant it is the length of service as principal of the former school which determines the order of seniority. (The seniority of a privileged assistant who is redeployed via the panel or who voluntarily moves into a school will commence from the date of taking up duty in the new school.)

6. Seniority of Principal Teacher who relinquishes post of Principal

- 6.1 A principal teacher can only relinquish a post of principal teacher provided there is a permanent vacancy in the school. Where a principal teacher relinquishes the post of principal she/he becomes the most junior teacher in the school. Previous service given as a principal in the school does not count for seniority purposes.

7. Supply Panel

- 7.1 As outlined in Circular 50/97 a supply teacher shall not be compulsorily redeployed to the redeployment panel (even if they are the most junior teacher in the school) other than in the context of the withdrawal of the supply service from the host school or applying, following the completion of two years supply work for inclusion on the redeployment panel appropriate to the host school.
- 7.2 As outlined in Primary Circular 12/02 all supply teachers appointed on or after 1 April 2002 should be assigned a seniority ranking at the time of their appointment to the base school in the normal manner. Supply teachers appointed before 1 April 2002 should be assigned a seniority ranking as if they were appointed to the school as of 1 April 2002. This is necessary to ensure that no member of the current mainstream staff have their seniority ranking disimproved at the time of integration of the supply teacher to school staff for seniority purposes. Such a ranking will have little practical effect as long as the teacher remains on supply duties, however, in the event that a supply teacher transfers, with the consent of the board, to mainstream duties in the base school his/her seniority ranking will have full effect and will reflect his/her total service in the school.
- 7.3 When making appointments to the mainstream staff of the school, the board should appraise appointees that there is a supply panel scheme attached to the school and that the supply teachers have a seniority ranking which may be activated in the event that a supply teacher transfers from supply duties to mainstream duties.

APPENDIX 7
FORM OF AGREEMENT

County _____ **Roll No.** _____ **School** _____

MEMORANDUM OF AGREEMENT made between

Insert chairperson's name in full in the case of boards of management

_____ on behalf of the Management Authority of the above-named school, of the one part, and

Insert Teacher's name in full

_____ Teacher of the said School (hereinafter called the Teacher) of the other part:

Insert capacity in which Teacher is to be employed, e.g. principal teacher, Teacher etc.

I. The Management Authority agrees to employ the Teacher as

_____ Teacher of the above-named school from the

Insert date

_____ day of _____ 20_____

henceforth until the expiration of three calendar months from the date at which notice in writing shall have been given by either side to the other to determine the said employment.

II. The Management Authority shall have absolute power to determine the said employment at any time without previous notice to the Teacher; but in every such case (not coming under Article III) she/he shall be bound to pay to the Teacher three months' salary recoverable as a debt.

III. The Management Authority shall also have power to determine the said employment, without previous notice, for misconduct or other sufficient reason; in which case the Teacher shall not be entitled to any compensation.

IV. In case the Teacher shall determine the said employment at any time without giving three calendar months' notice, as hereinafter provided (except for good and sufficient reason), she/he shall pay to the Management Authority three months' salary, recoverable as a debt.

V. The duties of the Teacher shall be such as are in accordance with the Rules for National Schools.

VI. The salary and emoluments of the Teacher shall be such as are in accordance with the Rules for National Schools.

Signed this _____ day of _____

20_____

Insert date

Insert signature of Chairman

_____ on behalf of Management Authority

Teacher

_____ Teacher

In the presence of

Witness

_____ Witness

(The witness should be an adult person who is not a close relative of either the Chairman or the Teacher)

_____ Address

_____ Occupation

Note: Any entry in this Form of Agreement, at variance with the spirit and conditions of the Rules for National Schools will render the Agreement invalid. The responsibility of a chairperson, on behalf of the Management Authority, under this Agreement ceases from the date of his/her retirement from the Office of chairperson, or of the withdrawal of salary from the Teacher, by the Minister.

APPENDIX 8

TERMS OF ENGAGEMENT OF FIXED-TERM (TEMPORARY) EMPLOYEES

County **Roll No.** **School**

MEMORANDUM OF AGREEMENT made the day
of 20

between

on behalf of the Management Authority of the above named School of the One Part and

the Fixed Term Employee of the said School (hereinafter called 'the Employee') of the Other Part.

1. In this Agreement the following terms shall have the following meaning:
 - (a) 'The School' shall mean the School set out in the heading to this Agreement.
 - (b) 'The Management Authority' shall mean the Manager or board of management of the School.
2. The Management Authority agrees to employ the Employee as a fixed-term teacher of the School from the.....day of.....20..... to theday of.....20.....
3. (a) The Management Authority reserves the right to terminate the employment without notice, for misconduct or other sufficient reason. In the event of termination as aforesaid and subject to relevant statutory provisions the Employee shall not be entitled to any remuneration or compensation except in respect of remuneration due for work performed prior to termination.

(b) Notwithstanding paragraph 3(a) the employment may be terminated at any time by either side in accordance with the Minimum Notice and Terms of Employment Act 1973 (as amended)
4. The employee is engaged in the position of _____.

*Adapt as
necessary*

The employee shall perform his/her duties and responsibilities in accordance with the law, the policies of the board of management and the Rules for National Schools

5. The salary and the emoluments of the employee shall be such as are determined by the Minister for Education and Science and/or in accordance with the Rules for National Schools, as appropriate.

6. The employee is engaged on a Fixed Term Contract of _____ (insert duration: 1 Year – 2006/07 school year or other term) duration for the purpose of Section 2(2)(b) of the Unfair Dismissals Act 1977, as amended, and derives from the following objective grounds

(insert reason here, see Appendix A)

Further, the employee agrees that the provision of the Unfair Dismissals Act 1977 or any amendment thereto shall not apply to a dismissal consisting only of the expiry of the said term without it being renewed.

7. For the purpose of Section 8 of the Protection of Employees (Fixed Term Work) Act 2003, the school affirms that it cannot offer a contract of indefinite duration in the circumstances outlined in clause 6 hereof and therefore the employee is offered this fixed-term contract/the within (further) fixed-term contract (delete as appropriate). This contract (tick as appropriate)
- a is required to replace an employee who is on authorised leave for a fixed-term period and whose post cannot be filled on a permanent/contract of indefinite duration basis in their absence.
 - b is required to facilitate a job-share arrangement between two employees in the school
 - c is required pending the appointment of a permanent employee to the school
 - d derives from the creation of a fixed-term post to cater for certain pupils (e.g. special class, resource teacher for travellers, language support post...)
 - e is required pending the recruitment of a fully qualified teacher to the school.

The employee accepts the objective grounds and agrees that the contract offered is on a fixed-term basis that cannot be offered as a contract of indefinite duration.

SIGNED on behalf of the Management Authority

.....
 in the presence of

SIGNED by the Teacher

.....
 in the presence of

Appendix A

Reason for employment of fixed-term teacher must be inserted at No. 6: examples as follows:

Absence of a permanent teacher in the School who is currently on:

- career break
- secondment
- unpaid maternity leave/adoptive leave
- unpaid sick leave
- parental leave
- carer's leave
- unpaid leave of absence (short term)

or

- to facilitate a job-share arrangement between two teachers in the school
- pending the appointment of a permanent teacher
- pending the appointment of a fully qualified teacher
- pending the appointment of a fixed-term teacher to cater for certain pupils, special needs, travellers, language support for non-nationals
- facilitate a permanent teacher taking up a temporary/fixed-term post as special class teacher/resource teacher.

If the temporary appointment is taken up on or before the first working day in October of a school year, the contract may run to 31 August of the following year. If the temporary teacher takes up the position after the first working day in October, the contract should terminate on 30 June. If the teacher becomes employed in a temporary or permanent capacity from the following 1 September, salary for July and August will be paid retrospectively by the Department of Education.

APPENDIX 8(A)

Primary Circular 24/05 Protection of Employees (Fixed-Term Work) Act 2003 Transitional Agreement 2005

To the managerial authorities of primary schools.

1. The Minister for Education and Science wishes to advise you that following discussions between the managerial authorities of schools, the teacher unions and the Departments of Education and Science and Finance a transitional agreement has been agreed in relation to the implementation of the Protection of Employees (Fixed-Term Work) Act 2003. The agreement comprehends qualified teachers with more than four years successive service as at 1 September 2005 employed in mainstream primary schools.
2. The transitional agreement provides for further discussions between the parties in November 2005 on a range of outstanding issues and for a review of the agreement in February 2006.
3. Discussions on the application of the agreement to programmes and grades other than those referred to above are continuing and the outcome of those discussions will be notified in due course.
4. School management authorities are requested to identify relevant personnel comprehended by the provisions of the agreement and to implement the terms of the agreement in respect of those personnel with immediate effect.
5. If you have any queries in relation to any aspects of the agreement you should contact the Department of Education and Science, External Staff Relations Section at (01)8892196/2143/2409/6564.

Management authorities are requested to bring the contents of this circular to the attention of the teaching staff. They are also requested to give a copy of the circular to the members of the board of management.

This circular may be accessed on the Department of Education and Science website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets.

Primary Circular 0009/2006 Protection of Employees (Fixed-Term Work) Act 2003 Teacher's Contract of Indefinite Duration

To the Management Authorities of Primary Schools

I refer to the provisions of Primary Circular 24/05 relating to the transitional agreement reached in respect of the Protection of Employees (Fixed-Term Work) Act 2003.

The agreement provides that school management authorities should identify relevant personnel comprehended by the provisions of the agreement and implement the terms of the agreement in respect of those personnel, i.e.

- that those fixed-term employees with more than four years successive teaching service as at 1 September 2005 and who are deemed to be qualified shall receive contracts of indefinite duration *unless* the employer can demonstrate:
 - (a) that a post will not be viable within a reasonable period and where such a ground was set out as an objective ground in writing in the previous contract;

Or

- (b) that the person is covering for a post holder on an approved scheme of leave of absence.

The foregoing exclusions shall not apply where the person has not received a written contract setting out objective grounds since September 2001. Such persons (who are deemed to be qualified) shall automatically receive contracts of indefinite duration.

In that regard please find attached a copy of the agreed contract of indefinite duration which should now be offered to those personnel who satisfy the criteria governing the award of a contract of indefinite duration. It has also been agreed that decisions regarding the granting of such contracts should be made and communicated to the staff member/s concerned within four weeks of the issue of this circular. A copy of each individual's contract should be retained by the school authority.

School management authorities are also advised that details of all commitments arising from the implementation of the terms of the transitional agreement will be sought by the Department in order that the teaching records may be updated. In this regard a form will issue shortly to facilitate this.

School management authorities are again reminded that the provisions of the Protection of Employees (Fixed-Term Work) Act 2003 should be adhered to on the occasion of the award of a fixed-term contract and any renewal of such a contract.

Management authorities are requested to bring the contents of this circular to the attention of the teaching staff.

Contract of Employment Teacher's Contract of Indefinite Duration Primary Sector

1. Parties:

Employee:

Employer:

2. Title of Post: Qualified teacher on a contract of indefinite duration

3. Nature of Position

The purpose of the contract is to teach the assigned number of hours each week over the course of the full school year.

4. Hours of Work

The hours of the contract of indefinite duration will be the hours for which the employee was engaged on a fixed-term contract in the school/academic year prior to the issuing of the CID (other than those hours which are for the provision of temporary cover and unless varied by the terms of Circular Letter Primary 24/05).

5. Meaning to be given to a Contract of Indefinite Duration

A person who has an expectation that, subject to the normal date of retirement in the employment, she or he will be retained in the employment and will not be dismissed without there being any good reason such as misconduct or unfitness for their position, or other compelling or unavoidable circumstances. Any dismissal shall be achieved by the application of the agreed termination arrangements for the particular sector or the application of the relevant statute, as the case may be (as per the Transitional Agreement of September 2005 – Circular Letter Primary 24/05).

6. Duties

To carry out the professional duties appropriate to a permanent wholetime teacher in so far as they relate to the contracted teaching and non-teaching duties.

7. In-service training

The arrangements for training and professional development will be on the same basis as for permanent wholetime teachers.

8. Travel and Subsistence Allowances

Travelling and subsistence allowance will be paid in respect of necessary journeys authorised by school management in accordance with the conditions laid down and at rates agreed for permanent teachers from time to time by the Minister for Education and Science.

9. External Work

The employer must be notified of all external work. Any external work engaged in by the appointee must not be such as to interfere with the fulfilling of the appointee's duties and responsibilities to the school.

The contract may also be terminated in the event that the teacher's work, when calculated in the aggregate, exceeds the limit of forty-eight hours for the previous relevant period as set out in Section 15 of the Organisation of Working Time Act 1997. Any such decision to terminate the contract will be taken in accordance with appropriate procedures.

10. Annual Leave

Annual leave arrangements may be granted in accordance with the conditions laid down by the Minister for Education and Science from time to time for permanent wholetime teachers.

11. Maternity/Adoptive/Carers /Parental/Force Majeure Leave

Maternity/Adoptive/Carers/Parental Leave will be granted to the appointee in accordance with the arrangements authorised by the Minister for Education and Science. The provisions of the Parental Leave Act 1998 and any subsequent Acts replacing or amending that Act will apply to Force Majeure leave.

12. Sick leave

Certified and uncertified sick leave may be granted in accordance with the conditions laid down for permanent teachers by the Minister or Education from time to time.

13. Remuneration

The salary scale attaching to the position is the teachers' common basic scale together with appropriate allowances. Part-time teachers will be paid on a pro-rata basis. Payment will be made in arrears by direct transfer to a bank account nominated by you on a fortnightly/monthly basis.

Hours worked over and above the contracted hours will be paid in accordance with rates agreed from time to time by the Minister for Education and Science.

14. Collective Agreements

These arrangements are subject to collective agreements arrived at from time to time between the teacher unions, managerial authorities of schools and the Minister for Education and Science.

15. Declarations and Signatures

I have read and fully understand the foregoing Contract of Employment and I agree to abide by the terms of this contract and further warrant that all statements and representations which I have made in application for this appointment are true and correct.

Signed :- _____

Signed:- _____

(on behalf of the Employer)

(appointee)

Date :- _____

Date :- _____

Primary Circular 0047/2006 Protection of Employees (Fixed-Term Work) Act 2003

Adjudication Process

To the managerial authorities of primary schools.

In September 2005, the Education Partners reached a transitional agreement on certain arrangements for the implementation of the Protection of Employees (Fixed-Term Work) Act 2003 in the education sector. Under the Transitional Agreement certain individuals were to be awarded contracts of indefinite duration and a system for adjudication of appeals from aggrieved individuals was to be established.

The attached document sets out how the appeals and adjudication process will operate and the procedures to be followed. Please ensure that a copy of the attached

document is given to each fixed-term teacher comprehended by the terms of the transitional agreement and in respect of whom a decision on a contract of indefinite duration has been made.

This Circular may also be accessed on the Department of Education & Science website at www.education.ie under Education Personnel/Primary/Circulars and Information Booklets/General Administration.

Adjudication Process under the Transitional Agreement on the Protection of Employees (Fixed-Term Work) Act 2003

Introduction

In September 2005, the Education Partners reached a transitional agreement on certain arrangements for the implementation of the Protection of Employees (Fixed

Term Work) Act 2003 ('the Act') in the education sector. Under the Transitional Agreement certain individuals were to be awarded contracts of indefinite duration and a system for adjudication of appeals from aggrieved individuals was to be established. This document explains how the appeals and adjudication process will operate and the procedures to be followed. The adjudication system is voluntary and intended to facilitate a quick, efficient resolution of disputes arising from the award or refusal to award a contract of indefinite duration. Any party is of course free to pursue statutory relief if so desired.

Does this appeal and adjudication system apply to me?

If you are employed on a fixed-term contract and believe you fall within the terms of the Transitional Agreement and are unhappy with the action taken by your employer to implement the terms of the Transitional Agreement, then you may appeal against the action of your employer.

Am I entitled to a contract of indefinite duration?

Under the Transitional Agreement a school or institution must award a contract of indefinite duration ('cid') to certain individuals, previously engaged on fixed-term contracts, who have been teaching continuously for more than four years (as at 1st September 2005) and are deemed qualified. An employer can refuse to award a cid if the post will not be viable within a reasonable period and this ground has been specified in writing in a previous contract or if the individual on a fixed-term contract is covering for the holder of a post who is absent on an approved scheme of leave of absence. If an employee is qualified and has been teaching continuously but has not received a written contract setting out objective grounds for the fixed-term contract since September 2001, then the employer is obliged under the Transitional Agreement to award a cid.

What is a contract of indefinite duration?

A person employed on a contract of indefinite duration means that the person 'has an expectation that, subject to the normal date of retirement in the employment, she or he will be retained in the employment and will not be dismissed without there being any good reason such as misconduct or unfitness for their position, or other compelling or unavoidable circumstances. Any dismissal shall be achieved by the application of the agreed termination arrangements for the particular sector or the application of the relevant statute, as the case may be.'

Who may make a claim?

A person who

- (i) is a fixed-term employee and is comprehended within the terms of the Transitional Agreement;

AND

- (ii) has 4 or more years successive teaching service on the 1 September 2005;

AND

- (iii) has been refused a contract of indefinite duration ("cid") by his/ her employer;

OR

has been awarded a cid but is unhappy with the terms of the cid.

may take an appeal.

A trade union can make the claim on behalf of such a person with the consent of the member.

How do I make an appeal?

Complete the Notice of Appeal at the end of this document and send it to:

Ms Breda Quirke
Adjudication of Fixed Term Work Issues
Block 1, Floor 3
Department of Education and Science
Marlborough Street
Dublin 1

What else should I include with the Notice of Appeal?

Include full details relating to your employment and the decision to refuse or award you a contract of indefinite duration and any other relevant information in respect of your appeal.

The appeal should give a brief background of the circumstances of your case including details of when employment commenced and a description of the duties or position to which you were assigned. The appeal should also set out the reasons why you are taking the appeal and the grounds upon which you believe you are entitled to be awarded a cid. If you are appealing against the terms of the cid awarded, the appeal should set out clearly why the terms are unsatisfactory and what you believe you are entitled to.

What is the time limit for making an appeal?

If you have been refused a cid, you must make an appeal within four working weeks of the date you are notified of the decision by the board of management/Institution to refuse a cid or six working weeks after the date of issue of this circular whichever is the later.

If you have been awarded a cid but are not satisfied with the terms of the contract, you must make an appeal within four working weeks of the date you are notified of the award and terms of the cid or six working weeks after the date of issue of this circular whichever is the later.

The appeal must be made in writing to the Department of Education and Science and it is your responsibility to ensure the appeal is received by the Department of Education and Science within the prescribed time

limits. You should also simultaneously forward a copy of the appeal to your employer. Appeals received outside of the prescribed time limits will not be entertained.

What happens after I submit the Notice of Appeal?

The Department of Education and Science will notify your employer of your appeal and a copy of the Notice of Appeal and any material you submit will be sent to your employer. Your employer will be requested to complete a Form of Reply (see samples at the end of this document) and respond to the matters raised in your appeal within two weeks of notification of the Appeal. Your employer must also send you a copy of its response to your appeal.

All submissions will then be sent to the Adjudicator appointed to review the appeal. In order to process claims as speedily as possible, individuals are requested to provide as much detail in relation to their appeal as they can. It is intended that the majority of claims will be processed on the basis of the written material submitted to the Department of Education and Science.

Will I have an opportunity to meet with the Adjudicator?

You may apply to the Adjudicator requesting an oral hearing and you must set out clear reasons in your Notice of Appeal why an oral hearing is required. The Adjudicator shall in his/her absolute discretion decide whether an oral hearing will be granted. Applicants should be aware that due to scheduling difficulties, requests for oral hearings may result in a determination on their appeal being prolonged.

What happens at the oral hearing?

Where the Adjudicator grants a request for an oral hearing, an oral hearing shall be arranged as soon as practicable thereafter. Both parties will be informed of the date and venue of the hearing. Late requests for adjournments will not be entertained. The oral hearing shall proceed informally, but in a structured manner. If you wish, you may be permitted to be represented by your union. The name and contact details of your representative should be notified to the Department of Education and Science if you wish them to represent you.

At the oral hearing you will be asked to outline the grounds for your appeal and elaborate on your written submissions. You will also have an opportunity to raise additional matters directly relevant to your appeal and to clarify any areas of confusion or misunderstanding. You should bring to the hearing any relevant documents or other evidence which you wish to submit in support of your case. (Please ensure you have at least three copies of any documents or materials on which you wish to rely.) In the interests of the smooth and efficient functioning of the appeal process, you are requested to concentrate on the salient points of your appeal in the oral submission. When you have

completed your submission, your employer will then be given an opportunity to respond to your appeal and the matters raised. The Adjudicator may question the parties and seek clarification on any issues arising. Where complex matters arise, the Adjudicator may in his/her discretion decide to extend, or reschedule, the hearing and/or seek additional information from the parties, where deemed necessary to the determination of issues in the case.

How will the Adjudicator reach a decision?

The Adjudicator will review the written submissions made by both parties (and oral proceedings, where relevant) and may, if he/she requires, seek clarification on any issues arising from any individual or body he/she sees fit. The Adjudicator shall have regard to the principles and the terms of the Protection of Employees (Fixed-Term Work) Act 2003; the agreed interpretation thereof set out in the Transitional Agreement on the implementation of the Act in the education sector and any ongoing discussions taking place in the education sector on specified issues arising from the implementation of the Act. It is intended that an Adjudicator appointed shall be legally qualified and shall rely on his/her own legal judgement and expertise in order to provide an efficient and effective adjudication process.

What can the Adjudicator decide?

The Adjudicator may decide to uphold the decision of the board of management to refuse a cid. Alternatively, the Adjudicator may decide that the appellant (i.e. the person taking the appeal) is entitled to a cid and shall accordingly set aside the decision of the board of management and award the appellant a cid.

Where an appeal is taken against the terms of the cid awarded and the Adjudicator upholds the appeal, then the Adjudicator shall remit the matter to the board of management with a recommendation on the terms to be incorporated in the cid and the board of management (if they accept the determination) shall issue a cid to the appellant which reflects the revised terms. Alternatively, the Adjudicator may decide that the appeal against the terms has not been substantiated or that the terms of the cid awarded do not warrant interference and shall accordingly dismiss the appeal.

Each party to the appeal shall bear their own costs. The Adjudicator shall have no power to award compensation, costs or expenses to any of the parties.

When will a decision be made by the Adjudicator?

Determinations shall be issued to the Department of Education and Science by the adjudicator within 14 days of receipt (by the Adjudicator) of complete submissions from all parties, however the Adjudicator may extend the time period for issuing a decision, in his/ her absolute discretion, where same is deemed necessary for an effective resolution of the issues arising.

The Department of Education and Science shall communicate the determination of the Adjudicator to the parties as soon as practicable thereafter.

Urgent Applications

Where circumstances require a decision on an individual's appeal as a matter of urgency, then you (the appellant) may request that their appeal receive priority. Reasons why an appeal is considered urgent should be set out. (For example, if the determination of an appeal may result in a person no longer continuing to work in a particular school the following academic year.)

What if I am unhappy with the outcome of the Adjudication Process?

The Adjudication process is voluntary and either party

has the right to reject the determination of the Adjudicator. If either party wishes to reject the determination, he/she shall write to the Department of Education and Science stating that they wish to reject the determination. The determination will be set aside and neither party can rely on the determination in any subsequent proceedings brought by the appellant.

The appellant may at any stage pursue their statutory rights under the Protection of Employees (Fixed-Term Work) Act 2003.

Review of Process

The operation and continuation of the Adjudication Process shall be reviewed by the Department of Education and Science every 6 months.

FORM FT1

Notice of Appeal

under the Transitional Agreement for the Implementation of Protection of Employees (Fixed-Term Work) Act 2003 in the Education Sector

1. Name:
2. Address:
3. Telephone Number:
4. Email:
5. Name of Representative (if any)
6. Address
7. Telephone Number:
8. Email:
9. Name and address of School/ Institution:
10. School Roll No.:
11. Date of commencement of employment:
12. Capacity in which you were employed:
13. Please give dates of any contracts/ renewals of contracts.
If you were provided with any written contracts, please provide copies of the contracts with your appeal.
14. Number of years of continuous teaching service as at 1 September 2005:
15. Are you qualified for the position? Please provide details of your qualifications.
16. Were you refused a contract of indefinite duration?
17. Date of refusal of contract of indefinite duration:
18. Reason given for refusal of contract of indefinite duration:
(Please include any supporting documentation)
19. Are you dissatisfied with the terms of the contract of indefinite duration awarded to you? If so, please set out clearly why:
20. Please set out fully the reasons for your appeal. Include what you are seeking and why you believe you are entitled to this remedy. Continue on a separate page if necessary.
21. Appeals will be determined on the basis of written submissions received from you and from your employer. If you wish to apply for an oral hearing, please set out fully below the reasons why you wish to have an oral hearing.
22. Are there any exceptional circumstances in your case? Do you require an urgent adjudication/ hearing? Please set out in full any exceptional circumstances and why you believe your case merits priority treatment.
23. Signed: (Claimant or representative) _____

Date: _____

FORM FT2

Appeal

under the Transitional Agreement for the Implementation of Protection of Employees (Fixed Term Work) Act 2003 in the Education Sector

To: Board of Management/ VEC/ Institution

Address:

Date:

_____ has lodged an appeal against the decision to refuse a contract of indefinite duration/ the terms of the contract of indefinite duration awarded to him/her. A copy of the Notice of Appeal is attached.

Please complete the attached form of reply and return it, together with your response to the Notice of Appeal and any further submissions in respect of this matter to

Ms Breda Quirke,
Adjudication of Fixed Term Work Issues,
Block 1, Floor 3,
Department of Education and Science,
Marlborough Street,
Dublin 1

within ten days of the date of this letter. Include any supporting documentation in support of your submission.

The appellant has/ has not sought an oral hearing. This will be scheduled

[Please be advised that the appellant has sought an urgent determination of the matter. Your cooperation is requested to ensure that this matter can be dealt with expeditiously.]

Yours sincerely,

Department of Education and Science

FORM FT3

Form of Reply

to an Appeal under the Transitional Agreement for the Implementation of Protection of Employees (Fixed Term Work) Act 2003 in the Education Sector

1. Name of Employee:
2. When was the individual first employed?
3. What capacity was the individual employed?
4. Was the contract renewed?
5. Please provide dates of engagement and details of any changes in the position in which the individual was engaged (if applicable)
6. Do you accept this individual has more than four years successive teaching service?
7. Do you regard this individual as qualified for the position?
8. When was a contract of indefinite duration refused?
9. Why was a contract of indefinite duration refused?
10. Was the individual provided with any written statements in respect of the position? Please provide full details and dates.
11. Please detail any objective grounds justifying the refusal of a contract of indefinite duration.
12. If a contract of indefinite duration was awarded, please explain the basis of the terms upon which the contract was awarded.

Primary Circular 0104/2006

Protection of Employees (Fixed-Term Work) Act 2003

Phase 2 Discussions

1. Purpose of this Circular

The purpose of this circular is to advise school authorities that following discussions between the managerial authorities of schools, the teacher unions and the Departments of Education and Science and Finance further agreement has been reached on a number of issues associated with the implementation of the Protection of Employees (Fixed Term Work) Act 2003.

2. Clarification of transitional arrangements

2.1 Continuation of transitional arrangements

2.1.1 The transitional agreement comprehended qualified teachers with more than four years successive service as at 1st September 2005 employed in primary schools. The transitional agreement is outlined in primary circular 24/05. This circular now confirms that these arrangements should now comprehend qualified teachers with four years or more successive service between the periods 1 September 2005 and 1 September 2006 inclusive.

2.1.2 Therefore those fixed-term teachers with more than four years or more successive teaching service between the periods 1 September 2005 and 1 September 2006 inclusive and who are deemed to be qualified shall receive contracts of indefinite duration unless the employer can demonstrate:

That a post will not be viable within a reasonable period and where such a ground was set out as an objective ground in writing in the previous contract.

Or

That the person is covering for a post holder on an approved scheme of leave of absence.

The foregoing exclusions shall not apply where the person has not received a written contract setting out

objective grounds since September 2002. Such persons (who are deemed to be qualified) shall automatically receive contracts of indefinite duration.

Employers are again reminded of the requirements to issue written statement under Section 8 of the Act. These are set out in paragraphs 3.4, 3.5 and 3.6 below and should be adhered to in all instances where fixed-term employees are employed. This is an essential requirement of the Protection of Employees (Fixed-Term) Work Act 2003.

2.1.3 The hours of the contract of indefinite duration will be the hours for which the employee was engaged on a fixed-term contract in the school/academic year prior to the issuing of the CID (other than those hours which are for the provision of temporary cover as set out in primary circular 24/05).

2.1.4 Except where the employer can demonstrate that there are formal written disciplinary charges of a significant nature against an individual on grounds of misconduct or other serious disciplinary offences, the employer shall issue a contract of indefinite duration to any person who is not excluded by the terms of clause 2.1.2 above.

2.2 Clarification in relation to qualifications issue

A fixed-term teacher who has more than four years successive teaching service between the periods 1/9/05 and 1/9/06 inclusive, shall be deemed to be qualified, if she/he is fully qualified under the criteria applicable to the post in the relevant sector. Where a person obtains the requisite qualifications at some period during the aforementioned four year timeframe and is otherwise eligible for a contract of indefinite duration under the terms of the transitional agreement, then she/he should be offered a contract of indefinite duration.

2.3 Treatment of certain unqualified teachers

It has been agreed on an exceptional basis that the provisions of paragraph 2.1.2 above may be applied to those teachers, in the primary sector, who are post-primary qualified, as recognised by the teaching council, and receive incremental salary. Such teachers, who have four years successive service between the periods

1/9/05 and 1/9/06 and are otherwise eligible for a contract of indefinite duration under the terms of the transitional agreement, should receive such a contract. It should be noted that such persons (unless they subsequently become fully qualified primary teachers) will not have access to the Redeployment scheme.

2.4 Adjudication system

Under the Transitional Agreement a system for adjudication of appeals from aggrieved individuals was established. The adjudication system is voluntary and intended to facilitate a quick, efficient resolution of disputes arising from the award or refusal to award a contract of indefinite duration. Any party is of course free to pursue statutory relief if so desired. Departmental circular 0047/2006 sets out the details of the adjudication system. In this regard Mr Peter Ward has agreed to act as adjudicator.

3. Mechanism for Future Recruitment of Fixed-Term Personnel

3.1 In cases of anticipated vacancies of more than twenty-two weeks duration the positions should be advertised and filled through a formal recruitment process using the same procedures and criteria as for permanent vacancies.

3.2 There is a requirement to recruit suitably qualified persons for all vacancies regardless of duration. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, an unqualified person may be recruited pending the recruitment of a qualified teacher which provision must be inserted in the terms of appointment issued to the unqualified person

3.3 Where a fully qualified teacher is engaged on successive contracts in the same or similar positions with the same employer, an interview process is required for the initial appointment only.

3.4 Written contracts of employment are to be issued to all temporary (fixed-term) appointees as soon as practicable after their appointment. Best practice would be to issue the terms and conditions of appointment no later than the date of

commencement of employment. The terms and conditions should be signed by the employee and the employer. The employee should receive a copy of the document and the employer is to retain a copy on file.

3.5 Each statement of terms must contain the objective conditions determining the context whether it is:

Finishing on a certain date;

Completing a specific task; or

The occurrence of a specific event.

3.6 Where an employer proposes to renew a fixed-term contract, the fixed-term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration at the latest by the date of renewal.

4. Access to Permanent Vacancies in the Existing Employment

Temporary (fixed-term) teachers must be notified of the existence of the permanent vacancy. It is not possible to be prescriptive in respect of the methodology to be used in respect of each sector. Methods may include: the use of the employer website/notifications to individuals outside of term time/the school notice board during term time. The method which will be used for the advertising of permanent vacancies is to be included in the written statement of terms given to each fixed-term teacher. The objective is to ensure that the fixed-term teacher is notified of the vacancy in a timely manner so as to allow that teacher the opportunity to apply for the position should she/he wish to do so. All employers should note the provisions of the Protection of Employees (Fixed-Term) Work Act 2003 which at section 10.2 provides that the information regarding a vacancy 'maybe provided by means of a general announcement at a suitable place or undertaking or establishment'.

5. Access to training for fixed-term employees

5.1 In-Service Training

All fixed-term employees shall have equal access to in-service training as comparable permanent employees. Such access shall not be confined to the days on which the fixed-term (including part-time) employee would ordinarily be employed.

5.2 Post-Graduate training

Fixed-term employees shall be eligible to apply for access to post-graduate courses

on the same basis as their comparable permanent employee. Payment for attendance at such courses (where it applies) shall be on the same basis as the comparable permanent employee and shall not exceed the duration of the contract of the fixed-term employee.

6. Conditions of Employment for fixed-term employees

6.1 The principle to be applied to conditions of employment in respect of fixed-term employees is the principle of no less favourable treatment during the period of contract unless objective grounds exist for doing so. In general it is agreed that the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.

6.2 Career Breaks:

Fixed-term teachers shall have access to the career break scheme on the same basis as permanent teachers within their sector. Applications for career breaks shall not be rejected solely on the grounds of the status of the applicant as a fixed-term employee. The reason for rejecting an application for a career break shall be given in writing by the board of management. Access to the career break scheme will cease in all instances on the expiry and non-renewal of the fixed-term contract.

6.3 Job Sharing:

Fixed-term teachers shall have access to job-sharing on the same basis as permanent teachers within the same sector. Applications for job-sharing shall not be rejected solely on the basis of the status of the applicant as a fixed-term teacher. Access to job-sharing will cease on the same basis as for permanent teachers and in all instances on the expiry and non-renewal of the contract for which they were engaged as a jobsharer.

6.4 Sick Leave:

- certified: same entitlement as permanent teachers during contract
- uncertified: same entitlement as permanent teachers during contract

6.5 Compassionate Leave:

Fixed-term teachers shall have the same entitlement to compassionate leave as permanent teachers within their sector.

6.6 Parental Leave:

Fixed-term employees to have the same entitlement to parental leave as permanent teachers.

6.7 Paternity Leave:

Fixed-term employees to have the same entitlements as permanent employees.

6.8 Force Majeure Leave:

Fixed-term employees will have the same entitlement to force majeure leave as permanent employees during their contract.

6.9 Carers Leave:

Fixed-term employees to have the same entitlements as permanent employees.

6.10 Brief absences:

Fixed-term employees to have the same entitlements as permanent employees.

6.11 Maternity Leave:

Fixed-term employees shall have the same entitlement to pay as permanent teachers while on maternity leave which occurs during the term of their contract. Where the contract for which they were employed is renewed by a successive contract a dismissal shall not be effected and maternity pay shall continue to be paid until the cessation of maternity pay under the maternity leave scheme or the expiry of the successive contract, whichever is the sooner. Where the contract for which the teacher was employed expires and is not renewed and the employment ceases, the entitlement to paid maternity leave also ceases.

*NOTE: The foregoing conditions of employment apply to unqualified persons. In the case of casual and substitute Teachers and those employed for short periods the terms of the existing agreements will continue to apply.

7. Mechanism for the Alignment of Posts and available Personnel

7.1 The method for determining the allocations of posts to each school/sector will continue as heretofore.

7.2 For the purposes of calculating the number of teachers in posts to whom there is an ongoing contractual commitment, it will be necessary to combine the number of permanent

teachers with the number on contracts of indefinite duration. Based on the agreed definition of an employee on a contract of indefinite duration, those on CIDS have effectively the same tenure rights as a permanent teacher. The combination of permanent and CID teachers, will in some instances, result in schools having a total number of teachers at or above the quota for the school based on the method used for calculating the allocation.

- 7.3 Where a permanent vacancy occurs, the employer must assess whether an existing fixed-term teacher qualifies for a contract of indefinite duration in accordance with the terms of the transitional agreement (outlined in primary circular 24/05). If a permanent vacancy is identified and an existing fixed-term teacher does not qualify for a contract of indefinite duration under the terms of Departmental Circulars, all such permanent vacancies must be advertised in the normal manner i.e. by utilisation of the panel arrangement as appropriate to the sector or advertisement.
- 7.4 Where the total number of teachers in permanent/CID arrangements equals or exceeds the number of approved permanent posts based on the allocation, no further permanent post is to be advertised. Where a requirement for a post or a number of hours is identified based on curriculum needs surplus to the allocation, special approval will be required from the Department of Education and Science for the filling of such posts/hours.
- 7.5 Where the total number of teachers in permanent/CID arrangements exceeds the number of approved permanent posts on the basis of the allocation in the school and suitable alternative employment is not available within the particular employment the following measures will be taken:
- 7.6 Re-deployment (Panel Rights) – where these apply
- 7.6.1 For the purpose of determining seniority – no distinction is to be

drawn between permanent service and service while on a CID. No distinction shall be drawn between part-time and full-time teachers employed on permanent or CID contracts for the purposes of re-deployment and both shall transfer on their contracted hours. The hours on transfer may vary with the agreement of the transferee. The practical arrangements for the re-deployment of part-time teachers with contracts of indefinite duration will be the subject of further discussions between the parties.

7.6.2 Ordinarily fixed-term teachers do not have a right to re-deployment on the expiry of their contract – unless the post for which they are employed on a fixed-term basis continues on a fixed-term basis after the expiry of the contract. Such re-deployment shall be as a fixed-term teacher and no distinction should be drawn between part-time and full-time teachers in respect of the right to re-deployment.

7.6.3 The supplementary panel rights of fixed-term teachers (where they exist) will continue as heretofore. No distinction should be drawn between part-time and full-time teachers in terms of supplementary panel rights. The practical arrangements will be the subject of further discussions between the parties.

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

This circular can be accessed on the Department's website www.education.ie under Education Personnel/Primary/Circulars and Information Booklets or e-mail query to:

primary_payments@education.gov.ie

Primary Circular 0082/2007

Protection of Employees (Fixed-Term Work) Act 2003

Revised Agreement

1. Purpose of this Circular

The purpose of this circular is to advise school authorities that following discussions between the managerial authorities of schools, the teacher unions and the Departments of Education and Science and Finance further agreement has been reached on a number of issues associated with the implementation of the Protection of Employees (Fixed Term Work) Act 2003. The following are the terms of a consolidated circular. This circular supersedes all previous circulars. The terms of this circular will be open to review in light of experience and developments elsewhere.

2. Contracts of indefinite duration

2.1 Definition of a contract of indefinite duration

A person who has an expectation that, subject to the normal date of retirement in the employment, she or he will be retained in the employment and will not be dismissed without there being any good reason such as misconduct or unfitness for their position, or other compelling or unavoidable circumstances. Any dismissal shall be achieved by the application of the agreed termination arrangement for the particular sector or the application of the relevant statute, as the case may be.

2.2 Assessing an entitlement to a contract of indefinite duration

The transitional agreement comprehended qualified teachers with more than four years successive service as at 1 September 2005 employed in primary schools. The transitional agreement is outlined in primary circular 24/05. This circular now confirms that these arrangements should now comprehend qualified teachers with four years or more successive service as at 1 September 2006 or on any date thereafter (those employed for the first time after 14 July 2003 must have two or more successive contracts).

2.2.1 Those fixed-term teachers with four years or more successive teaching service on 1 September 2006 or on

any date thereafter and who are deemed to be qualified shall receive contracts of indefinite duration unless the employer can demonstrate:

That a post will not be viable within a reasonable period and where such a ground was set out as an objective ground in writing in the previous contract.

Or

That the person is covering for a post holder on an approved scheme of leave of absence.

The foregoing exclusions shall not apply where the person has not received a written contract setting out objective grounds since September 2003. Such persons (who are deemed to be qualified) shall automatically receive contracts of indefinite duration.

2.2.2 The hours of the contract of indefinite duration will be the hours for which the employee was engaged on a fixed-term contract in the school year prior to the issuing of the CID (other than those hours which are for the provision of temporary cover).

2.2.3 Except where the employer can demonstrate that there are formal written disciplinary charges of a significant nature against an individual on grounds of misconduct or other serious disciplinary offences, the employer shall issue a contract of indefinite duration to any person who is not excluded by the terms of clause 2.2.1 above.

2.3 Qualifications

It has been agreed on an exceptional basis that the provisions of paragraph 2.2 above may be applied to those teachers, in the primary sector, who are post-primary qualified, as recognised by the teaching council, and receive incremental salary. Such teachers, who have four years successive service on 1/9/06 or on any date thereafter and are otherwise eligible for a contract of indefinite duration under the terms of clause 2.2 above, should receive such a contract.

It should be noted that such persons (unless they subsequently become fully qualified primary teachers) will not have access to the Redeployment scheme.

2.4 Teachers with Provisional Recognition

Heretofore such teachers were given a period of time to pass the Scrúdú le hadhaigh Cáilíocta sa Gaeilge (SCG) in order to achieve status as a fully qualified primary school teacher.

Since March 2006 the teaching council has responsibility for the registration of all teachers including those referred to above and in such cases the Council issues conditional registration to teach in the Primary Sector (4–12 years) with an option for fulfilling the Irish Language requirement of Aptitude Test (SCG) or an Adaptation Period.

The following has been agreed on an exceptional basis in respect of those teachers opting for a) Adaptation Period & b) Aptitude Test.

- a) Teachers currently employed in the primary sector who have received conditional registration from the teaching council for the Primary Sector (4–12 years) (Irish Language Requirement – Adaptation Period) may continue to be employed in a fixed-term capacity for the duration of the adaptation period, i.e., up to three years, provided the need for the post to which the teacher has been appointed continues to exist. Teachers with this conditional registration are also eligible for appointment in a fixed-term capacity to a fixed-term/permanent post at primary level. Eligibility for such appointments shall not extend beyond the period for which conditional registration has been granted. The teachers are eligible to be remunerated at the trained rate of pay for the duration of the adaptation period, i.e., up to three years.
- b) Teachers who have received conditional registration for the Primary Sector (4–12 years) (Irish Language Requirement – Aptitude Test) continue to be eligible for employment in a fixed-term

capacity in either fixed-term or permanent posts in primary schools and to be remunerated at the trained rate of pay. Eligibility for such appointments shall not extend beyond the period for which conditional registration has been granted.

The terms outlined at a) & b) above shall be included as an objective condition for a fixed-term contract and as an objective ground for not issuing a contract of indefinite duration.

In the event of achieving full qualifications as prescribed by the teaching council such teachers are eligible for consideration of a Contract of Indefinite Duration within the terms of 2.2 of this circular.

3 Adjudication system

There is an agreed system for considering the adjudication of appeals from aggrieved individuals. The adjudication system is voluntary and intended to facilitate a quick, efficient resolution of disputes arising from the award or refusal to award a contract of indefinite duration. Any party is of course free to pursue statutory relief if so desired. Departmental circular 0047/2006 sets out the details of the adjudication system. In this regard Mr Peter Ward has agreed to act as adjudicator.

4 Recruitment Procedures

- 4.1 Those teachers engaged for their first fixed-term contract should receive their written terms of employment within two months of the date of their appointment. The terms and conditions should be signed by the employee and the employer. The employee should receive a copy of the document and the employer is to retain a copy on file.
- 4.2 Each statement of terms must contain the objective conditions determining the context whether it is:

Arriving at a specific date;

Completing a specific task; or

The occurrence of a specific event.
- 4.3 Where an employer proposes to renew a fixed-term contract, the fixed-term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term

contract and the failure to offer a contract of indefinite duration at the latest by the date of renewal.

- 4.4 In cases of anticipated vacancies of more than twenty-six weeks duration the positions should be advertised and filled through a formal recruitment process using the same procedures and criteria as for permanent vacancies. Please note that this amends Primary Circular 0105/2006, Employment of Qualified Primary School Teachers, Para. 4, from anticipated vacancies of twenty-four weeks duration to twenty-six weeks.
- 4.5 Where a teacher is granted temporary leave i.e. career break, secondment, study leave etc., it shall be the responsibility of the employing authority to employ a temporary replacement for the period of the temporary absence. Any replacement shall be employed on the agreed terms and conditions of employment for fixed-term teachers as set out in this circular.
- 4.6 There is a requirement to recruit suitably qualified persons for all vacancies regardless of duration. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, an unqualified person may be recruited pending the recruitment of a qualified teacher which provision must be inserted in the terms of appointment issued to the unqualified person.
- 4.7 Where a fully qualified teacher is engaged on successive contracts in the same or similar positions with the same employer, an interview process is required for the initial appointment only.

5. Terms of employment for fixed-term teachers

5.1 General

The principle to be applied to conditions of employment in respect of fixed-term employees is the principle of no less favourable treatment during the period of contract unless objective grounds exist for doing so. In general it is agreed that the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.

5.2 Notification of permanent vacancies to Fixed-Term teachers

Fixed-term teachers must be notified of the existence of a permanent vacancy. It is not possible to be prescriptive in respect of the methodology to be used in respect of each sector. Methods may include: the use of the employer website/notifications to individuals outside of term time/the school notice board during term time. The method which will be used for the advertising of permanent vacancies is to be included in the written statement of terms given to each fixed-term teacher. The objective is to ensure that the fixed-term teacher is notified of the vacancy in a timely manner so as to allow that teacher the opportunity to apply for the position should she/he wish to do so. All employers should note the provisions of the Protection of Employees (Fixed-Term) Work Act 2003 which at section 10.2 provides that the information regarding a vacancy 'maybe provided by means of a general announcement at a suitable place or undertaking or establishment'.

5.3 Access to Training for Fixed-term employees

5.3.1 In-Service Training

All fixed-term teachers shall have equal access to in-service training as comparable permanent teachers. Such access shall not be confined to the days on which the fixed-term (including part-time) teacher would ordinarily be employed.

5.3.2 Post-Graduate training

Fixed-term teachers shall be eligible to apply for access to post-graduate courses on the same basis as their comparable permanent employee. Payment for attendance at such courses (where it applies) shall be on the same basis as the comparable permanent teacher and shall not exceed the duration of the contract of the fixed-term employee.

5.4 Career Breaks:

Fixed-term teachers shall have access to the career break scheme on the same basis as permanent teachers within their sector. Applications for career breaks shall not be rejected solely on the grounds of the status

of the applicant as a fixed-term employee. The reason for rejecting an application for a career break shall be given in writing by the board of management. Access to the career break scheme will cease in all instances on the expiry and non-renewal of the fixed-term contract.

5.5 Job Sharing:

Fixed-term teachers shall have access to job-sharing on the same basis as permanent teachers within the same sector. Applications for job-sharing shall not be rejected solely on the basis of the status of the applicant as a fixed-term teacher. Access to job-sharing will cease on the same basis as for permanent teachers and in all instances on the expiry and non-renewal of the contract for which they were engaged as a jobsharer.

5.6 Sick Leave:

- certified: same entitlement as permanent teachers during contract;
- uncertified: same entitlement as permanent teachers during contract.

5.7 Compassionate Leave:

Fixed-term teachers shall have the same entitlement to compassionate leave as permanent teachers within their sector during contract.

5.8 Parental Leave:

Fixed-term teachers shall have the same entitlement to parental leave as permanent teachers during their contract.

5.9 Paternity Leave:

Fixed-term teachers shall have the same entitlement to paternity leave as permanent teachers during their contract.

5.10 Force Majeure Leave:

Fixed-term teachers shall have the same entitlement to force majeure leave as permanent teachers during their contract.

5.11 Carers Leave:

Fixed-term teachers shall have the same entitlement to carers leave as permanent teachers during their contract.

5.12 Brief absences:

Fixed-term teachers shall have the same entitlement to brief absences as permanent teachers during their contract.

5.13 Maternity Leave:

Fixed-term teachers shall have the same entitlement to pay as permanent teachers while on maternity leave which occurs during the term of their contract. Where the contract for which they were employed is renewed by a successive contract a dismissal shall not be effected and maternity pay shall continue to be paid until the cessation of maternity pay under the maternity leave scheme or the expiry of the successive contract, whichever is the sooner. Where the contract for which the teacher was employed expires and is not renewed and the employment ceases, the entitlement to paid maternity leave also ceases.

*NOTE: The foregoing conditions of employment also apply to unqualified persons. In the case of casual and substitute teachers and those employed for short periods the terms of the existing agreements will continue to apply.

6. Mechanism for the Alignment of Posts and available Personnel

6.1 The method for determining the allocations of posts to each school/sector will continue as heretofore.

6.2 For the purposes of calculating the number of teachers in posts to whom there is an ongoing contractual commitment, it will be necessary to combine the number of permanent teachers with the number on contracts of indefinite duration. Based on the agreed definition of an employee on a contract of indefinite duration, those on contracts of indefinite duration have effectively the same tenure rights as a permanent teacher. The combination of permanent and contract of indefinite duration teachers, will in some instances, result in schools having a total number of teachers at or above the quota for the school based on the method used for calculating the allocation.

6.3 Where the total number of teachers in permanent/CID arrangements is below the number of approved permanent posts/hours based on the allocation the following options are to be applied sequentially by employers on the filling of such posts/hours.

(a) a fixed-term teacher who qualifies for a contract of indefinite duration under paragraph 2 above is to receive the contract of indefinite duration and fills the post;

(b) utilise the redeployment panel in accordance with any agreed arrangements.

Following the completion of stages (a) and (b) above any remaining permanent post/hours shall be advertised as a vacancy.

6.4 Where the total number of teachers in permanent/CID arrangements equals or exceeds the number of approved permanent posts based on the allocation, no further permanent post is to be advertised. Where a requirement for a post or a number of hours is identified based on curriculum needs surplus to the allocation, special approval will be required from the Department of Education and Science for the filling of such posts/hours.

6.5 Where the total number of teachers in permanent/CID arrangements exceeds the number of approved permanent posts on the basis of the allocation in the school and suitable alternative employment is not available within the particular employment the following measures will be taken:

6.6 Re-deployment (Panel Rights)

6.6.1 Seniority – For the purpose of determining seniority no distinction is to be drawn between permanent service and service while on a CID. The date of operation of the CID is the date given by the employer or a third party whichever is the earlier. No distinction shall be drawn between part-time and full-time teachers employed on permanent or CID contracts for the

purposes of re-deployment and both shall transfer on their contracted hours. The hours on transfer may vary with the agreement of the transferee.

6.6.2 The supplementary panel rights of fixed-term teachers (where they exist) will continue as heretofore. No distinction should be drawn between part-time and full-time teachers in terms of supplementary panel rights.

6.6.3 It is accepted in principle that fully qualified part time teachers employed on contracts of indefinite duration have a right to redeployment should the need arise. The operational arrangements necessary to provide for the redeployment of part time teachers will form part of the proposed general discussions under Towards 2016 on existing panel arrangements to be held no later than December 2007, to incorporate this principle for the school year 2008/2009. Any issues of clarification related to the fixed-term or part-time workers legislation will be referred to the Teachers Conciliation Council.

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

This circular can be accessed on the Department's website www.education.ie under Education Personnel/Primary/Circulars and Information Booklets or e-mail query to:

primary_payments@education.gov.ie

APPENDIX 8(B)

SICK LEAVE SCHEME FOR QUALIFIED PRIMARY SCHOOL TEACHERS IN PERMANENT AND TEMPORARY POSTS

1 Introduction

1.1 The Minister for Education and Science wishes to outline the regulations and procedures regarding the sick leave scheme for qualified primary school teachers in permanent or temporary posts. The regulations and procedures are to be implemented by each board of management and all teachers must adhere to the terms of this sick leave scheme.

The terms of Rules 93, 112 and 113 of the Rules for National Schools are hereby revised.

2 Entitlements to paid and unpaid sick leave

A Permanent full-time teachers

2.1 A permanent teacher is allowed a maximum of 365 days paid sick leave, certified or uncertified, in any period of four consecutive years of service (this includes temporary service during the four years). The sick leave period is calculated retrospectively and includes weekends and school closures. A teacher with pulmonary tuberculosis can be granted an extended period of paid sick leave, see Appendix A.

2.2 A teacher is informed by Primary Payments Section of the Department when she/he has completed 150, 200 and 250 days' sick leave respectively. The chairperson of the board of management is also informed when a teacher has exhausted 200 and 250 days sick leave respectively.

2.3 A teacher who, on completion of the maximum period of paid sick leave, is unfit to resume duty may be granted an extra period of unpaid sick leave not exceeding six months. (A teacher must exhaust her/his maximum entitlement to paid sick leave before she/he can apply for unpaid leave.)

This period is extended on an exceptional basis in the case of a teacher with ME syndrome or a teacher who has undergone transplant surgery, see Appendix B.

2.4 The following conditions must be met in order to receive an extra period of unpaid sick leave, not exceeding six months:

- permission from the boards of management to take the period of unpaid sick leave;

and

- a detailed report from a recognised medical doctor being submitted stating the nature of the illness and a prognosis that the teacher will be fit to resume teaching at the end of the six month period. The report will be referred to the chief medical officer of the public service who will determine if the period of unpaid sick leave shall be granted.

The period of unpaid sick leave, up to a maximum of six months, is allowed just once during a teacher's career. If a permanent teacher takes the six month period of unpaid sick leave or any part of it, she/he loses the entitlement to unpaid sick leave for the remainder of her/his teaching career.

B Permanent job-sharing teachers

2.5 A job sharing teacher is required to provide a medical certificate from a qualified medical practitioner after two consecutive days of absence due to illness.

Sections 1.1 to 1.4 are also applicable to job sharing teachers.

C Temporary teachers

2.6 A temporary qualified teacher may be granted a maximum of ninety-one days sick leave (certified and uncertified) in a school year including weekends and school closures occurring within any period of sick leave. There is no entitlement to carry over all or part of the ninety-one days to another school year.

2.7 A temporary qualified teacher who wishes to resume teaching after a period of ninety-one days sick leave in a school year cannot do so without providing a medical certificate of fitness. In addition the temporary qualified teacher may be referred for medical assessment by the board of management, prior to resuming duty. If the teacher is deemed fit by the doctor, she/he may resume full-time teacher. Any teacher who resumes without attending for medical assessment will cease to be paid incremental salary by the Department until such time as she/he attends for same.

2.8 In the event that a temporary teacher is deemed unfit to continue teaching, salary will cease and the teacher must be deemed fit by the chief medical officer before she/he can obtain another teaching position.

3. Uncertified sick leave

- 3.1 Qualified primary school teachers in permanent and temporary posts may take a maximum of three consecutive days sick leave without providing a medical certificate. The board of management can employ a substitute teacher from the first day of absence on uncertified sick leave.
- 3.2 The maximum number of uncertified sick leave days allowable in a school year is thirty-one.
- 3.3 A teacher cannot take a period of uncertified sick leave immediately after certified sick leave. Where a teacher takes a period of uncertified sick leave followed by certified sick leave the medical certificate should cover the total period of the absence i.e. with effect from the first day of the absence.

4 Certified sick leave

- 4.1 Where a teacher is absent on sick leave for more than three consecutive days a medical certificate is required for the total period of the absence. Where a teacher is absent on sick leave prior to and after a weekend or before and after a school closure, a medical certificate is required to include the whole period.

If a teacher does not provide a medical certificate in respect of sick leave absences that exceed three consecutive days, the days in excess will be deemed to be unapproved unpaid leave and will constitute a break in service for superannuation, increment and PRSI purposes.

- 4.2 The medical certificate must state the name of the teacher, as it is known on the Department's record, i.e. the name that is on the teacher's payslip.
- 4.3 A medical certificate is a statement from a qualified medical examiner recognised by the Irish Medical Council. It must be either (i) on letterheaded paper signed by the examining doctor or (ii) have the doctor's official stamp affixed. The examining doctor must sign the medical certificate – the signature of the doctor's secretary will not suffice.
- 4.4 The doctor must list the nature of the illness on a medical certificate and the exact period covered by the certificate.
- 4.5 A medical certificate can only cover a maximum period of one month.
- 4.6 Where a teacher wishes to resume duty prior to the date specified on her/his medical certificate, s/h must provide a medical certificate of fitness from the examining doctor as otherwise all sick

leave as recorded on the initial certificate will be counted towards the length of sick leave absence.

- 4.7 Under the Organisation of Working Time Act 1997, a teacher who is absent from work on certified sick leave on a public holiday within the first twenty-six weeks of a consecutive sick leave period is entitled to leave in lieu in respect of the public holiday. The leave in lieu should be taken directly after the period of sick leave, or, as an exceptional measure, at a subsequent date with the agreement of the board of management. A substitute teacher will be paid by the Department to cover leave in lieu.

5 Notification of sick leave

- 5.1 Any teacher who is absent from teaching duty due to illness must notify the principal or the chairperson of the board of management immediately and should, where possible, state the likely duration of the absence.
- 5.2 The board of management must advise the Department of all sick leave absences, both certified and uncertified together with the appropriate forms (see section 5). The board of management should advise the Department of Education and Science on the Salary Return Form where a teacher is absent on sick leave and a replacement teacher has not been appointed. Please note that a teacher paying Class A1 PRSI must forward, in addition to the medical certificate, an MC1 Social and Family Affairs Claim Form (Disability/Injuries Benefit) to Primary Payments Section, Department of Education and Science, Cornamaddy, Athlone, for absences of more than three days. The MC1 Claim form is available from GPs and should be obtained at the same time as a medical certificate. Failure to submit the MC1 Social and Family Affairs Certificate will result in a deduction from salary equivalent to the disability/injuries benefit amount.
- 5.3 Medical certificate should not be forwarded directly to the chief medical officer. The certificate is required in the Department for the purpose of recording of sick leave and to ensure accurate and timely payment of the substitute teacher. If a teacher does not wish to submit the certificate through the principal/chairperson of the school, it can be sent directly to Primary Payments Section.

6 Replacement teachers for absences on sick leave

- 6.1 A substitute teacher may be employed by a board of management to replace a permanent or

temporary qualified teacher absent from teaching duty on uncertified and certified paid sick leave and for leave in lieu for public holidays which fall within the first twenty-six weeks of a continuous sick leave period. Salary payment for the substitute teacher is issued by the Substitute Teachers Payroll on receipt from the board of management of the Substitute Teacher Claim Form.

- 6.2 A temporary teacher may be employed by a board of management to replace a permanent or temporary qualified teacher absent from teaching duty on unpaid sick leave. Salary payment will issue for the temporary teacher on receipt of the Notification of Temporary Appointment Form from the board of management.
- 6.3 A temporary teacher may be employed by a board of management when an unqualified person in a temporary teaching post is absent on sick leave. This absence is classified as unpaid sick leave as there is no provision to pay salary to an unqualified person in a temporary teaching post while absent on sick leave.
- 6.4 Schools participating in the Supply Teacher Scheme should seek to replace sick leave absences in the first instance from the Supply Teacher Panel (as per Circular 50/97). If the supply teacher is on sick leave no replacement teacher is employed. The board of management of schools within the Supply Teacher Scheme should use the Supply Teacher Return Form to notify the Department at the end of each month of all sick leave absences where a replacement teacher came from within the Supply Teacher Scheme, or where the supply teacher is on sick leave.
- 6.5 Where there is a supernumerary teacher in a school, she/he acts as replacement teacher for sick leave. If the supernumerary teacher is on sick leave no replacement teacher is employed. An exception to this arises where a teacher and the supernumerary teacher are both on sick leave. In such instances one replacement teacher may be employed.
- 6.6 Schools must endeavour to employ a fully qualified teacher to replace a teacher absent on sick leave. If a replacement teacher is not available other teachers in the school should cooperate with local arrangements.

7. Resumption of duty following paid/unpaid sick leave

- 7.1 A permanent teacher cannot resume teaching following a period of paid sick leave of more than three consecutive months without providing a medical certificate of fitness to resume full-time

teaching. This certificate should be provided to the board of management at least two weeks prior to the proposed date of resumption of teaching duties.

- 7.2 A teacher may apply to the board of management to resume duty at or before the end of the unpaid sick leave period, subject to the teacher furnishing a comprehensive report from a recognised medical doctor stating that she/he is fit to resume duty. This report is referred to the chief medical officer who will determine if the teacher is fit to resume duty.
- 7.3 If the board of management has any concerns regarding the teacher's proposed resumption of duty, it may refer the teacher for an independent medical assessment prior to the proposed date for resumption of teaching. It is recommended that each board of management should have a local medical advisor for dealing with routine occupational medical matters preferably with some occupational medical experience or training. When referral for independent specialist assessment is required, the local medical advisor to the board of management should nominate the appropriate specialist suited to the teacher's underlying medical disorder. A teacher, who fails to attend for independent medical assessment at the request of the board of management, will cease to be paid incremental salary until such time as she/he attends for assessment. Costs in respect of the independent medical assessment will be borne by the board of management.
- 7.4 If, following independent medical assessment, concerns remain regarding the teacher's suitability for return to work, all medical reports in relation to the teacher will be referred to the chief medical officer, for final decision as to the date of fitness to resume full teaching duties.
- 7.5 Where the board of management is satisfied that the teacher is fit to resume duty following medical assessment, and the board and the teacher agree the date to resume duty, the period of time from when the teacher was first certified fit to resume until the day of resumption of duty following the independent assessment will not be counted as sick leave.
- 7.6 If a teacher, to whom sick leave without pay has been granted, is not fit to resume duty at the end of the six-month period of unpaid sick leave, the teacher shall be deemed to have resigned from his/her post (section 8 also refers).

8 Procedures where a board of management has concerns regarding a teacher's health

- 8.1 Where a board of management has concerns about the health of a teacher, the board may require the teacher to provide a confidential medical report to the chief medical officer outlining the state of her/his health and a prognosis for continuing duty. The teacher must absent herself/himself from duty on paid sick leave until a decision has been made by the chief medical officer.

9 Withdrawal of recognition on medical grounds

- 9.1 The Minister may deem a teacher ineligible for further recognition or may deem the teacher to have retired, if she/he fails to comply with the board of management's requirement regarding medical assessment or if the medical report shows that the teacher is mentally or physically unable to carry out her/his duties as a teacher.
- 9.2 A person who has been declared ineligible on health grounds for continued recognition as a teacher, or who is deemed to have resigned/retired under the terms of sections 7.6 or 9.1, may appeal to be examined by a medical referee appointed by the Minister. Such an appeal must be made within fourteen days of the notification to her/him of ineligibility for continued recognition, or of the decision to deem her/him to have resigned/retired, as the case may be. The appellant will be required to furnish adequate medical evidence at her/his own expense in support of the appeal.

10 Retirement on disability grounds

- 10.1 A permanent teacher who is deemed medically unfit to continue teaching or who is on paid or unpaid sick leave may apply for disability pension to the Department. Disability Pension Application Forms are available from the Primary Pensions Section, Department of Education & Science, Cornamaddy, Athlone, Co. Westmeath. The decision to award disability pension is made by the chief medical officer.

The chief medical officer may refer the teacher for independent medical assessment. Any costs incurred with this assessment must be borne by the teacher. If the chief medical officer decides to award pension then the teacher shall be deemed to have resigned from her/his post.

11 Teachers absent on sick leave who provide medical certificate of fitness to resume teaching prior to a school vacation

- 11.1 Where a teacher is absent on sick leave before and after a school vacation period, the teacher is

deemed to be on sick leave for the whole duration. If a teacher provides a medical certificate of fitness to resume teaching prior to or during a period of vacation, sick leave during the period of vacation may be discounted. The advice of the chief medical officer may be sought as to whether the vacation period should have been discounted as sick leave if the teacher:

- Is on sick leave up to the school vacation or has resumed teaching duty within the last two weeks prior to the school vacation;

and

- Goes on sick leave again immediately after the school vacation or within two weeks after the vacation period.

12 Brief absences following a period of sick leave

- 12.1 If a teacher wishes to take another form of leave (brief absence) immediately after being absent from duty on sick leave, the board of management may, at their discretion, require a medical certificate of fitness to resume full teaching duties before approving the leave. This includes where a teacher was absent owing to illness up to a school closure and wishes to take another form of leave immediately after the school closure. This does not apply where a teacher is due to take maternity/adoption and paternity leave immediately following sick leave.

13 Sick leave while on additional unpaid maternity leave (statutory eight weeks)

- 13.1 Under the provisions of the Maternity Protection Amendment Act 2004, if a teacher has made an application for additional statutory unpaid maternity leave and subsequently becomes ill, she may cancel the application to opt not to continue the additional unpaid maternity leave and apply for sick leave. (There is no provision under this Act for a teacher to cancel her paid maternity leave and to apply for sick leave.)

The board of management and the teacher must agree the date of termination of additional unpaid maternity leave. The teacher will be deemed to be on sick leave and the procedures in relation to sick leave will apply. The teacher will not be entitled subsequently to take the additional unpaid maternity leave or any part of it not taken at the time of commencement of sick leave.

The Department should be notified immediately that the teacher is on sick leave, in order to

facilitate the necessary salary adjustment. The status of the teacher replacing the teacher on additional unpaid maternity leave will change from temporary to substitute. The temporary teacher taking up employment to cover additional unpaid maternity leave should be made aware of the implications for her/him of the teacher on maternity leave becoming ill.

- 13.2 Under the Maternity Protection Amendment Act 2004, if a male teacher, who is on unpaid leave following the death of the mother of his child while on maternity leave, becomes ill, he may opt not to continue with this period of unpaid leave and to apply for sick leave. (There is no provision under this Act for a teacher to cancel paid leave approved in the event of the death of the mother of his child and to apply for sick leave.)

The board of management and the teacher must agree the date of termination of the unpaid leave. The teacher will be deemed to be on sick leave and the procedures in relation to leave will apply. The teacher will not be entitled subsequently to take any additional unpaid leave as result of the death of the mother of his child or any part of such leave not taken at the time of commencement of sick leave.

14 Teachers on leave of absence for one year or more

- 14.1 A teacher who has been on long term leave of absence and who proposes to resume teaching duty must submit to the board of management a medical certificate of fitness to resume duty. The certificate of fitness must be submitted prior to resumption of teaching duty. This does not apply to a teacher on maternity, adoptive and carer's leave.

15 Travelling abroad while on sick leave

- 15.1 A teacher, who wishes to leave the country while on sick leave, must notify the Department, through the chairperson of the board of

management, of the intention to travel. Such notification must be accompanied by a report from a recognised medical practitioner stating the teacher is fit to travel.

- 15.2 Notification is not required if a teacher absent on sick leave is availing of the Treatment Purchase Scheme operated on behalf of the Dept. of Health & Children for those unable to access medical procedures within a reasonable time within their local health authority area.

16 Teachers on pension resuming duty in a permanent/temporary capacity

- 16.1 A teacher who has been awarded a voluntary pension or granted early retirement under Strand 3 of the Early Retirement Scheme must submit satisfactory medical evidence before she/he can resume teaching duty in a permanent/temporary capacity in a primary school.
- 16.2 Teachers awarded disability pension may not subsequently apply for or engage in teaching except where a full recovery is made. In such circumstances, fresh medical evidence must be submitted to Primary Pensions Section of the Department, for review by the chief medical officer, before the teacher can take up any teaching appointment.

You are requested to ensure that the procedures outlined in this circular are implemented and that all teachers are made aware of the terms in this circular.

The circular can also be viewed on and downloaded from the Department of Education and Science Website www.education.ie under Education Personnel/Primary/Circulars & Information Booklets/Leave of Absence.

Please note that queries regarding this circular may be e-mailed to primary_payments@education.goc.ie

APPENDIX A TEACHERS CERTIFIED AS HAVING PULMONARY TUBERCULOSIS

A permanent teacher who is medically certified as have pulmonary tuberculosis may be granted continuous paid sick leave for a period not exceeding eighteen months from the date of the first medical certificate diagnosing the ailment. The paid sick leave for pulmonary tuberculosis is granted subject to the following conditions:

- There is a reasonable prospect of recovery and return to teaching;
- On expiration of a period of twelve months the teacher shall be required to attend for medical assessment;
- Medical evidence must be submitted from a recognised medical practitioner that the teacher is undergoing recommended treatment;
- In the consecutive four-year period, the period of sick leave is due to pulmonary tuberculosis and other sick leave when added together will not exceed twenty-four months;
- The eighteen month period of paid sick leave will only be allowed once to a teacher during his/her teaching career;
- A teacher who has pulmonary tuberculosis shall not be permitted to resume teaching duty until she/he submits a certificate of fitness to resume teaching duty and is medically certified by the chief medical officer as fit to resume full teaching duties.

APPENDIX B TEACHERS CERTIFIED AS SUFFERING FROM ME SYNDROME

A permanent teacher who is medically certified as suffering from ME Syndrome and who has exhausted her/his twelve month paid sick leave entitlement, may be granted an extended unpaid sick leave period of up to a maximum of eighteen months. The unpaid sick leave must commence immediately after the paid sick leave is exhausted. The unpaid sick leave is granted subject to the following conditions:

- Approval of the board of management;
- Satisfactory medical evidence from a recognised medical practitioner that the teacher is likely to be fit to resume duty at the end of the period of unpaid sick leave;
- Approval by the chief medical officer.

TEACHERS WHO HAVE UNDERGONE TRANSPLANT SURGERY

A permanent teacher who has undergone transplant surgery and is receiving immuno-suppressant drugs and who has exhausted her/his twelve months paid sick leave entitlement may be granted an extended period of unpaid sick leave up to a maximum of eighteen months. The unpaid sick leave must commence immediately after the paid sick leave is exhausted, The unpaid leave is granted subject to the following conditions.

- Approval of the board of management;
- Satisfactory medical evidence from a recognised medical practitioner that the teacher is likely to be fit to resume duty at the end of the period of unpaid sick leave;
- Approval by the chief medical officer.

APPENDIX 8(C)

PROTECTION OF EMPLOYEES (FIXED-TERM) WORK ACT 2003 INTO/CPSMA AGREEMENT

Introduction

Following consultation between the teacher's unions, the managerial bodies and the Department of Education and Science, the DES has issued a number of circulars in relation to the above act. These circulars include 23/05, 24/05, 09/06, 03/06 and 104/06.

INTO and CPSMA accept that these circulars cover a complex piece of legislation and are quite difficult to understand. Nonetheless these circulars contain important information particularly on how boards of management as employers of teachers should comply with their legal obligations.

In this context INTO and CPSMA would like to draw attention to a number of key points which are the subject of frequent queries to both head offices:

1 Legal obligation to issue contracts to fixed-term (temporary teachers)

- There is now a legal obligation on boards of management to issue contracts to a fixed-term (temporary) teachers. Furthermore the contract must set out the objective grounds governing the contract. The most common objective condition in the teaching context would be arriving at a specific date (e.g. replacing a teacher absent on a career break until 31 August 2007), but it can also be the completion of a specific task or the occurrence of a specific event (e.g. covering for a period of carers leave).
- When issuing a fixed-term contract it is inadvisable to name the absent teacher in the contract as this may inadvertently create a direct link between the fixed-term teacher and the teacher they are replacing. This is an important point in schools where there are a number of teachers on leave and a number of fixed-term teachers engaged.
- If a fixed-term teacher is engaged for a second or subsequent contract it is necessary to re-issue the contract each year and to restate the objective ground governing the contract.
- Fixed term teachers working on a part-time basis (e.g. ten hours resource per week) should also be issued with contracts which should detail the number of hours of the contract.
- Full details of teachers entitlements to contracts are set out in circular 23/05. A copy of the contract/memorandum of agreement is available on the INTO/CPSMA websites.

2 Should fixed-term/temporary posts be re-advertised each year?

Par. 3.3 of DES circular 104/06 states, 'where a fully qualified teacher is engaged on successive contracts in the same or similar positions with the same employer, an interview process is required for the initial appointment only'.

Scenario 1: A teacher in a school goes on a career break. The board of management, following an interview process, appoints a fully qualified teacher to replace the teacher on a career break. If the teacher on career break seeks on extension to the career break it is not necessary to re-interview the temporary teacher on a second or subsequent occasion.

Scenario 2: A school currently has three fixed-term posts but will require four next year. Can it advertise four fixed-term vacancies and make the existing three people re-apply?

It is the INTO and CPSMA position that this school has only one vacancy and that only one post should be advertised.

Scenario 3: Does this mean in relation to the above example that the board of management must re-engage all three temporary teachers irrespective of whether the board is happy with the level of performance etc.?

If the board of management is unhappy with one of the three temporary teachers there is no obligation on the board of management to reappoint such a teacher. However, the teacher should have been made aware of any difficulties in accordance with the provisions set out in a Statutory Instrument 146/00. On foot of this, a board of management may decide not to re-engage a temporary teacher. In our view an interview process is for the purposes of recruitment and should not be used as a mechanism for letting a teacher go.

Scenario 4: A school has three fixed-term teachers this school year but only requires two the following year: how does it decide which fixed-term teacher should not be renewed?

This answer to this question should be pre-determined on the date the three teachers were appointed by establishing a notional order of seniority (fixed-term 1, fixed-term 2, fixed-term 3 etc). This order could be determined by the dates the teachers were appointed to the school or in circumstances where they were all appointed on the same day by how they performed at interview. (Similarly to the procedures that apply for permanent teachers of circular 2/04.)

3 Contracts of Indefinite Duration

Under the Fixed-Term Workers Act a fixed-term employee who has more than four years service with the same

employer may be entitled to a contract of indefinite duration (CID) in certain circumstances. A CID (which is akin to permanency) offers the employee some guarantees about their tenure in the employment. Like all legislation there is a number of qualifying conditions.

There is no automatic entitlement to a CID once four years have passed. It is open to the board of management to retain a fixed-term teacher for a fifth, sixth and subsequent years provided that the board of management has genuine reason for doing so (e.g. if the board doesn't have a permanent post because the fixed-term teacher is only replacing a teacher on career break, carer's leave or a combination of both etc. and provided that the fixed-term teacher has received annual contracts setting out the reason they are being maintained on a temporary basis).

Scenario 5: A teacher in entering her fifth year teaching. The same fixed-term teacher has been replacing her for four years and is now entering her five-year service as a fixed-term teacher. She has received the correct contract from her board of management each year. Is she entitled to a CID?

No. The board of management has an objective reason for retaining the teacher on a fixed-term basis and has set this out in the annual contract issued.

Scenario 6: A fixed-term teacher is currently in their fifth year covering for a teacher absent on a career break. The teacher on career break indicates that she is not returning to her post. Is the fixed-term teacher automatically entitled to the consequential permanent vacancy?

The answer is that the fixed-term teacher is now automatically entitled to the resultant vacancy and should be issued with a CID. The reason is as follows: the teacher

is a qualified teacher, she is in her fifth year of employment and to date she hasn't been made permanent because the BOM only had a fixed-term contract to offer which was governed by an objective ground namely replacing a teacher absent on career break. However, now that the teacher on career break has resigned her post the objective ground is removed and the board has a vacancy to which the fixed-term teacher can be assigned.

This position is further explained in paragraphs 7.3 of circular 104/06 which states: 'where a permanent vacancy occurs the employer must assess whether an existing fixed-term teacher qualifies for a CID. If a permanent vacancy is identified and an existing fixed-term teacher does not qualify for a CID the permanent vacancy must be advertised in the normal manner i.e. by utilisation of the panel arrangement as appropriate to the sector or advertisement.' In other words the traditional two-stage appointment process (panel first and then public advertisement) has been changed to a three-stage appointment process, namely:

1. Is there anybody on the staff of the school entitled to a CID?
2. Panel
3. Public advertisement
4. Seniority

Paragraph 7.6.1. of circular 104/06 states 'for the purposes of determining seniority no distinction is to be drawn between permanent service and service while on a CID'. In other words, an employee who is awarded a CID will have his/her seniority established from the date he/she is eligible for a CID on the same basis as if he/she became permanent on that date.

APPENDIX 8 (D)

EMPLOYEE ASSISTANCE SERVICE FOR TEACHERS

What is an Employee Assistance Service (EAS)?

The purpose of the EAS is to provide teachers and their immediate family members with easy access to confidential counselling and to assist in coping with the effect of personal and work-related issues. The service is available to teachers whose positions are funded by the Department of Education and Science, their spouses or partners, their dependents above the age of sixteen and mother/father where appropriate.

Why is the service being provided?

When you are worried or concerned, it helps to have someone who will listen to a non-judgmental way. If that someone is a skilled counsellor, then you are taking an important and perhaps the first step to resolving these worries or concerns.

Apart from getting support, you will discover your own strengths, skills and resources.

The EAS can help you with issues in any of these areas:

- Work related issues;
- Family issues;
- Emotional concerns;
- Relationship difficulties.

How is the service provided?

VHI Corporate Solutions, an external provider, have been contracted by the Department of Education and Science to deliver the Employee Assistance Service. Through the EAS, counselling services will be available to you and your immediate family members from a range of professional counsellors and psychotherapists. The following services are available:

- face to face counselling – based upon a short-term model of up to six counselling sessions;
- single session or short term structured telephone counselling.

How do I know the service is confidential?

The EAS staff follow ethics and codes of practice and are bound by the Irish Association of Counselling and Psychotherapy (IACP).

This means that any contact with you remains confidential. No information about you is available without your written consent. All feedback will be anonymous in nature and will only be used for

statistical purposes to assist in policy formation in the area.

How do I access the service?

Freephone 1800 411 057 24 hours a day/365 days a year or email eas@vhi.ie. For additional information on the EAS please see the Department of Education and Science website, www.education.ie.

APPENDIX 9
MATERNITY LEAVE ARRANGEMENTS FOR PERMANENT AND
TEMPORARY/FIXED-TERM PRIMARY SCHOOL TEACHERS
Primary Circular 0091/2006

1. Introduction

1.1 The Minister for Education and Science wishes to bring to your attention recent amendments to the Maternity Protection (Amendment) Act 2004 in relation to maternity leave.

2. Maternity leave

The following table sets out a primary school teacher’s entitlement to maternity leave, paid and unpaid. Maternity leave as set out applies except where the birth occurs before twenty-four weeks of pregnancy and the child is stillborn.

	Maternity Leave	Additional Unpaid Maternity leave	Total leave
Maternity leave commencing prior to 1 March, 2006	18 weeks	8 weeks if starting this leave before 1/3/06	26 weeks
		12 weeks if starting after 1/3/06	30 weeks
Maternity leave commencing on or after 1 March, 2006	22 weeks	12 weeks	34 weeks
Maternity leave commencing on or after 1 March, 2007	26 weeks	12 weeks if starting this leave before 1/3/07	38 weeks
		16 weeks if starting after 1/3/07	42 weeks

A teacher’s incremental point will not be adjusted in respect of additional unpaid maternity leave absence set out above. This arrangement will be retrospective to 18 October 2004.

2.2 Additional unpaid maternity leave

A primary school teacher also has the option of taking, instead of statutory unpaid maternity leave, the remainder of the school year as additional unpaid maternity leave, i.e. up to and including the end of the school year (31 August), subject to the approval of the board of management.

including public holidays, subject to a maximum of thirty days.

Since 18 October 2004 teachers on statutory unpaid maternity leave are entitled to paid leave in lieu in respect of public holidays occurring during the unpaid leave. Paid leave in lieu is taken on completion of maternity leave.

2.3 Paid leave in lieu

Teachers on paid maternity leave are entitled to paid leave in lieu in respect of school closures,

Furthermore, since 18 October, 2004 teachers opting to take additional unpaid maternity leave to the end of the school year (as per 2.2 above),

are entitled to paid leave in lieu for any public holiday occurring provided the additional unpaid maternity leave does not extend beyond thirteen weeks.

2.4 Temporary/Fixed Term teachers.

Teachers on a temporary/fixed-term contract of employment have full maternity leave entitlements while on maternity leave (paid/unpaid) which occurs during the term of their contract. If a successive contract is secured with immediate effect from the expiry date of the first contract, maternity leave entitlements will be maintained.

3. Start date for commencement of maternity leave

3.1 Under the Maternity Protection (Amendment) Act 2004, maternity leave must commence not later than two weeks before the expected date of confinement, or from the Saturday at the end of the week in which the leave is due to commence. Four weeks must be taken after the expected date of confinement, with the remaining maternity leave entitlement (sixteen weeks with effect from 1/3/06) to be taken either before or after the birth. The maternity leave must be taken in a continuous period (except as outlined in 7 and 10.2 below).

4. Notification procedures

4.1 A teacher should apply to her board of management stating her intention to take maternity leave on the 'Application Form for Maternity Leave', at least four weeks before her maternity leave is due to begin. This form is available on the Department's website: www.education.ie under the section entitled 'Education/Personnel' or from Primary Payments Section of the Department.

4.2 A medical certificate stating the expected date of confinement should be provided to the board of management. Please note that a teacher paying Class A PRSI must also provide her board of management with a Maternity Benefit Claim Form (MB10). This claim form is available from her GP. The teacher must also sign the section of the MB10 relating to direct payment of benefit to the employer. Failure to submit the form to the Department of Education and Science with the appropriate section signed will result in salary deduction equivalent to the maternity benefit amount.

4.3 The board of management should immediately forward to Primary Payments Section of the Department the following:

- Application Form for Maternity Leave;
- Medical certificate;
- Form MB10 (if applicable).

It is not necessary for a teacher to communicate directly with the Department of Education and Science when applying for maternity leave.

4.4 A teacher who intends to take unpaid maternity leave should apply to her board of management for approval at least one month before her paid leave expires. The board of management should, in turn, notify the Department of Education and Science immediately of the date that the unpaid leave is due to commence.

5. Replacement Teacher for a Teacher on Maternity Leave

5.1 A substitute teacher can be employed by the board of management to cover paid maternity leave/leave in lieu and a temporary teacher can be employed to cover unpaid maternity leave. There is no replacement teacher employed to cover an absence on maternity leave/leave in lieu/unpaid maternity leave of a teacher on the panel pending redeployment.

6. Time off for ante-natal visits and classes

6.1 An expectant teacher is entitled to such paid time off from duty as necessary for attendance at ante-natal clinics.

A teacher is required to provide evidence of appointment or attendance at the clinic to her board of management, and to give two weeks notice of her intention to avail of leave for the purposes mentioned. Where, for urgent medical reasons, it was not possible to comply with these requirements, a teacher must, not later than one week after the appointment in question, inform her board of management of the reason for not having given the notice and must provide evidence of having attended at the clinic.

6.2 An expectant teacher is entitled, for one pregnancy only, to paid leave to attend one set of ante-natal classes other than the last three classes in such a set.

In the event that the expectant teacher is unable to attend all of the ante-classes up to the last three, due to circumstances beyond her control, including miscarriage, premature birth or illness, she is entitled during a subsequent pregnancy to paid leave to attend the class(es) missed.

6.2 A teacher who is an expectant father is entitled once only to paid leave to attend the last two ante-natal classes with the expectant mother of their child.

- 6.3 Application for paid leave to attend ante-natal classes must be made to the board of management, with evidence of dates and times of classes at least two weeks before the date of the first class or the class concerned.
- 6.4 A substitute teacher, paid by the Department, may be employed by the board of management to cover absences of the mother at ante-natal clinic and classes and of the father to attend ante-natal classes.
7. Postponement of maternity leave/additional unpaid maternity leave (statutory leave) in the event of the hospitalisation of the child
- 7.1 If the child, for whose birth a teacher is on maternity leave, is hospitalised, the teacher may apply to postpone:
- part of the maternity leave;
 - part of the maternity leave and the additional unpaid statutory maternity leave; or
 - the additional unpaid statutory maternity leave.
- 7.2 Maternity leave can only be postponed after at least fourteen weeks of the leave has expired, four weeks of which must have been taken after the week of the child's birth.
- 7.3 An application for postponement of maternity /additional unpaid statutory maternity leave must be made to the board of management, with evidence from the hospital in which the child is hospitalised. The board of management must notify the teacher as soon as possible of its decision in relation to the application for postponement of leave. If the leave is postponed, the board of management and the teacher must agree the date of her return to work.
- 7.4 The Department must be notified immediately by the board of management if the teacher is to return to work in order to facilitate salary adjustment, if any and the final payment process for the substitute/temporary teacher.
- 7.5 The postponed leave must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital. The maximum period of postponement of leave is six months.
- 7.6 The application to the board of management for postponed leave must include documentary evidence from the hospital or the child's doctor confirming that the child has been discharged and stating the date of discharge. The Department must be notified immediately of approval of postponed leave.
- 7.7 If the teacher becomes ill while back at work and before she has taken the postponed leave, she will be considered to have started the postponed leave on the first day of absence due to illness, or she may forfeit her right to postponed leave and have the absence treated as sick leave. The procedures in relation to sick leave should be followed, including the furnishing of a medical certificate where appropriate.
- 7.8 A substitute teacher or a temporary teacher covering maternity leave/additional unpaid statutory maternity leave should be made aware by the board of management that their appointment may be terminated in the event of the teacher on maternity leave returning to work while the child is hospitalised.
- 8. Termination of additional unpaid maternity leave (statutory leave) in the event of sickness of the mother**
- 8.1 If a teacher has made an application for additional unpaid maternity leave or has commenced her additional statutory unpaid maternity leave and subsequently becomes ill, she may cancel the application or opt not to continue the additional unpaid maternity leave and apply for sick leave.
- 8.2 The board of management must be contacted and the board and the teacher must agree the date of termination of additional unpaid maternity leave. The teacher will be deemed to be on sick leave and the procedures in relation to sick leave will apply. The teacher will not be entitled subsequently to take the additional unpaid maternity leave or any part of it not taken at the time of commencement of sick leave.
- 8.3 The Department should be notified immediately that the teacher is now on sick leave, to facilitate necessary salary adjustment. The status of the teacher replacing the teacher on additional unpaid maternity leave will change from temporary to substitute. The temporary teacher taking up employment to cover additional unpaid maternity leave should be made aware of the implications for her/him of the teacher on maternity leave becoming ill.
- 9. Protection of mothers who are breastfeeding**
- 9.1 A teacher who is breastfeeding within a twenty-six week period after the birth of her child is entitled to time off, one hour per day, without loss of pay as a breastfeeding break. The time off may be taken as follows:
- one break of 60 minutes;
 - two breaks of 30 minutes each;
 - three breaks of 20 minutes each.

9.2 The teacher must notify the board of management in writing of her application for such breaks four weeks in advance of her return to work from maternity leave/additional unpaid maternity leave. A copy of the birth certificate of the child must be submitted with the application for breastfeeding breaks. It is a matter for the principal teacher to make the necessary arrangements with the teacher to facilitate the taking of the breastfeeding breaks.

10. Entitlements of male teachers

10.1 Entitlement of male teachers to leave in the event of the death the mother while on maternity leave.

With effect from March, 2006

In the event of the death of the mother within thirty-two weeks of the birth of her child, a male teacher who is the father of the child is entitled to leave as follows:

- if the mother dies before the end of the twentieth week following the week of the birth of her child, the father is entitled to paid leave up to the twentieth week. At the end of this period he is entitled to apply for a further twelve consecutive weeks unpaid leave commencing immediately;

or

- if the mother dies after the twentieth week following the week of the birth of her child, the father is entitled to unpaid leave up to the thirty-second week following the week of the birth of the child.

With effect from 1 March, 2007

In the event of the death of the mother within fortieth weeks of the birth of her child, a male teacher who is the father of the child is entitled to leave as follows:

- if the mother dies before the end of the twenty-fourth week following the week of the birth of her child, the father is entitled to paid leave up to the twenty-fourth week. At the end of this period he is entitled to apply for a further sixteenth consecutive weeks unpaid leave commencing immediately;

or

- if the mother dies after the twenty-fourth week following the week of the birth of her child, the father is entitled to unpaid leave up to the fortieth week following the week of the birth of the child.

The above mentioned time periods will be increased, where appropriate, in accordance with relevant amendments to the Maternity Acts 1994 and 2004.

Application for such leave must be made to the board of management immediately following the mother's death and the period of leave must commence within seven days of her death. As soon as is reasonably practical, the board of management should be provided with a copy of the death certificate of the mother and a copy of the birth certificate of the child.

A substitute teacher may be employed to cover the period of paid leave of absence of the father and a temporary teacher may be employed to cover the period of unpaid leave of absence of the father.

10.2 Postponement of male teacher's leave in the event of hospitalisation of the child

In the event of the hospitalisation of the child while the father is on approved leave under 10.1, he may apply to postpone his leave or part of his leave.

The father must apply to the board of management to postpone his leave, with evidence from the hospital in which the child is hospitalised. The board of management must notify him as soon as possible of its decision in relation to the application for postponement of leave and if the application is approved, the board of management and the teacher must agree the date of his return to work, which cannot be later than the date on which the leave is due to end.

The postponed leave must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital. The maximum period of postponement of leave is six months.

If the father becomes ill while back at work and before he has taken the postponed leave, he will be considered to have started the postponed leave on the first day of absence due to illness or he may forfeit his right to postponed leave and have the absence treated as sick leave. The procedures in relation to sick leave should be followed, and his application for postponed leave will be cancelled. The Department must be informed immediately of any change of status to the father's leave.

A temporary teacher employed to cover such leave should be made aware by the board of management of the implications to his/her employment in the event of the father terminating his leave if the child is hospitalised.

10.3 Termination of leave in the event of sickness of the father

If a male teacher becomes ill while on approved unpaid leave (as per 10.1), he may opt to cancel the unpaid leave and to apply for sick leave. The board of management must be contacted and the board and the teacher must agree the date of termination of unpaid leave. The teacher will be deemed to be on sick leave and the procedures in relation to sick leave will apply. The teacher will not be entitled subsequently to take any additional unpaid leave as a result of the death of the mother or any part of such leave not taken at the time of commencement of sick leave.

The Department should be notified immediately that the teacher is now on sick leave, to facilitate necessary salary adjustment.

11. Employment of Temporary/Fixed-Term/Substitute Teacher

A temporary/fixed-term/substitute teacher employed to cover maternity leave/unpaid maternity leave, should be informed in writing that their employment 'will be terminated on the return to work of the parent who is absent from work in accordance with the Maternity Protection Act 1994 and (Amendment) Act 2004'.

APPENDIX 10

Primary Circular 0090/2006

ADOPTIVE LEAVE ARRANGEMENTS FOR PERMANENT AND TEMPORARY/FIXED-TERM PRIMARY SCHOOL TEACHERS

1. Introduction

1.1 The Minister for Education and Science wishes to bring to your attention recent amendments to the Adoptive Leave Act 1995 in relation to adoptive leave.

mother. However, where a male teacher is the sole adopter, he is entitled to adoptive leave. Adoptive leave commences on the date of placement of the child.

2. Adoptive Leave

2.1 Where a couple are adopting a child, adoptive leave may only be taken by the adopting

2.2 The revised arrangements in respect of adoptive leave are set out in the following table:

	Adoptive Leave	Additional Unpaid Adoptive leave	Total leave
Adoptive leave commencing prior to 1 March, 2006	16 weeks	8 weeks if starting this leave before 1/3/06	24 weeks
		12 weeks if starting leave after 1/3/06	28 weeks
Adoptive leave commencing on or after 1 March, 2006	20 weeks	12 weeks	32 weeks
Adoptive leave commencing on or after 1 March, 2007	24 weeks	12 weeks if starting this leave before 1/3/07	36 weeks
		16 weeks if starting leave after 1/3/07	40 weeks

A teacher's incremental point will not be adjusted in respect of additional unpaid adoptive leave absence set out above. This arrangement will be retrospective to 28 November, 2005.

3. Additional unpaid adoptive leave

3.1 An adopting primary school teacher also has the option of taking, instead of statutory unpaid adoptive leave, the remainder of the school year as additional unpaid adoptive leave, i.e. up to and including the end of the school year (31 August), subject to the approval of the board of management.

4. Paid leave in lieu

4.1 Teachers on paid adoptive leave are entitled to paid leave in lieu in respect of school closures, including public holidays, subject to a maximum of 22 days. Paid leave in lieu is taken on completion of adoptive leave.

4.2 With effect from 28 November 2005 teachers on statutory unpaid adoptive leave are entitled to paid leave in lieu in respect of public holidays occurring while on the statutory unpaid leave and teachers opting to take unpaid adoptive leave to the end of the school year (as per 2 above) are entitled to paid leave in lieu for any public holiday occurring provided the additional unpaid adoptive leave does not extend beyond thirteen weeks.

5. Temporary/Fixed-Term teachers

5.1 Teachers on a temporary/fixed-term contract of employment have full adoptive leave entitlements while on adoptive leave (paid/unpaid) which occurs during the term of their contract. If a successive contract is secured with immediate effect from the expiry date of the first contract, adoptive leave entitlements will be maintained.

6. Time off for preparation classes/pre-adoption meetings

6.1 Since 28 November 2005 adopting parents are entitled to paid leave to attend preparation classes and pre-adoption meetings (held within the state) with social workers/HSE officials during the pre-adoption process.

6.2 Application for paid leave to attend preparation classes must be made to the board of management, with evidence of dates and times of classes at least two weeks before the date of the first class or the class concerned.

6.3 A substitute teacher, paid by the Department, may be employed by the board of management to cover absences of adopting teachers to attend preparation classes.

7. Termination of additional unpaid adoptive leave in the event of sickness of the adopting parent.

7.1 If a teacher has made an application for additional unpaid adoptive leave or has commenced her/his additional unpaid adoptive leave and subsequently becomes ill, she/he may cancel the application or opt not to continue the additional unpaid adoptive leave and apply for sick leave.

7.2 The board of management must be contacted and the board and the teacher must agree the date of termination of additional unpaid adoptive leave. The teacher will be deemed to be on sick leave and the procedures in relation to sick leave will apply. The teacher will not be entitled subsequently to take the additional unpaid adoptive leave or any part of it not taken at the time of commencement of sick leave.

7.3 The Department should be notified immediately that the teacher is now on sick leave, to facilitate necessary salary adjustment. The status of the teacher replacing the teacher on additional unpaid maternity leave will change from temporary/fixed-term to substitute. The temporary/fixed-term teacher taking up employment to cover the additional unpaid maternity leave should be made aware of the implications for her/him of the teacher on adoptive leave becoming ill.

8. Postponement of adoptive/additional unpaid adoptive leave in the event of the hospitalisation of the child

8.1 With effect from 30 January 2006, if the child, for whose adoption a teacher is entitled to or is on adoptive leave, is hospitalised, the teacher may apply to postpone:

- part of the adoptive leave;
- part of the adoptive leave and the additional unpaid adoptive leave; or
- the additional unpaid adoptive leave.

8.2 An application for postponement of adoptive/additional unpaid adoptive leave must be made to the board of management, with evidence from the hospital in which the child is hospitalised. The board of management must notify the teacher as soon as possible of its decision in relation to the application for postponement of leave. If the leave is postponed, the board of management and the teacher must agree the date of his/her return to work.

8.3 The Department must be notified immediately by the board of management if the teacher is to return to work in order to facilitate salary adjustment, if any and the final payment process for the substitute/temporary/fixed-term teacher.

- 8.4 The postponed leave must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital or on a date agreed between the board of management and the teacher.
- 8.5 The application to the board of management for postponed leave must include documentary evidence from the hospital or the child's doctor confirming that the child has been discharged and stating the date of discharge. The Department must be notified immediately of approval of the postponed leave.
- 8.6 If the teacher becomes ill while back at work and before she/he has taken the postponed leave, she/he will be considered to have started the postponed leave on the first day of absence due to illness, or she/he may forfeit the right to postponed leave and have the absence treated as sick leave. The procedures in relation to sick leave should be followed, including the furnishing of a medical certificate where appropriate.
- 8.7 A substitute teacher or a temporary/fixed-term teacher covering adoptive leave /additional unpaid adoptive leave should be made aware by the board of management that their appointment may be terminated in the event of the teacher on adoptive leave returning to work while the child is hospitalised. The replacement teacher should be informed in writing that their employment 'will be terminated on the return to work of an adopting parent employee who is absent from work in accordance with the Adoptive Leave Act 1995'.

9 Entitlements of male teachers

- 9.1 Entitlement of male teachers to leave in the event of the death of the adopting mother while on adoptive leave

With effect from 1 March 2006

In the event of the death of the mother within thirty-two weeks of the day of placement of the child, a male teacher who is the adopting father of the child is entitled to leave as follows:

- if the mother dies before the end of the twentieth week following the placement of the child, the father is entitled to paid leave of twenty weeks less the period between the date of placement and the date of her death. At the end of this period he is entitled to apply for a further twelve consecutive weeks unpaid leave commencing immediately;

Or

- if the mother dies after the twentieth week of the placement of the child, the father is

entitled to unpaid leave up to the thirty-second week.

With effect from 1 March 2007

In the event of the death of the mother within forty weeks of the placement of the child, a male teacher who is the adopting father of the child is entitled to leave as follows:

- if the mother dies before the end of the twenty-fourth week of the placement of the child, the father is entitled to paid leave of twenty four weeks less the period between the date of placement and the date of her death. At the end of this period he is entitled to apply for a further sixteen consecutive weeks unpaid leave commencing immediately;

or

- if the mother dies after the twenty-fourth week following the placement of the child, the father is entitled to unpaid leave up to the fortieth week.

The abovementioned time periods will be increased, where appropriate, in accordance with relevant amendments to the Adoptive Acts 1995 and 2005.

Application for such leave must be made to the board of management immediately following the adopting mother's death and the period of leave must commence within seven days of her death. As soon as is reasonably practical, the board of management should be provided with a copy of the death certificate of the adopting mother.

A substitute teacher may be employed to cover the period of adopting father's paid leave of absence and a temporary teacher may be employed to cover the period of unpaid leave.

- 9.2 Postponement of male teacher's leave in the event of hospitalisation of the child

In the event of the hospitalisation of the child while the father is on approved leave under 8.1, he may apply to postpone his leave or part of his leave.

The father must apply to the board of management to postpone his leave, with evidence from the hospital in which the child is hospitalised. The board of management must notify him as soon as possible of its decision in relation to the application for postponement of leave and if the application is approved, the board of management and the teacher must agree the date of his return to work, which cannot be later than the date on which the leave is due to end.

The postponed leave must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital. The maximum period of postponement of leave is six months.

If the father becomes ill while back at work and before he has taken his postponed leave, he will be considered to have started the postponed leave on the first day of absence due to illness or he may forfeit his right to postponed leave and have the absence treated as sick leave. The procedures in relation to sick leave should be followed, and his application for postponed leave will be cancelled. The Department must be informed immediately of any change of status to the father's leave.

A temporary teacher employed to cover such leave should be made aware by the board of management of the implications to his/her employment in the event of the father terminating his leave if the child is hospitalised. The replacement teacher should be informed in writing that their employment 'will be terminated on the return to work of an adopting parent employee who is absent from work in accordance with the Adoptive Leave Act 1995'.

9.3 Termination of leave in the event of sickness of the father

If a male teacher becomes ill while on approved unpaid leave (as per 8.1), he may opt to cancel the unpaid leave and to apply for sick leave.

The board of management must be contacted and the Board and the teacher must agree the date of termination of unpaid leave. The teacher will be deemed to be on sick leave and the procedures in relation to sick leave will apply. The teacher will not be entitled subsequently to take any additional unpaid leave as a result of the death of the mother or any part of such leave not taken at the time of commencement of sick leave.

The Department should be notified immediately that the teacher is now on sick leave, to facilitate necessary salary adjustment.

This circular may be accessed on the Department Website at www.education.ie under Education/Personnel/Primary/Circulars & Information Booklets.

Please note that queries regarding the circular may be e-mailed to primary_payments@education.gov.ie

APPENDIX 11

PARENTAL LEAVE

1. Introduction

- 1.1 Parental leave is the term used to describe unpaid leave from work taken by parents to take care of their young children which is effective from 3 December 1998.
- 1.2 A parent who is the natural or adoptive parent of a child shall be entitled to parental leave for a period of fourteen weeks to enable her/him to take care of the child.

2. Entitlement to Parental Leave c.f. Circular 23/03 Amended

- 2.1 The entitlement to parental leave shall apply only to a parent in respect of a child born on or after 3 June 1996*, or adopted on or after that date. * Amended to 3 December 1993. See Circular 16/00
- 2.2 Parental leave shall end before the child reaches the age of five years.
c.f. Amendment Circular 23/03
- 2.3 In the case of an adopted child where the child is three or more but less than eight years at the time of the adoption, parental leave shall be taken within two years of the date of the adoption order.
- 2.4 In the case of an adopted child under three years of age at the time of the adoption, parental leave must be taken before the child is five years.
- 2.5 Both parents of a child have separate entitlements to parental leave. However, the leave cannot be transferred between parents, i.e. a mother cannot take a father's leave or vice-versa.

3. Eligibility For Parental Leave

- 3.1 A teacher is required to have worked for a period of one continuous year with a board of management before she/he can avail of her/his full entitlement to parental leave.

This requirement is waived in the case of a teacher compulsorily redeployed into a school provided that she/he has worked for at least one full year in her/his former school before being redeployed.

- 3.2 A teacher who is due to be placed on a panel for redeployment or who is on a panel for redeployment may not apply for parental leave beyond the end of the school year in which her/his post is to be withdrawn.
- 3.3 A teacher who has less than one year but more than three months continuous service with a board of management is entitled to parental leave for a

period of one week for each month of continuous employment that she/he has completed with the board at the time of the commencement of the leave. The manner in which this leave may be taken is dealt with in paragraph 4.4 below.

- 3.4 Where a teacher has been appointed for a fixed-term contract, and the employment would have terminated in the expiry of that fixed-term had she/he not been on parental leave, the period of parental leave shall not extend beyond the day on which the fixed-term expires. The granting or taking of parental leave shall not affect the date of termination of a fixed-term appointment.

- 3.5 A teacher absent on parental leave may not engage in any type of teaching.

4. Period of Parental Leave Available

- 4.1 The maximum period of parental leave shall be fourteen weeks.
- 4.2 A teacher who is entitled to parent leave in respect of more than one child may not take more than fourteen weeks parental leave in any one school year.
- 4.3 The provision of paragraph 4.2 above is waived in the case of children of a multiple birth.
- 4.4 Teachers shall have the option of either taking the parental leave as:
- (a) one continuous period of fourteen weeks or;
 - (b) two separate periods of seven weeks or;
 - (c) (1) one continuous period of seven weeks and;
 - (2) three periods of two consecutive weeks and;
 - (3) one single week.

While it is possible to combine options 1, 2 and 3, no more than five separate periods of parental leave may be availed of in total for each child. Note: the one-week period may be taken only once.

For the purpose of this circular, a week is defined as a period of seven days, i.e. a teacher who takes one week of parental leave will be removed from the payroll for seven days.

- 4.5 A teacher who avails of parental leave which overlaps with the Christmas, Easter and/or Summer

holidays and who is entitled to full holiday pay shall have salary restored for the duration of the holiday period.

- 4.6 Vacation periods for which a school is closed, other than those mentioned at 4.5 above, e.g. public holidays, mid-term breaks etc. that fall within the period of parental leave shall be added as leave-in-lieu to the end of the parental leave period. Payment for such day/s will be made at the end of the parental leave period.
- 4.7 A day/s on which a school is closed for exceptional reason/s pursuant to Rule 60 of the Rules for National Schools shall not be added to the parental leave period.

5. Notification Required to Avail of Parental Leave

- 5.1 Granting of parental leave is conditional on a teacher notifying her/his board of management in writing as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of parental leave. In exceptional circumstances, an application can be made later than six weeks prior to the proposed commencement date.
- 5.2 The Department has prepared a standard application form, which must be used when a teacher is applying for parental leave. This form is available from the Department at the address shown at paragraph 11.2 below.
- 5.3 A board of management must process an application no later than four weeks prior to the commencement of the parental leave. Once the application form has been approved by a board of management, it becomes a confirmation document.
- 5.4 Once agreed, the proposed absence on parental leave cannot be amended except with the agreement of all parties concerned.
- 5.5 A copy of the form must be given to the teacher and the original forwarded to the Department of Education and Science no later than four weeks before the proposed start date of the leave. The Department will formally sanction each application in writing.
- 5.6 A board of management may postpone leave if such leave is likely to disrupt significantly the general operation of the school. The postponement may be to an agreed date no later than six months from the date that the teacher had intended to commence parental leave. A decision to postpone parental leave should be notified in writing to the teacher no later than four weeks before the intended commencement date of the leave.

6. Maintenance of Employment Rights During Parental Leave

- 6.1 In the case of a teacher who is on probation at the start of parental leave, the period of probation will stand suspended for the duration of the absence on parental leave.
- 6.2 Except as outlined in paragraph 6.1 above, and other than the right to remuneration and superannuation benefits, a teacher on parental leave is deemed for all purposes to be in employment. The absence is therefore fully reckonable for all purposes including seniority, determination of panel rights etc.
- 6.3 A teacher on parental leave is entitled to receive notification regarding vacant posts of responsibility, which are to be filled in the school.
- 6.4 A teacher who has completed a period of maternity/adoptive leave may apply for parental leave.
- 6.5 **A teacher absent on sick leave prior to the start of parental leave must produce a certificate of fitness to resume duty before commencing parental leave.**

7. Termination of Parental Leave

- 7.1 Parental leave may be terminated by a board of management if it has reasonable grounds to believe that the leave is being used for purposes other than taking care of a child. A board considering terminating parental leave is required to contact the Primary Payments Branch and the Department in the matter prior to taking such action.

8. Disputes and Appeals

- 8.1 Disputes about entitlement to parental leave may, in general, be referred to a rights commissioner. The rights commissioner is empowered to hear the parties to the dispute and to receive any relevant evidence tendered. Where either party is dissatisfied with the decision of the rights commissioner, the Act provides for a right of appeal to the Employment Appeals Tribunal.
- 8.2 Notice to a rights commissioner in relation to a dispute must be given no later than six months after the occurrence of the dispute. Redress can be granted in the form of parental leave or in the form of monetary compensation (to a maximum of twenty weeks remuneration for that particular teacher.)

9. PRSI Matters

- 9.1 Teachers who avail of parental leave and who pay

full rate Pay Related Social Insurance contributions are required to contact the Department of Social, Community and Family Affairs to ensure that any entitlement to PRSI credits are maintained.

10. Force Majeure Leave

- 10.1 The Parental Leave Act 1998 also gives all employees a right to limited time off for family emergencies caused by accidents or illness. This leave is called 'Force Majeure' leave.
- 10.2 Force Majeure leave is paid leave. It is separate from parental leave and is limited to a maximum of three days in each twelve months or five days in each thirty-six month period. Force Majeure leave covers situations where, owing to an injury to, or the illness of, a close family member, the immediate presence of the employee is indispensably required at the place where the family member is.
- 10.3 A family member is defined as a child, spouse or a person with whom a teacher is living as husband or wife, a person to whom a teacher is *in loco parentis*, brother, sister, parent or grandparent.

10.4 **Force Majeure leave represents the statutory enactment of an historic entitlement of teachers to paid compassionate leave of up to five days in any one school year for the purposes covered by Force Majeure. Accordingly, the leave does not represent any additional benefit to teachers.**

10.5 The historic entitlement of teachers to compassionate leave on the occasion of a bereavement of a family member of up to five days remains unaltered. This latter entitlement is also available to teachers who are members of religious communities on the occasion of a death or serious illness of a member of the teacher's immediate community.

10.6 An application for any of the leave types mentioned in this section should be made in writing to a board of management. There is currently no prescribed application form.

APPENDIX 11(A) PARENTAL LEAVE AMENDMENT

1 Introduction

- 1.1 The Minister for Education and Science wishes to advise that, following agreement at the Conciliation Council for Teachers, there is an extended entitlement to parental leave for primary teachers.
- 1.2 This circular should be read in conjunction with Circular 1/99 and with the Maternity, Adoptive and Parental Leave booklet (October 2001)

2 Entitlement to Parental Leave as a Result of this Amendment

- 2.1 The effect of the amendment is to extend entitlement to parental leave to:
 - Natural parents of children up to the age of six years.
 - Adoptive parents of children. In the case of an adopted child under three at the time of the adoption, the parental leave must be taken before the child is six years. (There is no amendment to the entitlement where an adopted child is three or more years but less than eight years at the time of the adoption. In this case parental leave must be taken within two years of the date of the adoption order);

and

- Both natural and adoptive parents of children with a disability up to the age of 16 years. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DCA) is payable, or would be payable if the child satisfied the means test for DCA. (Enquiries about DCA should be directed to the relevant Health Board.) A copy of the DCA certificate or a note from a medical practitioner certifying the disability should accompany the Parental Leave Application Form.

3 Effective Date of these Amendments

- 3.1 These amendments come into effect from 1 September 2003.

4 Application of all other provisions of Circular 1/99 (Parental Leave) and Maternity, Adoptive, Parental and Paternity Leave Booklet

- 4.1 All other provisions of the Parental Leave Circular (1/99) and Maternity, Adoptive, Parental and Paternity Leave Booklet (October 2001) including the requirement to give six weeks' notice continue to apply to this new entitlement to parental leave.

APPENDIX 11(B)

PARENTAL LEAVE AMENDMENT

1 Introduction

- 1.1 The Minister for Education and Science wishes to advise that, following agreement at the Conciliation Council for Teachers, there is an extended entitlement to parental leave for primary teachers.
- 1.2 This circular should be read in conjunction with Circular 1/99, the Maternity, Adoptive and Parental Leave booklet (October 2001) and with Primary Circular 23/03.

2 Entitlement to Parental Leave as a result of this amendment

- 2.1 The effect of this amendment is to extend to parental leave to:
- Natural parents of children up to the age of eight years;
 - Adoptive parents of children. In the case of an adopted child under three at the time of the adoption, the parental leave must be taken before the child is eight years (There is not amendment to the entitlement where an adopted child is three or more years but less than eight years at the time of the adoption. In

this case parental leave must be taken within two years of the date of the adoption order).

3 Effective Date of these Amendments

- 3.1 These amendments come into effect from 1 December 2003.

4 Application of all other provisions of primary circular 1/99 (Parental Leave), Maternity, Adoptive, Parental and Paternity Leave Booklet and Primary Circular 23/03

- 4.1 All other provision of the Parental Leave Circular (1/99) and Maternity, Adoptive, Parental and Paternity Leave Booklet (October 2001) and Primary Circular 23/03, including the requirement to give six weeks' notice of application for parental leave to the board of management, continue to apply to this extended entitlement to parental leave.

This circular may be accessed on the Department of Education and Science website at www.education.ie. (Access through Education Personnel/Primary/Circulars and information booklets).

APPENDIX 12

CAREER BREAKS FOR PRIMARY TEACHERS

A career break is designed to provide eligible primary teachers with an opportunity to obtain a break from normal duties for the purpose of care of children, other family matters, study, travel etc.

1. Length of a Career Break

- 1.1 A career break consists of special leave **without pay** for a period of **not less than** one school year and not more than five school years. A teacher may engage in one career break spread over five years; or may wish to participate, at varying intervals, in separate arrangements subject to board of management approval. A career break commences on the 1 September and ends on the 31 August of a school year.
- 1.2 In exceptional circumstance, the board of management may authorise a teacher to commence a career break during the course of the school year. In such instances, however, the period of special leave will terminate not earlier than the end of the subsequent school year and is deemed to be a two-

year career break. **Example:** A teacher who is granted a career break commencing on 5 November 2000 is deemed to be on career break until 31 August 2002. This represents a two-year career break.

2. Eligibility

- 2.1 A permanent teacher who has satisfactorily completed his/her probation and has served for at least two years in a full-time capacity, i.e. permanent and temporary in the school in which he/she is seeking the career break. The two year requirement is waived in the case of teachers who have been compulsory redeployed in the last two school years. However, this does not apply to teachers who are due to be placed on the panel at the time in which they are applying for their career break.

3. Policy Statement for boards of management in respect of Career Break Arrangements

- 3.1 The board of management should have a policy for granting career breaks which should have due regard to the exigencies of the school and possible negative

effects in permitting a number of career breaks from the same school at the one time.

- 3.2 In formulating this policy, the welfare and educational needs of the pupils should take precedence over all other considerations.
- 3.3 In considering applications for the granting of career breaks, or extensions to career breaks in a particular year boards of management should consider factors such as:
 - the number of teachers in the school who are likely to be on approved leave of absence such as maternity, adoptive, parental leave;
 - the number of teachers job-sharing, on secondment or an approved Study Leave under Rule 116 of the Rules for National Schools;
 - the number of teachers already on career break.

Each board should consider having an overall quota for career breaks taking cognisance of the factors referred to above, and the overall number of teachers in the school.

- 3.4 A board of management should ensure that they can obtain a qualified replacement teacher (except where a teacher has deferred panel rights to take a career break, where there is no replacement teacher appointed) before an application for a career break may be sanctioned.

4. Application Procedure

- 4.1 An application must be made to the board of management, on the official application form before the **1 May** of the year in which the teacher proposes to take their career break – an **Application Form for Career Break** is contained in Appendix A of this booklet. Further application forms are available from Primary Payments Section of the Department of Education and Science.
- 4.2. If an extension to the career break is required, the teacher must apply to the board of management on an official application form before the **1 May** of the following year.
- 4.3 The teacher must furnish the board of management with precise details of the duration of the career break using the formal application form and also indicate the purposes for which it is required.
- 4.4 A teacher who is on paid or unpaid maternity leave may apply for a career break.
- 4.5 A teacher who is on sick leave may apply for a career break. However, a teacher who is absent on sick leave before the end of the school year and is applying for a career break to commence in September, must furnish medical evidence that she/he would be fit to resume duty had she/he not opted for a career break.

5. Approving of a career break

- 5.1 The board of management must process career break applications during the month of May and will convey a decision in writing to the teacher before **1 June**. The board must submit all approve applications to the Department before **10 June**.
- 5.2 Boards of management will only be notified in writing by the Department if difficulties arise in relation to eligibility of applicants or in relation to the replacement teacher.

6. Appointing a replacement teacher

- 6.1 Posts vacated by teachers taking career breaks must be filled by a fully qualified temporary teacher subject to the requirements of the Rules for National Schools. The only exception to this requirement is when the teacher is deferring panel rights to avail of a career break, in this instance there is no replacement teacher appointed.

7. Payment of salary

- 7.1 Salary is paid up to 31 August of the year in which a career break commences.

8. Teaching while on career break

- 8.1 A teacher on career break should not normally engage in any type of primary teaching. In exceptional circumstances, however, a teacher on career break may be employed in a short term temporary, substitute or part time capacity. **It should be noted that teachers on career break who take up a teaching post in a temporary capacity are paid at the unqualified rate of pay.**
- 8.2 Teaching service given in Ireland during a career break is not reckonable for the award of incremental credit or superannuation credit.

9. Position regarding attendance at in-service courses/school planning days

- 9.1 A teacher on career break is not entitled to leave in lieu for attendance at in-service courses/school planning days.

10. Resignation while on career break

- 10.1 A teacher on career break who wishes to resign from his/her teaching post must give the board of management notice in writing in accordance with the teachers' terms of employment. If the teacher resigns from the career break during the course of the school year she/he is deemed to have taken a full year's career break.
- 10.2 The board of management must, however, honour the contract with the temporary replacement teacher.

- 11. Position regarding posts of responsibility while teachers are on a career break**
- 11.1 A post of responsibility vacated by a teacher taking a career break may be filled on an acting basis from one school year to another, if the post is still warranted by reference to the Schedule of Posts as per Primary Circular 7/03.
- 11.2 Teachers on a career break may apply for posts of responsibility arising in their school during their career break and should be notified of vacancies by their board of management.
- 11.3 Where a teacher on career break is appointed to a post of responsibility the board of management may appoint another teacher to the post, on an acting basis from school year to school year, provided it is warranted by reference to the Schedule of Posts as per Primary Circular 7/03. Payment of the allowance to the acting post holder ceases on resumption of duty by the teacher on career break. The acting appointment to a Post of Responsibility does not confer any right to appointment to an actual post of responsibility.
- 12. Position regarding seniority**
- 12.1 Absence on a career break does not affect a teacher's seniority.
- 13. Position regarding length of service for the purpose of eligibility for posts of responsibility**
- 13.1 A career break taken on or after 1 September 1999 is not reckonable as length of service for the purpose of eligibility for posts of responsibility. However, a career break taken before this date is reckonable.
- 14. Incremental Credit for service given during a career break**
- 14.1 The period of a career break will not reckon for the award of incremental credit. Teaching service in any capacity given in Ireland during a career break is not reckonable for incremental credit. However, incremental credit may be allowed in respect of approved teaching service abroad if it can be substantiated by reference to the provisions of Circular 10/01/
- 14.2 Application forms to claim incremental credit for teaching service abroad are available from: *Primary Payments Section, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath* if you are teaching in an ordinary school, or *Special Education Section of the Department* if you are teaching in a special school or from the Department website.
- 15. Position with regard to the Redeployment Panel (please refer to the Panel Rights for Teachers booklet, updated version March 2001, for further information)**
- 15.1 Availing of panel rights does not prevent a teacher from applying for a career break. However, the teacher must first notify the Department in writing that she/he wishes to defer her/his panel rights in order to avail of a career break. The teacher's name will be placed back on the panel at the end of the career break period. Accordingly, the teacher must be contactable for receipt of offers at the address shown on the panel form. If the teacher is not redeployed by 31 August, she/he will resume teaching in her/his original school while awaiting redeployment.
- 15.2 If a teacher's post is suppressed while the teacher is on career break, she/he will be invited to have her/his name placed on the panel while she/he is on leave. Accordingly, the teacher must be contactable for receipt of offers at the address shown on the panel form.
- 15.3 If a teacher in the school is going on a career break and another teacher is being placed on the panel, the teacher being placed on the panel can opt to defer his/her panel rights in order to accept the temporary career break replacement post.
- 16. Sick leave record while on career break**
- 16.1 The paid sick leave allowable in any period of four consecutive **working** years will be counted as if the career break did not intervene.
- 17. PRSI, Tax and Superannuation matters**
- 17.1 The absence of a teacher on career break does not constitute a break in service for PRSI purposes. Example: If the teacher was paying the modified rate of PRSI immediately prior to his/her career break, she/he will continue to pay this rate on resumption of duty, provided she/he resumes teaching in a temporary or permanent position on the first working day immediately following the last day of the career break.
- 17.2 As teachers resume duty following their career break in a new tax year they must contact: The Inspector of Taxes, Unit 985 to 988, 14/15 Upper O'Connell Street, Dublin 1. Telephone (01) 8746821 in order to obtain their current certificate of tax credits. Other PAYE will be deducted in accordance with emergency rates.
- 17.3 The period of a career break will not reckon as service for superannuation purposes. (Please note that credit for teaching service given outside the Republic of Ireland during a career break is incremental only and is not pensionable).

17.4 Teachers may either opt:

- Pay a special rate of superannuation contribution so that the period of the career break is reckonable, provided they contact Primary Pensions Section of the Department before their career break commences;

or

- Purchase notional service when they resume teaching.

Queries in relation to the purchase of service should be addressed to: Primary Pensions Section, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath.

18. Voluntary deductions

18.1 Voluntary deductions (VHI, INTO etc.) cease for the duration of the career break. Separate arrangements should be made with the relevant agencies for the continuation of payments. Teachers should contact the relevant agencies to ensure that deductions are resumed on return to teaching duty after a career break.

19. Resumption from Career Break

19.1 Teachers retain an entitlement to resume duty in a permanent post on the termination of the approved

period of the career break. A teacher who intends to return to teaching from a career break must notify the board of management by 1 May using the Resumption from a Career Break Form which is contained in Appendix A of this booklet.

A section of this form must be completed by the teacher's General Practitioner.

The Board must then forward the duly completed and signed form to the Primary Payments Section of the Department of Education and Science before 30 June. If there are particular exceptional circumstances, the board of management may accept a lesser period of notice than specified. *A teacher will not be placed on the payroll until this is received in the Department.*

19.2 A teacher who fails to resume duty at the end of the approved period of a career break shall be deemed to have resigned from his/her post.

20. Study Leave under Rule 116 of the Rules for National School after a career break

20.1 A teacher on career break for a total of five years must resume full time teaching duty for a minimum period of one school year before she/he may be granted leave of absence for study purposes.

APPLICATION FORM FOR A CAREER BREAK

To be completed by the teacher in block capitals

SECTION A: PERSONAL DETAILS

1. PPS No. (formerly known as RSI No.) _____ - _____
2. Teacher Number 9 9 _____ - _____
3. Name _____
4. Home Address: _____

5. Contact Telephone No. _____
6. Date of Birth: ____ / ____ / _____
7. Are you probated? Yes ____ No ____
8. Have you previously been on a career break? Yes ____ No ____
If 'yes', please state when and duration _____
9. School Name and Address: _____

10. Roll No. _____ - _____
If yes, please state when and duration _____
Date appointed in a permanent capacity: _____

DETAILS OF PROPOSED CAREER BREAK

Proposed start date of career break: ____ / ____ / _____

Proposed duration of career break _____

Purpose of career break _____

I certify that the information which I have given in this Application Form is true and complete. I have read the conditions under which a career break is granted and I agree to abide by these conditions.

I understand that any incorrect or inaccurate information supplied by me in this form shall render my career break null and void.

Signature of Applicant: _____

Date _____

CAREER BREAKS

PART 2

Part 2 must be completed by the chairperson of the board of management. The following information should be noted before completion.

1. On the basis of the information continued in Part 1 of the completed application form, determine whether the teacher satisfies the eligibility criteria as set out in Section 2 of Primary Circular (10/03).
2. The decision to approve a career break rests solely with the board of management. The Department of Education and Science will only rescind a Board's decision if the eligibility criteria have not been satisfied.
3. If the board of management approves the teacher's application, complete Part 2 of this application form and forward same to: Primary Payments Section, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath to reach the Department before 10 June.
4. Please inform the teacher of the board of management's decision in writing at the earliest possible date but no later than 1 June.
5. Unless the post which the teacher occupied is suppressed at the end of the current school year, the board of management may employ a fully qualified temporary teacher, in accordance with the revised procedures for appointing temporary teachers as outlined in the current edition of the board of management of National Schools – Constitution of Boards and Rules of Procedures.
6. The Department will automatically sanction applications which have been approved at board of management level. The Department will not correspond with either the teacher or the Board unless the teacher is ineligible to avail of a career break, in which case the Department will correspond with both parties.

The Board of Management, having examined for a Career Break Application from is satisfied that the teacher's application is approved. The Board of Management has notified the teacher of its decision in writing accordingly.

Signature of chairperson:

Address:

.....Contact Tel. No.

Date:

Note

Only applications which have been approved by the board of management should be forwarded to the Primary Payments Section, Department of Education and Science. Applications must be lodged with the Department before 10 June.

RESUMPTION FROM A CAREER BREAK

SECTION 1: CERTIFICATE OF FITNESS TO RESUME DUTY AS A PERMANENT TEACHER

To be completed by a General Practitioner

I certify that I have examined _____ (name of teacher)
and found that she/he is fit to resume duty as a primary school teacher.

Signed: _____ Date _____

Stamp or seal

SECTION 2: to be completed by teacher

1. PPS No. (*formerly known as RSI No.*) _____ - _____
2. Teacher Number 99 _____ - _____
3. Surname _____
4. First Name: _____
5. Contact Telephone No. _____
6. Home Address: _____

7. Email Address: _____
8. Address to which payslip should be issued if different to above: _____

9. School Name and Address: _____

10. School Roll No. _____ - _____ 11. Date of Resumption: ____ / ____ / _____
12. Bank Account Details for payment of salary:
Bank Name and Address: _____

13. Bank Sorting Code: ____ - ____ - ____
Bank Account Number: _____

Note that even if you previously had your salary paid directly to your bank account, you still need to provide the details requested at 11 above.

Signature of Teacher _____ Date _____

SECTION 3: to be completed by the Chairperson of the Board of Management

I hereby confirm that the above named will resume duty on _____

Signature of chairperson _____ Date _____

Forward to
Primary Payments Section
Department of Education and Science
Cornamaddy, Athlone, Co. Westmeath

APPENDIX 13

JOB SHARING FOR PRIMARY TEACHERS

1. Introduction

- 1.1 The job sharing scheme was first implemented by the Minister for Education and Science for the 1997/1998 school year and has continued to apply since then.
- 1.2 When first introduced, the job sharing scheme could only involve two permanent teachers both based in the same school, sharing a full-time post on a 50:50 basis. A scheme (known as inter school job sharing) now also exists which allows permanent teachers in two different schools to job share.

2. Policy Statements for boards of management on Job Sharing arrangements

- 2.1 boards of management are required to develop a policy on job sharing specific to the needs of the particular school so that staff may be fully aware of the Board's position in this matter.
- 2.2 In framing a policy position on job sharing, Boards are required to ensure that the welfare and education needs of pupils take precedence over all other considerations.
- 2.3 Important elements of a job sharing policy are outlined at (a) to (f) below.

- (a) Boards should determine the number of teachers who will be allowed to participate in job sharing arrangements in any one school year.
- (b) A further issue to be addressed in the policy statement is the duration of a job sharing arrangement. In this context, teachers wishing to job share in a particular year must apply to their boards of management for approval on an annual basis. This stipulation will also apply to teachers who are currently job sharing.
- (c) Boards should address the issue of the class levels to be taught by job sharing teachers. They are required to ensure that the welfare needs of pupils take precedence over all other considerations. It is especially important for board to take account of pupils who might be regarded as vulnerable or having special needs. Accordingly, special consideration needs to be given by boards before approving job sharing for junior infant classes or special needs pupils.
- (d) principal teachers, home school liaison

teachers, supply teachers and teacher on probation shall not be permitted to job share. However, a supply teacher may move temporarily from the Supply Scheme to job share. However, a supply teacher may move temporarily from the Supply Scheme to job share with another teacher. In addition, teachers who are currently on secondment or are going on secondment cannot job share for the duration of the secondment.

- (e) It is a matter for the board to decide the time-sharing arrangement(s), which it is prepared to endorse. The only available options are week on/week off, or split week.
- (f) As soon as a board of management has decided to allow job sharing, parents should be informed that their child(ren) would be taught by job sharing teachers in the relevant school year. A board is required to notify parents at the earliest possible opportunity by way of a special meeting called by the principal/board of management. Teachers whose job sharing applications have been approved by a Board are required to attend such a meeting.

The requirement for the special meeting should not be replaced by other means of communicating to parents the information regarding job sharing arrangements.

3. Length of a Job Sharing Scheme

- 3.1 The minimum period for which a job sharing arrangement may occur is one school year.

4. Termination of job sharing arrangement during the school year

- 4.1 Boards need to ensure that teachers participating in job sharing arrangements are aware that boards reserve the right to terminate a job sharing arrangement if the arrangement is not operating in the best interests of pupils. The temporary replacement teacher should also be made aware that their appointment may be terminated.

5. Eligibility

- 5.1 All permanent teachers within a school with two years service in a permanent capacity, are eligible to apply for job sharing with the exclusion of principals (the importance of the leadership function of a principal precludes this role from being shared), home school liaison teachers,

supply teachers and teachers on probation. However, a supply teacher may move temporarily from the Supply Scheme to job share with another teacher. A permanent teacher cannot job share with a temporary teacher. In addition teachers who are currently on secondment or are going on secondment cannot job share for the duration of the secondment.

- 5.2 A teacher on a career break or other approved leave of absence may apply to resume teaching duties on a job sharing basis.

6. Application Procedures

- 6.1 It is a matter for teachers to find colleagues with whom they may wish to enter into a job sharing arrangement. Applications must be made in writing to the board of management of the school (or schools in the case of inter school job sharing). Such applications must be made to the board(s) before the 1 May of the year in which they propose to job share and should be accompanied by the Plean Oibre. Application forms are contained in the Appendix of this booklet. If an extension is required, the teacher must apply annually to the board(s) of management on the official application form.

- 6.2 The Plean Oibre must address the need for continuity, the need for planning for an agreed methodology and an agreed approach to disciplinary matters. It should also provide for the use of the combined talents of both teacher as well as assigning responsibility. The Plean Oibre should comply with school policy outlined in the Plean Scoile. Boards should be satisfied that the Plean Oibre adequately addresses all of the key issues outlined above. Additionally, boards should ensure that there is an agreement as to the frequency of out-of-school meetings between the applicants to plan and discuss their work, and the availability of the teachers for relevant staff meetings and for relevant meetings with parents.

- 6.3 The principal should be centrally involved in all stages of the planning of the job sharing arrangement, including the preparation of the Plean Oibre.

7. Approval of a job sharing arrangement

- 7.1 The principal will be required to appraise the board of management in detail regarding a proposal to job share. Specifically, the principal will be asked to outline for the Board the extent to which the two proposed job sharers are compatible, cooperative, flexible, and complement each others skills and professionalism. The principal will also be asked to indicate the levels of organisational and

communication skills displayed by the proposed partners, as well as their attendance records.

- 7.2 In the case of an inter school job sharing arrangement appropriate consultation with the board of management of the partner school on all matters relating to the proposed arrangement should be an integral part of the processing of the application.

- 7.3 The board(s) of management must process job sharing applications during the month of May. Where an inter school arrangement is being entered into, the board(s) must indicate the school in which the job sharing teacher will be based – the application form contains a section in relation to this matter. The board(s) must convey a decision in writing to the teachers before 1 June. The board(s) must submit all approved applications to the Department before 10 June.

- 7.4 Boards of management will only be notified in writing by the Department if difficulties arise in relation to eligibility of applicants or in relation to the replacement teacher.

- 7.5 The board of management of the host school for an inter school job-sharing arrangement is considered to be the employer for both job sharers for the duration of the job sharing period and the teacher should sign a form of agreement with the board of management.

8. Appointing a replacement teacher

- 8.1 Once a board(s) approve a job sharing arrangement any consequential vacancy which arises in the school may be filled in a temporary capacity with a fully qualified teacher subject to the requirements of the rules for national schools.

- 8.2 An exception arises in the event that one of the job sharers has been placed/is due to be placed on the panel for redeployment. In this instance, she/he may defer his/her panel rights to engage in job sharing. However, a consequential vacancy will not arise in this case.

9. Resignation while job sharing

- 9.1 The minimum period of a job sharing arrangement is one school year. Therefore a teacher cannot resign from a job sharing arrangement to return to teach full time in his/her school during the course of the school year.

- 9.2 A job sharing teacher who wishes to resign from his/her teaching post (as opposed to resigning from their job sharing arrangement) must give the board of management (or boards of management where an intra school job sharing

scheme exists) notice in writing in accordance with the teachers' terms of employment. The remaining job sharing teacher must seek another permanent teacher to job share with or alternatively must resume full time teaching. The temporary replacement teacher should also be made aware that his/her appointment may be terminated.

10. Operation of Job Sharing with the school

- 10.1 Once a job sharing scheme has commenced boards and particularly principals are required to ensure that detailed short-term planning occurs between the partners.
- 10.2 Record keeping is highly significant and an essential feature of job sharing, the monitoring of all aspects of the job sharing arrangement is the responsibility of the principal. Job sharers are required to maintain a diary or pupil profile in which records of progress and important events should be noted.
- 10.3 Job sharing teachers are required to be available for relevant staff meetings and relevant parent teacher meetings.
- 10.4 Each teaching partner should ensure continuity in learning and teaching, especially in the case of brief absences, where a substitute teacher is employed, and from week to week. This is important in relation to delivery of the full curriculum, to teaching methodology, and to matters such as the code of behaviour and allocation of homework.
- 10.5 The board of management should notify the Department's Inspector as soon as possible regarding any new job-sharing arrangement.

11. Position regarding attendance at in-service courses (including curriculum courses) and school planning days

- 11.1 Job sharing teachers who attend such courses/school planning days on days they are not due to teach shall be granted leave in lieu of such courses/planning days or to be paid at the full time rate of pay in respect of the course day(s).
- 11.2 A letter from the chairperson or principal teacher confirming attendance at the course/school planning day should be submitted to the Primary Payments Section of the Department. The teacher should also notify Primary Payments Section whether she/he wishes to take a day's leave-in-lieu or payment for the course/school planning day.
- 11.3 A substitute teacher may be appointed in respect of leave in lieu days and be paid for by the

Department. Job sharing teachers may not substitute for themselves during the days leave in lieu.

12. Payment of Salary while job sharing

- 12.1 Job sharing teachers are paid on a scale of pay equal to 50 per cent of a full time salary, i.e. they continue on the common salary scale appropriate to a teacher on the basis that each twelve months of job sharing service given, will reckon as twelve months full time service for incremental purposes.
- 12.2 Qualification allowances are also paid at the rate of 50 per cent of a full time allowance.
- 12.3 For payroll purposes, for an inter school job sharing arrangement, both teachers are paid under the roll number of the host school.

13. Position regarding Posts of Responsibility and Job Sharing

- 13.1 *Deputy principals* are not permitted to job share unless they relinquish their post and the appropriate allowance for the duration of the job sharing arrangement. Subject to the post being warranted, an acting deputy principal may be appointed from within the staff of the school – the terms of Section 15, Primary Circular 0/04 apply. The acting deputy principal will not establish personal title to the allowance and will relinquish it when the deputy principal resumes full time duties.
- 13.2 An *assistant principal* may be allowed to job share and to retain the post of responsibility allowance in full. A board of management should examine the duties of the post to determine whether the duties **can** be carried out in full during the periods of attendance of the assistant principal. Where a board decides that the duties can be so performed, the assistant principal will continue to perform the full duties of the post and will retain the allowance in full. Where a board decides that the duties **cannot** be performed in full by the assistant principal while job sharing, subject to the post being warranted, an acting assistant principal may be appointed – the terms of Section 15, Primary Circular 7/03 apply – this acting post of responsibility is on a job sharing basis and the allowance will be shared equally between the two teachers. The acting assistant principal must perform the duties when the job sharing post holder is absent. The acting assistant principal will not establish personal title to the allowance and will relinquish same when the assistant principal resumes full time duties.
- 13.3 A special duties post of responsibility holder may be allowed to job share. However, boards should

examine the duties of the post to determine whether the duties can be carried out in full during the periods of attendance of the job sharing special duties teacher. Where it is decided that the duties can be so performed, the special duties teacher will continue to perform the full duties of the post and will be paid accordingly. Where boards decide that the duties cannot be performed in full while job sharing, subject to the post being warranted, an acting special duties teacher may be appointed – the terms of Section 15, Primary Circular 7/03 will apply – this acting post of responsibility is on a job sharing basis and the allowance will be shared equally between the two teachers. The acting special duties post holder must perform the duties when the job sharing post holder is absent. The acting special duties post holder will not establish personal title to the allowance and will relinquish same when the actual post holder resumes full time duties.

13.4 The board of management, in consultation with the principal, should keep the operation of posts of responsibility held by job-sharing teachers under review to ensure that responsibilities are adequately discharged and, where necessary, to make appropriate alternative arrangements under Section 13.2 and 13.3 above.

13.5 In respect of the filling of a post responsibility, a job sharing year counts as a full year of service.

13.6 A teacher on an inter school job sharing scheme may apply for posts of responsibility arising in her/his former school but is not eligible to apply for post(s) in the school in which she/he is job sharing. In successful, the job sharing teacher cannot take up the post of responsibility in her/his former school until the end of the job sharing arrangement. Instead an acting post holder may be appointed on an acting basis (where applicable) until the job sharing teacher returns to the school.

13.7 If a post of responsibility allowance post holder enters into an inter school job sharing arrangement, she/he must relinquish the allowance for the duration of the job sharing arrangements. An acting post holder may be appointed, subject to the need for the post being warranted.

14. Position regarding job sharing and the redeployment panel

14.1 A teacher whose post is being suppressed due to falling enrolments and who wishes to job share may defer his/her panel rights subject to a maximum of five years.

14.2 For redeployment panel purposes a teacher on an

inter school job sharing arrangement is considered as being on the staff of her/his former school.

15. Resuming full time teaching

15.1 A job sharing teacher may resume full time employment at the end of the agreed job sharing period; or must resume at an earlier date if directed to do so by the board of management of the school. A job sharing teacher who has deferred his/her panel rights in order to job share will resume his/her place on the appropriate panel from the date of the termination of the job sharing arrangement.

16. Payment of Salary on Resumption to Full Time Teaching

16.1 Under the European Court of Justice Ruling in the Hill and Stapleton case, a job-sharing teacher returning to full-time employment will continue on the common salary scale appropriate to a teacher on the basis that each twelve months of job sharing service given, will reckon as twelve months full-time service for incremental purposes.

Example: A teacher (whose increment date is 1 September of each year) commenced job sharing on 1 September 1994 and was on the third point of the salary scale on this date. She would be due to be paid on the fourth point of the salary scale in 1995, the fifth point in 1996, the sixth point in 1997 and when she returned to full time service on 1 September 1998, she would be due to be placed on the seventh point as at 1 September 1998. On her return to full time teaching on 1 September 1998 she was reverted to the fifth point of the salary scale. However, under the Hill/Stapleton ruling this teacher would be entitled to progress on the salary scale as if she had been working full time i.e. would progress to the seventh scale point on 1 September 1998.

17. Position regarding reckoning of service and seniority for job sharing teachers

17.1 The European Court of Justice Ruling in the Gerster case refers to reckoning of service and seniority for job sharing teachers.

17.2 Under this ruling for the purpose of *reckonable* service (insofar as it affects qualifying service for purposes other than pay and superannuation), credit is given for all job sharing service upon the same basis as full time service.

17.3 Seniority of teachers is, in general, a matter for each board of management and is determined by the date of appointment of a teacher to a school.

The Gerster ruling confirms that job sharing service is reckoned as full service for the purpose of seniority. For seniority purposes a teacher on an inter school job arrangement is considered as being on the staff of her/his former school.

18. Leave

18.1 Entitlements arising from public holidays to a job sharing teacher will accrue to the teacher who would otherwise be scheduled for duty on the day in question. In such cases however, the normal attendance regime will, where necessary, be varied slightly with a view to allowing both job sharing partners to benefit equally from public holidays.

18.2 Subject to board of management approval, job sharing teachers are entitled to take leave under the terms of Circular 18/00 (Brief Absences) for days in which they are scheduled to teach.

Example: A wedding of a member of a job sharing teacher's immediate family occurs on a day the teacher is scheduled to teach – the teacher is entitled to a days leave in this instance. Alternatively, if the teacher is not scheduled to teach, she/he is not entitled to a days leave in lieu.

18.3 It is not possible for a job sharing teacher to substitute for her/his partner in the case of occasional short absences. The board of management should continue to make arrangements locally for substitute cover.

19. Bereavement Leave/Leave to look after sick relative

19.1 Under Section 1 of Circular 18/00 (Brief Absences) job sharing teachers are entitled to bereavement leave and leave to look after a sick relative for days in which they are scheduled to be in attendance to teach.

20. Sick Leave

20.1 Job sharing teacher are entitled to 365 days sick leave in a four-year period. However, to ensure equity with full time teachers the following formula applies:

(a) Each day's absence on grounds of illness on which the teacher is scheduled to be in attendance counts as two days sick leave.

(b) Where sick leave absences span weekends, each intervening weekend shall count as two days sick leave.

(c) In reckoning aggregate sick leave, uncertified sick leave will be taken into account, as will periods of school closure occurring during a teacher's absence.

(d) A job sharing teacher is required to provide a

medical certificate from a qualified medical practitioner after two consecutive days of absence due to illness.

21. Maternity/Adoptive Leave/Parental Leave

21.1 The arrangements applying to teachers in relation to maternity leave, adoptive leave and parental leave are, in general as specified in the Maternity Protection Act 1994, the Adoptive Leave Act 1995, the Parental Leave Act 1998 and the relevant Statutory Instruments, Orders and amendments. There is no distinction in the Acts between staff who are working full-time and staff who are job sharing. The general conditions that currently apply to teacher on maternity leave, adoptive leave and parental leave are as outlined in Department Circular.

21.2 A full-time teacher who commences maternity/adoptive leave and whose leave overlaps with the next school year, will be paid at the full-time rate of pay for the duration of the maternity/adoptive leave and leave-in-lieu even if the teacher has since commenced a job sharing arrangement.

21.3 A job sharing teacher who commences maternity/adoptive leave and whose leave overlaps with the next school year, will be paid at the job sharing rate of pay for the duration of the maternity/adoptive leave and leave-in-lieu even if the teacher has since returned in a full-time capacity.

21.4 While on maternity leave or adoptive leave, any salary paid to a job sharing teacher will be paid at the job sharing rate in accordance with the provisions regarding payment during maternity leave or adoptive leave in force at the time. While on parental leave, the job sharing teacher is taken off salary.

21.5 Teachers on paid maternity/adoptive and unpaid parental leave will receive paid leave in lieu for days on which the school was closed during the period of parental leave (leave in lieu is not granted in respect of unpaid maternity/adoptive leave). While on paid leave in lieu, the teacher is paid at the job sharing rate of pay. The leave in lieu must be taken immediately following the paid maternity/adoptive leave and the unpaid parental leave regardless of the job sharing arrangements.

21.6 The following examples demonstrate the manner in which parental leave is calculated in respect of job sharing teachers. The examples also demonstrate the position in relation to paid maternity and adoptive leave.

Example 1: A teacher is job sharing on a week on, week off basis. This teacher applies for parental leave for two consecutive weeks as per Section 4 of the Parental Leave circular 1/99. This parental leave will cover the week that the teacher is due to work and the week that she/he is due to be off.

Example 2: A teacher is job sharing on a week on, week off basis. This teacher applies for 14 weeks parental leave, i.e. to cover the seven weeks she/he is due to work and seven weeks she/he is due to be off. There are ten school closures during the fourteen-week period for which the teacher receives ten school days paid leave in lieu at the job sharing rate of pay. These days cover the period immediately following parental leave regardless of whether the teacher is due to be on his/her week on or week off.

22. Outside employment

- 22.1 It is not permissible for a job sharing teacher to engage in outside employment without the consent of the board of management, which must normally be obtained beforehand, and that consent will only be given where it is clear that such outside employment will not affect the teacher's work under the board of management or be in competition in it.

- 22.2 Job sharing teachers may not engage in part-time or substitute teaching.

23. Superannuation

- 23.1 A job sharing teacher shall be eligible for superannuation benefits on the same basis as full-time staff, save that each year of service given in a job sharing capacity will reckon as six months full time service for superannuation purposes.
- 23.2 The superannuation regulations applicable for a permanent teacher appointed on or after the 5 April, 1995 paying Class A contributions and who opt subsequently to job share are outlined in Circular 8/95 and in the Department booklet entitled Pay Related Social Insurance.
- 23.3 Prior to the issue of Circular PEN 5/02 job sharing teachers could only purchase notional service on resumption to full time teaching. Under the terms of Circular PEN 5/02 teachers who are job sharing can now purchase notional service while job sharing providing they have been job sharing for at least five years or they were at least fifty years of age at the time they commenced job sharing.

This portion to be signed by chairperson of Board of Management

The Board of Management, having examined the Teacher Exchange Application in respect of _____

is satisfied that the teacher's application is approved. The Board of Management has notified the teacher of its decision in writing accordingly.

Signature: _____

Date _____

Address _____

_____ Contact Tel. No. _____

APPLICATION FORM FOR JOB SHARING

PART 1 (MUST BE COMPLETED BY THE TWO JOB SHARING TEACHERS)

	1st Teacher	2nd Teacher
Name		
Home Address		
Contact Telephone No.		
Email address		
PPS No. (formerly known as RSI No.)		
Teacher Number		
School Name and Address		
State base school, if inter school job sharing arrangement		
School Roll Number(s)		

PART 2 – DETAILS OF PROPOSED JOB SHARING ARRANGEMENT

1. Proposed start date of job sharing arrangement: _____
2. Proposed duration of job sharing: _____

I certify that the information which I have given in this Application Form is true and complete. I have read the conditions under which a job sharing arrangement is granted (Primary Circular 11/03 refers) and I agree to abide by these conditions.

I understand that any incorrect or inaccurate information supplied in this form shall render the job sharing arrangement null and void.

Signature of 1st Teacher

Signature of 2nd Teacher

Date _____

Date _____

PART 2

(Please complete in block capitals)

TEACHER'S DETAILS

1. Name _____
2. PPS No. *(formerly known as RSI No.)* _____ - _____
3. Teacher Number 99 _____ - _____
4. Address for Correspondence _____

5. Email address _____
6. Contact Telephone No. _____
7. Name and Address of Existing School: _____

8. Roll No. _____ - _____
9. Have you previously been on a teacher exchange? Yes ___ No ___
If yes, please state when and duration _____

PURPOSE OF THE EXCHANGE

1. School year for which you wish to exchange: _____
2. Reason for seeking the exchange: _____
3. School in which you wish to exchange: _____

I certify that the information which I have given in this Application Form is true and complete. I have read the conditions under which a teacher exchange arrangement is granted and I agree to abide by these conditions. I understand that any incorrect or inaccurate information supplied by me in this form shall render my teacher exchange null and void.

Signature: _____ Date _____

This portion to be signed by chairperson of Board of Management

The Board of Management, having examined the Teacher Exchange Application in respect of _____

is satisfied that the teacher's application is approved. The Board of Management has notified the teacher of its decision in writing accordingly.

Signature: _____ Date _____

Address _____

Contact Tel. No. _____

APPENDIX 14

TEACHER EXCHANGE SCHEME FOR PRIMARY TEACHERS

1. Introduction

- 1.1 The teacher exchange scheme is designed to facilitate permanent teachers to temporarily exchange their posts for educational purposes.

2. Length of a Teacher Exchange

- 2.1 The minimum period for which an exchange may occur is one year and the maximum is five years. However, teachers are asked to note that requests to participate in exchange arrangements are subject to annual applications (see Application Procedures at 4 below).
- 2.2 A teacher may engage in one exchange arrangement spread over five years, or may wish to participate, at varying intervals, in separate arrangements, subject to the teacher not participating for more than five year in total on exchange arrangement.

3. Eligibility

- 3.1 The scheme is open to permanent teachers who have completed probation and who wish to exchange their posts.
- 3.2 Teachers who are on re-deployment panels are not eligible to participate in teacher exchange schemes.

4. Application procedures

- 4.1 It is a matter for teachers to find colleagues with whom they may wish to enter into an exchange arrangement.
- 4.2 Teachers who wish to participate in a teacher exchange scheme are asked to submit a completed 'Teacher Exchange Application Form' to their board(s) of management as early as possible, but certainly no later than 1st May. Applications for a teacher exchange must be made on an annual basis. If an extension is required, teachers must apply to the board of management on an official application form before the 1 May of the **following** year.
- 4.3 It shall be open to a board of management to interview a teacher who proposes to participate in an exchange arrangement.

5. Approving a teacher exchange scheme

- 5.1 The board of management must process teacher exchange applications during the month of May.

A decision will be conveyed in writing to both teachers by the board(s) before 1 June. The board(s) must submit all approved applications to the Department before 10 June.

- 5.2 Boards of management will only be notified in writing by the Department if difficulties arise in relation to eligibility of applicants.

6. Signing Form of Agreement

- 6.1 The board of management of the school in which the teacher is serving for the duration of the exchange shall be deemed to be the teacher's employer and the teacher shall be required to sign a Form of Agreement with this Board.

7. Termination of teacher exchange during the school year

- 7.1 An exchange may not be terminated by a teacher during a school year except by resigning his/her post. If a teacher resigns his/her post, the board of management may appoint a temporary teacher for the remainder of the school year.

8. Position regarding posts of responsibility while teachers are on teacher exchange

- 8.1 A teacher applying for teacher exchange must relinquish his/her post of responsibility for the duration of the exchange scheme. The post of responsibility vacated by a teacher participating in a teacher exchange scheme may be filled on an acting basis from one school year to another, if the post is still warranted by reference to Primary Circular 7/03.
- 8.2 Teachers on teacher exchange may apply for posts of responsibilities arising in their former school during their exchange but are not eligible to apply for posts in the school to which they have exchanged.

If successful an acting post of responsibility is appointed, subject to the post still being warranted.

9. Seniority

- 9.1 A teacher's seniority in his/her own school shall not be affected by participating in a teacher exchange scheme.

APPLICATION FOR TEMPORARY TEACHER EXCHANGE

Part 1 of this form must be completed by the first teacher and his/her Board of Management.
Part 2 of the form, must be completed by the second teacher and his/her Board of Management.

PART 1

TEACHER'S DETAILS

1. Name _____
 2. PPS No. (formerly known as RSI No.) _____ - _____
 3. Teacher Number 99 _____ - _____
 4. Address for Correspondence _____

 5. Email address _____
 6. Contact Telephone No. _____
 7. Name and Address of Existing School: _____

 8. Roll No. _____ - _____
 9. Have you previously been on a teacher exchange? Yes ___ No ___
If yes, please state when and duration _____
-

PURPOSE OF THE EXCHANGE

1. School year for which you wish to exchange: _____
2. Reason for seeking the exchange: _____
3. School in which you wish to exchange: _____

I certify that the information which I have given in this Application Form is true and complete. I have read the conditions under which a teacher exchange arrangement is granted and I agree to abide by these conditions. I understand that any incorrect or inaccurate information supplied by me in this form shall render my teacher exchange null and void.

Signature: _____ Date _____

This portion to be signed by chairperson of Board of Management

The Board of Management, having examined the Teacher Exchange Application in respect of _____

is satisfied that the teacher's application is approved. The Board of Management has notified the teacher of its decision in writing accordingly.

Signature: _____ Date _____

Address _____

_____ Contact Tel. No. _____

PART 2

(Please complete in block capitals)

TEACHER'S DETAILS

1. Name _____
2. PPS No. *(formerly known as RSI No.)* ____ _ - ____ _
3. Teacher Number 9 9 ____ _ - ____ _
4. Address for Correspondence _____

5. Email address _____
6. Contact Telephone No. _____
7. Name and Address of Existing School: _____

8. Roll No. ____ _ - ____ _
9. Have you previously been on a teacher exchange? Yes ____ No ____
If yes, please state when and duration _____

PURPOSE OF THE EXCHANGE

1. School year for which you wish to exchange: _____
2. Reason for seeking the exchange: _____
3. School in which you wish to exchange: _____

I certify that the information which I have given in this Application Form is true and complete. I have read the conditions under which a teacher exchange arrangement is granted and I agree to abide by these conditions. I understand that any incorrect or inaccurate information supplied by me in this form shall render my teacher exchange null and void.

Signature: _____ Date _____

This portion to be signed by chairperson of Board of Management

The Board of Management, having examined the Teacher Exchange Application in respect of _____

is satisfied that the teacher's application is approved. The Board of Management has notified the teacher of its decision in writing accordingly.

Signature: _____ Date _____

Address _____

Contact Tel. No. _____

APPENDIX 14(A)

CARER'S LEAVE FOR PRIMARY TEACHERS

Carer's Leave is the term used to describe temporary unpaid leave from work to personally provide full-time care and attention for a person who is medically certified as being in need of such care.

1. Entitlement and Eligibility to Carer's Leave

- 1.1 To be eligible for Carer's Leave a teacher must have worked for a period of one continuous year with the board of management. This condition may be waived only in exceptional circumstances and subject to the educational and welfare needs of the pupils.

This requirement is waived in the case of a teacher compulsorily redeployed into a school provided that she/he has worked for at least one full year in her/his former school before being redeployed. The requirement is also waived in the case where a teacher seeking carer's leave is teaching in a school that was amalgamated within a year of the application date for Carer's Leave.

A teacher who is due to be placed on a panel for redeployment or who is on a panel for redeployment may not apply for Carer's Leave beyond the end of the school year in which her/his post is to be withdrawn.

- 1.2 Where a teacher has been appointed for a fixed-term contract and the employment would have terminated on the expiry of that fixed-term had she/he not been on Carer's Leave the period of Carer's Leave shall not extend beyond the day on which the fixed-term expires. The granting or taking of Carer's Leave shall not affect the date of termination of a fixed-term appointment.

2. Relevant Person

- 2.1 The person for whom the Carer's Leave is being applied for (referred to as the 'relevant person') must first be deemed to be in need of full-time care and attention by the Department of Social and Family Affairs. Therefore a teacher must first make an application on the prescribed Department of Social and Family Affairs Forms (CARB1) which can be received from the Carer's Benefit Section of the Department of Social and Family Affairs, Government Buildings, Ballinalee Road, Longford, Co. Longford (Tel 043-45211 or 01-8748444).
- 2.2 According to Department of Social and Family Affairs regulation, 'full-time care and attention'

means that a person being cared for must be so disabled as to require

'continuous supervision and frequent assistance throughout the day in connection with his/her normal personal needs, e.g. help to walk and get about, eat or drink, bathe, dress etc.';

or

'continuous supervision in order to avoid danger to him/herself'.

3. Period of Carer's Leave Available

- 3.1 The maximum period of Carer's Leave allowable to care for one 'relevant person' shall be 104 weeks unpaid leave.

- 3.2 A teacher is not permitted to be on Carer's Leave in respect of more than one person at any one time. However, on one occasion only, a teacher may commence leave in respect of a person, while already on leave in respect of another person, where the two persons reside together, providing approval is received from the Department of Social and Family Affairs for the second person. In such circumstances, an overall total amount of Carer's Leave of 130 weeks can be taken together (104 weeks for each relevant person). This can only be done once.

- 3.3 A teacher will not be entitled to Carer's Leave where another person is on Carer's Leave for the purpose of providing full-time care and attention for the same relevant person.

- 3.4 Before a teacher can commence Carer's Leave, he/she must provide the board of management with a copy of the decision of a deciding officer of the Department of Social and Family Affairs, that the relevant person has been medically certified as being in need of full-time care and attention.

- 3.5 Teachers shall have the option of either taking the Carer's Leave as

(a) one continuous period of 104 weeks;

or

(b) one or more periods, the total duration of which amounts to not more than 104 weeks.

The minimum statutory entitlement that may be taken in one period is thirteen weeks. However,

applications for Carers Leave for periods for less than thirteen weeks will be considered on their merit and approved by the board of management where possible, having regard to the capacity of the school to meet the educational and welfare needs of the pupils and the number of periods of Carers Leave already taken by the teacher in the school year.

For the purpose of this circular, a week is defined as a period of seven days, i.e. a teacher who takes thirteen weeks of Carer's Leave will be removed from the payroll for ninety-one days.

Note 1: Where the Carer's Leave is not taken in one continuous period of 104 weeks there must be a gap of at least six weeks between periods of Carer's Leave in respect of the same person. A teacher must make a separate application to the Department of Social and Family Affairs for all separate periods of Carer's Leave.

Note 2: If a teacher wishes to avail of Carer's Leave for another person a period of six months must elapse from the date of termination of the leave in respect of the previous Carer's Leave even if the teacher has not taken the maximum period of 104 weeks for the other person. This provision does not apply where two persons to be cared for reside together.

- 3.6 The first thirteen weeks only of Carer's Leave entitlement in respect of any one care recipient will qualify for public holiday entitlements. The right to annual leave is restricted to the period comprising the first thirteen weeks only of the Carer's Leave entitlement in respect of any one relevant person. Accordingly a deduction of three days pay will be made immediately following the period of carers leave in respect of each fourteen days of absence on Carer's Leave in excess of the initial thirteen week period. This is illustrated in the Table in Appendix A.

4. Notification Required to Avail of Carer's Leave

- 4.1 Granting Carer's Leave is conditional on a teacher notifying her/his board of management in writing as soon as is reasonably practicable but not later than six weeks prior to the proposed commencement date of Carer's Leave. In exceptional circumstances, an application may be made later than six weeks prior to the proposed commencement date.
- 4.2 The Department has prepared a standard application form, which must be used when a teacher is applying for Carer's Leave. This form is available on the Department website at www.education.ie or on request from the Primary Payments Section of the Department.

This must contain a statement that an application for a decision that the person to be cared for is in need of full-time care and attention and has been made to the Department of Social and Family Affairs (See Section 2).

- 4.3 The teacher must give a copy of the decision of the deciding officer (or appeals officer) of the Department of Social and Family Affairs to his/her board of management immediately on receipt of certification from that Department.
- 4.4 A board of management must process an application for Carer's Leave under the terms of the Act no later than two weeks prior to the proposed commencement of the Carer's Leave. To facilitate adjustments to the teachers payroll the board of management should process the application as early as possible. The board of management can only process the application provided they have certification from the Department of Social and Family Affairs (see 4.3 above). If the Department of Social and Family Affairs refuse an application for Carer's Leave then the board cannot approve the application. Once a board of management has approved the Application Form, it becomes a Confirmation Document.
- 4.5 Once agreed, the proposed absence on Carer's Leave cannot be amended save with the agreement of all parties concerned.
- 4.6 A copy of the confirmation document must be given to the teacher and the original forwarded to the Department of Education and Science no later than two weeks before the proposed start date of the leave.
- 4.7 A board of management may postpone Carer's Leave if such leave is likely to disrupt significantly the general operation of the school. The postponement may be to an agreed date. A decision to postpone Carer's Leave should be notified in writing to the teacher.
- #### **5. Replacement Teacher**
- 5.1 A board of management may appoint a temporary teacher, paid for by the Department, when a teacher is on Carer's Leave provided the post is warranted by reference to the staffing schedule applicable for that particular year. The contract offered to the temporary teacher should be a fixed purpose contract for the duration of the absence of the teacher on Carer's Leave. The board of management should list the 'Reason for the Appointment' under the sub heading 'Other – Please Specify' as Carer's Leave.

6. Maintenance of Employment Rights During Carer's Leave

- 6.1 In the case of a teacher who is on probation at the start of Carer's Leave, the period of probation will stand suspended for the duration of the absence on Carer's Leave.
- 6.2 Except as outlined in paragraph 6.1 above, and other than the right to remuneration and superannuation benefits, a teacher on Carer's Leave is deemed for all purposes to be in employment. The absence is therefore fully reckonable for the determination of panel rights, seniority etc.
- 6.3 A teacher on Carer's Leave is entitled to receive notification regarding vacant posts of responsibility, which are to be filled in the school, such notification to be sent by the board of management to the last known address.
- 6.4 Absences from employment while on Carer's Leave cannot be treated as part of any other leave to which the employee is entitled, e.g. sick leave, adoptive leave, maternity leave, parental leave or force majeure leave.
- 6.5 A teacher absent on sick leave prior to the start of Carer's Leave must produce a certificate of fitness to resume duty before commencing Carer's Leave.

7. PRSI and Superannuation Matters

- 7.1 Teachers who avail of Carer's Leave and who pay full rate Pay Related Social Insurance contributions are required to contact the Department of Social and Family Affairs to ensure that any entitlement to PRSI credits are maintained.
- 7.2 The absence of a teacher on carers leave does not constitute a break in service for PRSI purposes.
- 7.3 The period on carers leave will not reckon as service for superannuation purposes.

8. Termination of Carer's Leave

- 8.1 Generally a period of Carer's Leave shall terminate on the date specified on the confirmation document, or where the person being cared for ceases to require full-time care and attention or where the person being cared for dies during a period of Carer's Leave. In the latter instance the teacher may return on the date specified in the confirmation document or a date which occurs within 6 weeks after the date of death which ever is the earlier.
- 8.2 Where a board of management is of the opinion that any of the following circumstances exist:

- that the person in respect of whom the teacher proposes to take Carer's Leave is not or is no longer a relevant person
- that the person in respect of whom Carer's Leave has been granted, and in respect of whom the teacher is on Carer's Leave is not or is no longer a relevant person.
- that a teacher who proposes to take or is on Carer's Leave does not satisfy the conditions for providing full-time care and attention to the relevant person
- that a teacher who proposes to take or is on Carer's Leave is engaging or has engaged in employment or self-employment other than as provided for in regulations made by the Minister for Social and Family Affairs;

the board of management shall notify the Department of Social and Family Affairs of such opinion together with the grounds of that opinion.

On receipt of such a notification from the Board, the Department of Social and Family Affairs shall refer it to a deciding officer for a decision under the Social Welfare (Consolidation) Act 1993, i.e. as to whether the aforementioned conditions are satisfied.

Where the Department of Social and Family Affairs makes a decision that:

- a person in respect of whom a teacher proposed to take or has taken Carer's Leave was not or is no longer a relevant person;
- the teacher does not satisfy the conditions for providing full-time care and attention; or
- the teacher is engaging or has engaged in employment or self-employment other than as prescribed (e.g. working more than the 10 hours allowed per week).

then the period of Carer's Leave, if commenced, shall terminate on the date of that decision and the teacher shall return to work.

In a situation where Carer's Leave terminates on foot of a decision of a deciding officer/appeals officer, then the notice of return to work will come from the board of management.

9 Working While On Carer's Leave

- 9.1 During Carer's Leave a teacher may engage in employment or training/education outside of teaching provided the hours of employment do not exceed ten hours per week and the net earnings from that employment do not exceed €95.23 per week. During his/her absence,

adequate care for the care recipient must be arranged.

10. Dispute and Appeals

- 10.1 Disputes about entitlement to Carer's Leave may, in general, be referred to a rights commissioner. The Rights Commissioner is empowered to hear the parties to the dispute and to receive any relevant evidence tendered. Where either party is dissatisfied with the decision of the rights commissioner, the Act provides for a right of appeal to the Employment Appeals Tribunal.
- 10.2 Notice to a rights commissioner in relation to a dispute must be given no later than six months after the occurrence of the dispute. Redress can be granted in the form of Carer's Leave or in the form of monetary compensation.

11 Carer's Benefit

- 11.1 The two schemes, Carer's Leave and Carer's Benefit, are administered in tandem as regards conditions relating to (i) the provision of full time care and attention, and (ii) the requirement for a decision to be made by a deciding officer (or appeals officer) of the Department of Social and Family Affairs that the relevant person is medically certified as being in need of full-time care and attention.
- 11.2 It should be noted that the entitlement to Carer's Leave is not conditional on entitlement to Carer's Benefit and vice versa. Please note that PRSI contribution classes A, B, C, D, H and E count for the purposes of meeting the PRSI contribution requirements for Carer's Benefit.

APPLICATION FORM FOR CARER'S LEAVE

PART 1

(To be completed by the teacher)

SECTION A: PERSONAL DETAILS (BLOCK CAPITALS)

County: _____ Roll No: _____ School: _____

Surname: _____ First Name (s): _____

Home Address: _____

Contact Tel No: _____ PPS No. (formerly known as RSI No.) _____

Name of Relevant Person for whom you wish to apply for carer's leave: _____

Have you previously availed of carer's leave? Yes No

Have you previously availed of carer's leave in respect of the Relevant Person names below? Yes No

If 'Yes' state: From / / to / / Total No. of Weeks _____

If 'Yes' state: From / / to / / Total No. of Weeks _____

If 'Yes' state: From / / to / / Total No. of Weeks _____

If 'Yes' state: From / / to / / Total No. of Weeks _____

OVERALL TOTAL _____

SECTION B: PROPOSED PERIOD OF CARER'S LEAVE

1. Proposed start date of carer's leave: ____ / ____ / ____

2. Proposed end date of carer's leave: ____ / ____ / ____

3. State the number of weeks in total _____

SECTION C: CERTIFICATION

I certify that the information which I have given in this application form is true and complete.

I have read the Carer's Leave Circular 5/03, and I agree to abide by the requirements of this Circular. I wish to confirm that an application for a decision that the relevant person is in need of full-time care and attention has been made to the Department of Social and Family Affairs. I understand that any incorrect or inaccurate information supplied by me in this form shall render my application null and void.

Signature: _____

Date _____

PART 2

To be completed by the chairperson of the Board of Management

APPROVAL FOR CARER'S LEAVE

The Board of Management of _____ National School roll number _____, has approved this application for carer's leave as detailed in Part 1 of this form.

An application for carer's leave which is approved by the Board of Management and signed by the Chairperson of the Board shall be regarded as a confirmation document in compliance with paragraph 5.4 of Primary Circular 5/03.

A copy of the completed form should be given to the teacher while the original form should be forwarded to the Primary Payments Branch, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath *no later than two weeks* before the proposed start date of the leave.

Certification in relation to the above application has been received from the Department of Social and Family affairs

Tick as appropriate

Yes

No

Signature of Chairperson: _____ Date _____

Address _____

_____ Contact Tel. No. _____

Note: A Board of Management which decides that a teacher is ineligible for carer's leave or decides to postpone carer's leave should inform the teacher of same in writing at least four weeks before the proposed start of the leave.

Only applications which have been approved by the Board should be forwarded to the Department.

APPENDIX 15
EXTRA PERSONAL VACATION
RULE 58 OF THE RULES FOR NATIONAL SCHOOLS
(Circular 37/97)

The Minister for Education wishes to refer to Rule 58 of the Rules for National Schools, and to confirm that the entitlement to extra personal vacation (EPV) on foot of attending approved summer courses is as follows:

1. COURSE OR COURSES AMOUNTING TO 15 DAYS OR MORE	
Attendance	EPV awarded
Full	5
9–14 days	4
No EPV will be awarded for less than 9 days attendance.	
2. COURSE OR COURSES AMOUNTING TO 9–14 DAYS OR MORE	
Attendance	EPV awarded
Full	4
6–8 days	3
No EPV will be awarded for less than 5 days attendance.	
2. COURSE OR COURSES AMOUNTING TO 5– 8 DAYS	
Attendance	EPV awarded
Full	3
4 days	2
No EPV will be awarded for less than 4 days attendance.	

It should be noted that no EPV entitlement arises where attendance at any specific course amounts to 3 days or less, and, in particular, that 5 DAYS EPV IS THE MAXIMUM WHICH MAY BE AWARDED IN ANY SCHOOL YEAR.

APPENDIX 16

ABSENCES OF TEACHERS AND EMPLOYMENT OF SUBSTITUTES

The following are the terms of the agreement under which substitute teachers may be employed by boards of management to cover for teachers who are absent. (Circular 21/80 Appendix A.)

- (1) The absence of a teacher, the cause of absence, and the estimated duration of the absence should be notified at once to the chairperson of the board of management by the teacher or by a person acting for the teacher.
- (2) Subject to the arrangement set out below, substitutes should be employed by boards of management in the following cases of approved absences of teachers:
 - (a) certified sick leave;
 - (b) maternity/adoptive leave;
 - (c) jury service;
 - (d) special absence for particular educational reasons with the prior approval of the Department of Education.
- (2.1) A substitute should be employed from the first day of absence, or as soon thereafter as possible, where it is known that the teacher's absence is likely to exceed three school days.
- (2.2) Teachers should not generally be expected to cover for an absent teacher for more than three consecutive school days. A substitute should be employed on the fourth and subsequent school days.
- (2.3) The teacher should supply medical or other certification in respect of any absence which exceeds three consecutive days.
- (2.4) If, after three consecutive school days' absence, a teacher fails to supply medical or other certification or fails to notify the chairperson (or person acting for the chairperson) of his/her intention to resume on the fourth, or subsequent day, and a substitute has been employed, the Department shall be entitled to deduct from the teacher's salary any payment made in respect of the substitute's salary.

Teacher Absences

1. The purpose of this circular is to set out for school management authorities, principal teachers and all teaching staff the provisions determining arrangements in relations to absences from school and whether the teachers'

absence should be covered by the employment of a substitute teacher or a temporary/fixed-term teacher. The issue of the circular is also intended to provide clarity for schools in relation to teacher absences having particular regard to the introduction of the Online Claims System (OLCS) at primary level in April 2007.

2. The Online Claims System (OLCS) is designed to enable schools to submit online details of all teacher absences and to make claims for substitute teachers. The data input by schools, once validated, updates the Department's payroll and personnel systems and issues payment directly to the teacher.
3. It should be noted that with the introduction of this system some absences for unpaid leave which have heretofore required the employment of a temporary/fixed teacher will now be covered by the employment of a substitute (casual/non-casual) teacher. For example, under present arrangements a teacher on paid maternity leave is replaced by a substitute (casual/non-casual) teacher for the duration of paid maternity leave. When on unpaid maternity leave she is replaced by a temporary fixed-term teacher. Henceforth, the full absence, maternity leave, leave-in-lieu, unpaid maternity leave etc., will be covered by the appointment of a substitute (casual/non-casual) teacher.
4. A teacher who is employed in a primary school under a contract which obliges him/her to work for a period in excess of forty days in the school year but less than a full school year is classified as a non-casual substitute teacher. Such a teacher is paid at his/her appropriate annual salary divided by 183 for each day worked. A teacher who is employed on a casual basis for a period of up to forty days in a school year is classified as a casual substitute teacher and is paid a fixed daily rate which is inclusive of holiday pay. If such a teacher exceeds forty days employment in a school year they are paid at the non-casual rate for any day in excess of forty days.
5. Boards of management should fulfil existing contractual arrangements with replacement teachers, whether substitute (casual/non-casual) or temporary/fixed-term. The revised arrangements should come into effect for contractual arrangements to be entered into from 16 April 2007 onwards.

6. The **prior** approval of the chairperson of the board of management must be granted for all absences. Absence for part of a school day constitutes an absence for a full school day. Teachers are not allowed to absent themselves from school for the purpose of transacting private or personal business such as consultation with a solicitor or bank manager, signing of contracts, or personal business such as consultation with a solicitor or bank manager, signing of contracts, attending for interviews etc. Any absence without reasonable cause and the approval of the board of management will involve loss of salary.
7. **With effect from 16 April 2007 all teacher absences which were previously recorded on the quarterly return and the substitute claim form will be submitted online by the schools involved in Phase 1 of the roll-out of OLCS. Pending the introduction of OLCS to all other primary schools all leave absences must be entered chronologically on the new substitute claim form which will be issued to all schools, even if the absence is not substitutable. It is important to note that absences should not be recorded on the quarterly return after 16 April 2007.**
8. The Department will meet the cost of supplying a substitute teacher replacing principal teachers in one-teacher schools who are absent for any reason as set out in Section 1 of this circular and with the permission of the board of management. Substitute cover will also be provided for principals in one teacher schools in respect of Extra Personal Leave (EPV) days.
9. The arrangements for teacher absences have been set out in three sections in this circular:
 - Section 1 relates to absences which allow for the employment of a substitute teacher to cover teacher absences such as sick leave, family leave, personal leave and school business related absence.
 - Section 2 relates to absences which allow for the employment of a temporary/fixed-term teacher to cover teacher absences on career break, carers leave, secondment and APSO (Agency for Personal Service Overseas) leave.
 - Section 3 relates to paid leave absences for which no substitute (casual/non-casual) or temporary/fixed-term cover is paid by the Department.
10. The terms and conditions applying to teacher absences as outlined in the above Sections can be found in the relevant Department circulars governing these schemes, e.g. maternity leave, adoptive leave, sick leave etc. In addition, Appendix A of this circular sets out the provisions governing other brief absences, e.g. illness and bereavement of a family member.
11. Boards of management are obliged to recruit and employ fully qualified primary teachers for any vacancy in a school, regardless of the duration of the vacancy. Information regarding recognised qualifications can be obtained from the Primary Administration Section of the Department (Tel 090 6483735/6483736). Under no circumstances should a board of management engage an untrained person and commit to retaining that person for the full duration of a teacher's absence on career break, maternity leave, parental leave etc. It should be noted that a post-primary qualified teacher is not fully qualified for the purpose of appointment as a primary teacher. The procedures for the appointment of teachers as outlined in the Constitution of Boards and Rules of Procedures for Boards of Management of National Schools must be adhered to at all times.
12. This circular may also be accessed on the Department of Education and Science website at www.education.ie under Education/Personnel/Primary/Circulars and Information Booklets. Please note that queries regarding the Circular may be emailed to primary_payments@education.gov.ie.

SECTION ONE: TEACHER ABSENCES FOR WHICH A SUBSTITUTE TEACHER MAY BE EMPLOYED BY THE BOARD OF MANAGEMENT AND BE PAID BY THE DEPARTMENT OF EDUCATION AND SCIENCE

Nature of Absence	No of days including maximum, if applicable, for which substitute teacher will be paid
SICK LEAVE	
Certified Sick Leave	allowed maximum 365 days certified and uncertified sick leave over four years service: Maximum 365 days
Uncertified Sick Leave	allowed subject to a maximum of 3 consecutive days per absence. Maximum of 31 days per school year.
Leave in lieu Sick Leave	allowed in respect of Public Holidays which fall during the first 26 weeks absence on sick leave. No of public holidays applicable.
Unpaid Sick Leave	allowed up to a maximum of 6 consecutive months. This leave is allowed once in a teaching career. Maximum of 6 consecutive months.
FAMILY LEAVE	
Ante-Natal Visits	evidence of appointment required by BOM. All days
Ante-Natal Classes	A female teacher is allowed absence to attend one set of ante-natal classes except the last 3 in a set. A male teacher is allowed absence to attend the last two ante-natal classes once only. Evidence of attendance required by BOM. No of days applicable.
Maternity Leave	Maximum of 26 weeks.
Maternity Leave in lieu	Maximum of 30 consecutive school days
Unpaid Statutory Maternity Leave	this leave follows immediately on from maternity leave in lieu. Maximum of 16 consecutive weeks.
Unpaid Maternity Leave in lieu	this leave allowed for public holidays which fall within a period of unpaid maternity leave. No of public holidays applicable.
Additional (extended) Unpaid Maternity Leave	this leave allowed immediately following statutory unpaid maternity leave in lieu and may be taken until the end of the school year (i.e 31 August) No of days absence.
Additional (extended) Unpaid Maternity Leave in lieu	Leave allowed for public holidays which fall within the first 13 weeks of additional (extended) maternity leave. No of public holidays applicable
Resumed (postponed) Paid Maternity Leave	As outlined in Primary Circular 0091/2006. Maximum of 12 consecutive weeks
Resumed (postponed) Paid Maternity Leave in lieu	Maximum of 30 consecutive school days (including maternity leave in lieu)
Resumed (postponed) Unpaid Maternity Leave	Maximum of 16 weeks
Resumed (postponed) Unpaid Maternity Leave in lieu	Allowed for public holidays which fall within the period of unpaid maternity leave. No of days applicable
Adoptive Leave	
Adoptive Meetings	Allowed time off to attend pre-adoption meetings/classes with social workers/ health board officials. Evidence of appointment required by BOM. No of days required.
Adoptive Leave	Maximum of 24 weeks

Adoptive Leave in lieu	Maximum of 27 days
Unpaid Statutory Adoptive Leave	Allowed maximum of 16 consecutive weeks immediately following adoptive leave in lieu. Maximum 16 weeks.
Unpaid Adoptive Leave in lieu of public holidays	Leave allowed for public holidays which fall within the period of statutory unpaid adoptive leave. No of public holidays applicable.
Additional (extended) Unpaid Adoptive Leave	Allowed immediately following the statutory unpaid adoptive leave in lieu and may be taken until the end of the school year (i.e. 31 August). No of days absence
Additional (extended) Unpaid Adoptive Leave in lieu	Allowed for public holidays which fall within the first 13 weeks of additional extended unpaid adoptive leave in lieu. No of public holidays applicable.
Resumed (postponed) paid Adoptive Leave	As outlined in Primary Circular 0090/2006. Maximum of 24 weeks.
Resumed (postponed) paid Adoptive leave in lieu	Maximum 27 consecutive school days (including adoptive leave in lieu)
Resumed (postponed) unpaid Adoptive Leave	Maximum of 16 weeks
Resumed (postponed) unpaid adoptive leave in lieu	Number of public holidays applicable.
Paternity Leave	
Paternity Leave	This is paid leave applicable to fathers only. Maximum of 3 school days within 31 days of the birth/placement of the child.
Parental Leave	
Parental leave	Unpaid leave allowed maximum 14 weeks per child. Maximum 14 weeks per child.
Parental leave in lieu	Leave allowed for all public holidays which fall during the period of parental leave with the exception of Christmas, Easter and Summer vacations. No of public holidays applicable
Parental leave in lieu	Leave allowed for school closures which fall during the period of parental leave with the exception of Christmas, Easter and Summer vacations. No of public holidays applicable
Leave for Illness/Bereavement	
Leave in respect of tending to an immediate family member who is ill including accompaniment to hospital.	As outlined in Appendix A. Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave. Maximum of 5 school days in a school year.
Leave in respect of tending to a near relative/member of religious community who is ill including accompaniment to hospital	As outlined in Appendix A. Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave. Maximum of 3 school days in a school year.
Bereavement of member of immediate family	Allowed 5 consecutive days including a weekend. As outlined in Appendix A. Five consecutive days including a weekend.
Bereavement of near relative /in-law/member of religious community	Allowed minimum necessary period subject to maximum of 3 consecutive days including weekend. As outlined in Appendix A. Minimum period necessary subject to a maximum of 3 consecutive days including a weekend.
Personal Leave	
Unpaid leave of absence	Application must be approved by BOM six weeks in advance of absence. Number of days approved.

Assault leave (Paid leave)	Application with board of management approval to be made directly to the Department of Education and Science. Documentary evidence must be supplied. Number of days approved.
Health and Safety Leave (paid leave)	Application with Board of Management approval to be made directly to the Department of Education and Science. Documentary evidence must be supplied. Number of days approved.
Retirement Seminar (paid leave)	Prior approval of board of management and evidence of attendance is required. 1 day.
Member of Teaching Council of Ireland (paid leave)	Allowed leave to attend meetings held on school days. Maximum of 10 days per school year.
Career Break (paid leave in lieu of public holidays)	Allowed for public holidays which fall within the first 13 weeks following commencement of a career break for the first time. 1 day allowed.
Carers Paid Leave in lieu of Public Holidays	Allowed for public holidays which fall within the first 13 weeks following commencement of carers leave. Number of days applicable.
Leave in lieu for Job-Sharing Teachers	paid leave allowed for teachers not timetabled to work who attend Curriculum days. 1 day for each day attended.
Leave in lieu of Public Holidays for Job-Sharing Teachers	Allowed paid leave in lieu for 17 March, 1st Monday in May, 1st Monday in June for job-sharing teacher who is not timetabled to work on these days. Max allowed 3 days.
Representing Ireland at International Sporting Event	Paid leave, documentary evidence of the participation in the international sporting event and the number of days required must be submitted to the Department of Education and Science with the board of management approval. Number of days approved.
Membership of state Bodies e.g. National Council for Special Education, State Exams Commission	Absence applies only where meetings are held during school opening hours. Up to ten school days in a school year.
Candidate in a General Election	Unpaid leave for all days from the date of the candidate's lodgement of his/her nomination papers up to and including the day(s) of the count. Number of days applicable.
Attending court where a teacher is the defendant or plaintiff in a personal case	Unpaid leave. The number of days deemed necessary by the court.
School Business	
Principal Release	Paid leave to allow Principals to undertake administrative duties. Minimum of 14 days – maximum of 22 days subject to number of mainstream posts in the school
Court attendance	Attending legal proceedings on behalf of the school. The number of days deemed necessary by the court.
In Service/In-Career Development	Attendance must be approved by Department and board of management. Evidence of attendance required. Number of days approved.
In Service/In-Career Development in lieu	Leave in lieu allowed in respect of in-service/in-career development days attended during maternity leave, adoptive leave and parental leave. Number of days applicable.
Examiner for State Examinations	Paid leave with prior approval of board of management. Documentary evidence required. Number of days approved.
Suspension by Board/ Administration Leave	Paid leave application to be made directly to Department by Board of Management. Number of days applicable.
One Teacher Schools	All brief absences approved by the board of management are allowed for substitute cover. Number of days required.

Union Executive Committee Paid leave prior approval of Board of Management and documentary evidence required. Maximum of 2 days per month.

SECTION TWO: TEACHER ABSENCE (ALL UNPAID LEAVE OF ABSENCE) FOR WHICH A TEMPORARY/FIXED TERM TEACHER MAY BE EMPLOYED BY THE BOARD OF MANAGEMENT AND PAID BY THE DEPARTMENT OF EDUCATION AND SCIENCE

Nature of Absence	Period for which temporary/fixed-term teacher will be paid
Career Break	maximum of 5 years
Carer's Leave	maximum of 104 weeks unpaid
Absence to other agencies	
Secondment	Maximum of 5 years to outside agencies, 9 years to European Schools and 10 years to Department National Approved Programme. Maximum 5, 9 or 10 years depending on agency to which teacher has been seconded.
Agency for Personal Service Overseas	Application with board of management approval to be made directly to the Department of Education and Science. Evidence of work to be undertaken must be provided. Maximum of 5 year.

SECTION THREE: THE FOLLOWING SETS OUT TEACHERS' ENTITLEMENT TO ABSENCE FOR WHICH SUBSTITUTE COVER IS NOT PAID BY THE DEPARTMENT OF EDUCATION AND SCIENCE FOR THE FOLLOWING ABSENCES

Family Leave Absence (Paid Leave)

Wedding of immediate family near relative/in-law	Allowed 1 school day if the wedding is held on a day when the school is open. Please refer to No. 2.1(a) of Appendix A for definition of immediate family/near relative (same as for bereavement leave)
Ordination/profession/religious reception/garda passing out/commissioning Graduation of immediate family	Allowed 1 school day if the ordination/religious reception/profession is held on a day when the school is open. Please refer to No. 2.1(a) of Appendix A for definition of immediate family member/near relative (same as for bereavement leave)

Personal Leave Absence (Paid Leave)

Study leave prior to examination	allowed 5 days in respect of recognised third level educational courses. Verification in respect of the exam must be submitted to the Board of Management
Exam Leave	Allowed the actual days on which the examinations are held, provided it is a recognised third level educational course. Verification in respect of the exam and the number of days necessary must be submitted to the board of management.
Teacher's own wedding – this applies only when the wedding takes place on a day when the school is due to be open	allowed 7 consecutive days from the date of marriage. These days include weekends and any school closure, e.g. bank holiday, vacation days etc.
Graduation of teacher	1 school day if the graduation is held on a day when the school is open.
Extra personal vacation (EPV)	Allowed a maximum of 5 EPV days per school year in lieu of attendance at approved summer course

Membership of public bodies e.g. county councils or statutory local bodies	Allowed up to ten school days in a school year. Absence applies only where meetings are held during school opening hours.
Candidate in a local election	allowed 1 day on day of election
Legal Separation Proceedings	Allowed 1 school day provided the proceedings take place on a day when the school is open.
Witness in Court (under subpoena or summons)	allowed the number of days required to be in attendance under subpoena or summons (The board of management/teacher may claim payment for substitute cover from the relevant party)

APPENDIX A

1.1 Illness of a family member

- (a) This leave is granted for urgent family reasons where owing to a serious injury or illness the immediate presence of a teacher is indispensably required at the place where the family member is – this leave also includes accompanying a member of one's immediate family or near relative to hospital where alternative domestic arrangements cannot be made.
- (b) For the purpose of this sub-section, family relationship are defined as follows:
- **Immediate family:** spouse/partner, father, mother, step-father, step-mother, son, daughter, step-son and step-daughter.
 - **Near relative:** brother, sister, grandparent, uncle, aunt, niece, nephew, grandchild.
 - Three days leave of absence is also available to teachers who **are members of religious communities** in respect of the serious illness of a member of the teacher's immediate community.
- (c) The maximum period of absence that shall be granted is:
- 5 school days in school year in the case of a member of the immediate family
 - 3 school days in a school year in the case of a near relative and to teachers who are members of religious communities.

These maximum periods of leave include a teacher's statutory entitlement under 'Force Majeure' leave.

2.1 Bereavement involving a family member

- (a) Special leave with pay is allowed to a teacher in the event of bereavement.
- For the purpose of this sub-section, family relationship are defined as follows:
- **Immediate family:** spouse/partner, father, mother, step-father, step-mother, son, daughter, step-son and step-daughter.
 - **Near relative:** brother, sister, grandparent, uncle, aunt, niece, nephew, grandchild.
 - **In-law:** father-in-law, mother-in-law, brother-in-law, sister-in-law and son or daughter.
 - Three days leave of absence is also available to teachers who **are members of religious communities** in respect of the death of a member of the teacher's immediate community.
- (b) The maximum period of absence that shall be granted is:
- 5 school days in the case of a member of the immediate family
 - Absence for the minimum period necessary to attend the funeral subject to a maximum of three consecutive days in the case of a near relative or in-law.

If the death occurs in the evening (after school hours) five or three consecutive days are allowed, as appropriate, starting from the following day.

If the death occurs at the weekend (Saturday/Sunday) five or three consecutive days are allowed, starting from the following day.

(c) In the case of immediate family a substitute teacher may be employed for up to five days. In the case of near relative, in-law or members of Religious Communities a substitute teacher may be employed for the minimum period necessary to attend the funeral subject to a maximum of three days, **except** in the case of the death of a first cousin where a substitute teacher may only be employed for one school day.

APPENDIX 17

SPECIAL LEAVE UNDER THE TERMS OF RULE 116

Special leave under the terms of Rule 116 is granted on the following basis:

1. Normally not more than one teacher from a school may be granted special leave at any one time.
2. The course should be of a minimum duration of one academic year leading to a recognised qualification.
3. Teachers must hold a permanent position, have satisfactorily completed their probation and be under sixty years of age.
4. The special leave may not extend beyond the end of the school year following the teachers sixtieth birthday.
5. The applicant must have received the approval of the board of management.
6. The employment and payment of a fully qualified substitute, for the duration of the course, remains the responsibility of the applicant.
7. When employing a qualified substitute, teachers granted leave must strictly adhere to the relevant conditions of payment and apply fully the rates of remuneration payable to qualified substitute teachers employed by boards of management.
8. In the event of a trained substitute not being available at any stage during the course, the teacher may be expected to return to his or her post in the school.
9. Once a teacher has commenced a course and employed a substitute under the Rule, substitute cover must be continuous up to the end of the approved course.
10. Teachers granted leave under Rule 116 and who subsequently are unable to avail of the leave should inform the Department (Primary Administration Section 1, Athlone) at the earliest possible convenience.
11. Similarly, the Department must be informed if their course of study is terminated at any stage.
12. At the end of the academic year, teachers are required to provide certification that their attendance at the course was satisfactory.
13. Teachers must undertake to return to teaching in the school year following their course.
14. The applicant agrees that the Minister may have inquiries made at anytime with the university/college concerned in order to establish that the attendance record of the applicant is satisfactory.
15. It should be noted that post of responsibility allowances will not be payable to a teacher on leave of absence under the terms of Rule 116.

Principal teachers are asked to bring the terms of this circular to the notice of each member of the staff in the school.

The scheme is currently under review within the Department of Education and Science.

APPENDIX 18

THE ONLINE CLAIM SYSTEM (OLCS)

FOR PRIMARY SCHOOLS

1. INTRODUCTION

The Department has introduced an Online Claim System referred to as OLCS from the 16 March 2007. All primary schools will be using it in the near future.

The system is a major new development for the recording of leave, the payment of casual and non-casual teachers (substitutes) and substitute special needs assistants. It is a web-based system which enables schools to input details of the absences of teachers and special need assistances and the claims for the payment of casual and non-casual teachers and substitute special needs assistants on line using a PC in the school. The data inputted in the school is transferred by web to a central OLCS database. The data is subsequently transferred from the OLCS database to the Department payrolls on a daily basis.

The OLCS system replaces the substitute teacher salary claim form which had to be input manually and posted to the Department. It also replaces the quarterly return forms used to record absences of teachers and special needs assistants.

For example:

- the requirement to complete all personal details each time a claim is submitted is eliminated if the person has been employed in the school previously;
- less time to complete details of absences as system provides more options to choose from;
- the posting of claims is eliminated as the data submitted is transferred directly to the payroll;
- previous claims and leave records are accessible for viewing.

2. USING THE SYSTEM

The process involved in submitting claims and absences are:

- the persons identified as users and approvers in the school are issued with passwords to enable them access the system using a PC in the school;
- once the person gains access to the system the relevant form is opened from a menu and the details regarding the absent teacher are completed;
- Lists of the various types of absences are provided on

drop-down lists shown on the PC screen;

- Leave details are saved and the claims forms are then completed;
- A list of the casual and non-casual teachers (substitutes) employed in the school in the previous year are available for selection which will enable schools to complete the claims much quicker;
- As soon as all the details are entered, the forms are saved and it is possible for the school to print a copy for their own records.

3 SECURITY

To maintain the integrity of the OLCS system it is important that boards of management ensure that the necessary control and security measures are complied with. The designated user and approver of the system should be advised to keep the passwords secure at all times and not to pass them to other members of staff. If the user or approver must leave the PC unattended she/he should log out of the OLCS. The data user and approver should always ensure that all details of the teachers and special needs assistants are input correctly to the system. In particular they should check that bank account details are input correctly.

4 RECORDING OF ABSENCES ON THE SYSTEM

Boards of management are responsible for the recording of absences of teachers and special needs assistants on the system with the exception of new applications for career breaks. Initial applications for career breaks are set up by the Department on receipt of board of management approval. Extensions to career breaks should be entered by the school by changing the end date of the initial record.

The board should ensure that all absences, both substitutable and non-substitutable, are recorded on the OLCS. The Department requires that leave absences are recorded to ensure that all staff members are paid correctly and the service history of the person is correct.

Leave records should be inputted by the school to the OLCS as they occur and must be entered in date order.

5 APPLICATIONS FOR UNPAID LEAVE AND RECORDING THEM ON THE SYSTEM

The board should ensure that applications for unpaid

leave are made to them at least 6 weeks before the date of commencement of the leave to facilitate the Board in making timely arrangements for the recruitment of a replacement staff member.

The absence must be recorded on the OLCS at least four weeks prior to the date of commencement of the leave. This is to ensure that payment can be ceased for the relevant period and avoid overpayment situations.

The applicant for parental leave must submit a copy of the child's birth certificate or where applicable evidence of the adoption order to the managerial authority with the application for parental leave. If an applicant does not submit the documentation referred to, the managerial authority of the school has no option but to refuse to approve the application pending the submission of the documentation. A copy of the documentation must be retained in the school for audit purposes.

The applicant for Carer's leave must submit a copy of the approval decision from Carer's Benefit Section, Department of Social and Family Affairs to the managerial authority with the application for Carer's leave. If the applicant does not submit the documentation referred to, the managerial authority has no option but to refuse to approve the application pending the submission of the documentation. A copy of the documentation must be retained in the school for audit purposes.

Documentation essential to a decision in connection with applications for unpaid leave (such as Parental Leave, Carer's Leave, unpaid Maternity Leave and unpaid Adoptive Leave), and required under the terms of the relevant Circular Letters, form part of the teacher's and special needs assistant's service record for pension and must be retained indefinitely by the school.

6 OTHER UNPAID ABSENCES

In the case of absences for which the prior approval of the board of management has not been obtained as outlined in the previous paragraph, the board is obliged to notify the Department of the absence at the earliest possible date and whether the board has approved of the absence or not. Delays in notifying the Department of such absences will lead to considerable difficulties for the payroll service and are consequently unacceptable.

In cases of unapproved absence, it is essential that these events are notified to the payroll service as soon as possible so as to avoid overpayments arising. In such cases a deduction from salary will occur, or, where appropriate, the payment of salary will cease and shall not re-commence until all required certification has been submitted by the Board.

6.1 Sick Leave

(a) A medical certificate must be submitted by the

teacher or special needs assistant to the board of management in respect of absences owing to illness in accordance with the terms of the relevant scheme as outlined in circular letters. The certificate must be available when the details are being recorded on the system. In the absence of medical certification the substitution costs will not be paid by the Department. The salary of the absent teacher or special needs assistant shall be ceased by the Department in the event that the board of management advises the Department that certification has not been submitted.

- (b) Medical Certificate must be retained securely in the school for audit purposes for a period of not less than five years or ten years in the case of a teacher who takes a career break.
- (c) In the case of Class A PRSI Contributors the MC1 Social Welfare Certificate must be submitted to this Department after 3 sick days for referral to the Department of Social and Family Affairs. This is required for PRSI compliance. Failure to submit to MC1 form on time may result in the loss of salary to the teacher. A teacher's medical practitioner (GP) will normally have MC1 forms for completion.

6.2 Paid Maternity Leave and Paid Adoptive Leave

(a) Applications must be submitted to the board of management of the school six weeks in advance of the proposed commencement date. Leave details must be entered in OLCS not later than four weeks in advance of the commencement date. Forms MB10 and AB1 (teachers and special needs assistants paying Class rate A PRSI) should be submitted to the Department at least four weeks prior to the commencement of the leave. Form ML1 must be completed in respect of maternity leave absences and Form AL1 in respect of adoptive leave absences. These documents must be retained in the school for record and audit purposes.

6.3 Information regard Teacher and Special Need Assisnant Absences

The details regarding teacher absences are summarised in Circular 32/2007. This circular should be checked when recording leave on OLCS. Details regarding the absences of special needs assistants are outlined in Circular Pay SNA 18/04.

APPENDIX 19

POSTS OF RESPONSIBILITY IN PRIMARY SCHOOLS

Circular 07/03

1. INTRODUCTION

The proposals for the implementation of revised in-school management structures in primary schools which were adopted as part of the Programme for Competitiveness and Work (PCW), resulted in significant additional posts of responsibility in primary schools and in new procedures for making appointments to such posts.

This circular incorporates an outline of the schedule of duties for posts of responsibility, the number of posts of responsibility warranted in primary schools and the impact of existing posts of responsibility held on a personal basis on the filling of such posts. It incorporates all procedures relating to the filling of posts of responsibility and an appeals procedure which was agreed between the managerial bodies and the INTO.

Accordingly, this circular supersedes previous circulars 6/97, 49/97, 32/98, 39/98, 27/99 and incorporates 27/02 and 17/00.

2. MANAGEMENT STRUCTURES

Under the terms of the PCW agreement new management structures were introduced for primary schools which re-titled the existing types of in-school management posts - principal, Vice-principal, Grade A and Grade B.

These posts are now referred to as principal, deputy principal, assistant principal and special duties teacher.

3. OBJECTIVES OF THE PCW REVISED MANAGEMENT STRUCTURES

The revised management structures which were introduced in primary schools following the adoption of the PCW, were generally designed to:

- match the responsibilities of the posts more closely to the central tasks of the school, and clearly specify responsibilities for the various posts,
- focus on the provision of opportunities for teachers to assume responsibility in the school for instructional leadership, curriculum development, the management of staff, and the academic and pastoral work of the school,
- establish selection procedures for deputy principals, assistant principals, and special duties teachers, with the aim of ensuring that the most suitable people are appointed.

4. POST DESCRIPTION/SCHEDULE OF DUTIES

- (a) In-school management needs and priorities may vary from school to school depending on a broad range of factors including school type, school size, the location of the school, and the levels of educational attainment of pupils. Accordingly, in-school management should generally be responsive to the flexibility and change that may be required from time to time.
- (b) The duties which may be delegated to post holders are outlined in Sections C, D and of Department of Education Circular 16/73 and are outlined in **Appendix A** on Pages 24 and 25. **The duties listed are not exhaustive and may be elaborated upon at local level.** In the main, the list of duties cover curriculum, academic, administrative and pastoral matters.
- (c) The principal, following consultation with staff, should agree the schedule of post of responsibility duties. The schedule will address the central needs of the school.
- (d) The agreed schedule of duties should be submitted to the board of management for approval.
- (e) From the schedule, the board of management/chairperson should arrange, in consultation with the principal, to assign a specific duty or duties to the vacant post(s). The range of duties attaching to the post(s) should be inclusive in nature to facilitate applications from all of the teaching staff.
- (f) The determination of duties should, in so far as is possible, be achieved by consensus between the board of management and the teaching staff. However, if, following protracted consultation, consensus is not possible, final decisions in the matter rest with the board of management.
- (g) It should be noted that all post holders, who are being paid an allowance in a school, including privilege assistants and other holders of post of responsibility allowances on personal basis, must undertake post of responsibility duties.

5. REVIEW OF DUTIES ASSIGNED TO POSTS

Post of Responsibility duties may be varied from time to time following the consultative process outlined in Sections 4(c), (d), (e) and (f) as the needs of the school require, subject to the revised post carrying, in general, the same level of responsibility as the previous one.

It shall be open to either the board of management or the post of responsibility holder to initiate a review of the duties assigned to the post.

The reasons for review could include:

- review of the level of performance of duties;
- review of the time required to perform duties, i.e. to ensure that the time required to discharge the duties is reasonable and proportionate to the level of allowance paid for the duties;
- review in the context of the changing needs of the school.

Once a review has been initiated there should be:

- a consultation between the board of management and the post holder;
and
- b an agreement reached between the two sides before any change can be implemented.

6. METHOD OF DETERMINING ENTITLEMENT OF SCHOOLS TO POSTS OF RESPONSIBILITY

- (a) From 1 September 1998, schools' entitlements to posts of responsibility are determined by reference to the number of authorised teaching posts (see definition in 6(b) hereunder) which have been sanctioned in the year in which the posts of responsibility accrue.
- (b) Authorised teaching posts are:
 - (1) All mainstream teaching posts warranted in a school by reference to the enrolment of the school on the 30 September of the previous school year,
and
 - (2) All sanctioned ex-quota posts.
additionally.
 - (3) Teaching posts sanctioned provisionally in accordance with maximum class size guidelines, if any, and/or teaching posts sanctioned provisionally in accordance with developing school criteria, if any, may also be reckoned.
However, in the event that the post(s) is/are suppressed following verification of the enrolment, teaching post(s) so reckoned will be disallowed and appropriate adjustments to the post of responsibility schedule implemented.
 - (4) Generally, teaching posts sanctioned prior to 23 December of a school year may be reckoned for the purposes of determining posts of responsibility provided that the teaching posts are filled promptly. In this case, payment of the allowance (if any) is made from the date of appointment.
 - (5) Save in exceptional circumstances, teaching posts sanctioned to a school after the end of the first term, i.e. after 30

December will not be reckoned for determining the number of posts of responsibility due to a school in that school year. If reckoned, payment of the allowance (if any) is made from the date of appointment.

- (6) Supernumerary posts are excluded from the number of authorised posts in a school.
- (c) With effect from 1 January, 2002, the second teacher in two teacher schools may be paid a Special Duties Teacher allowance.
- (d) The schedule outlining the number of authorised teaching posts required to create posts of responsibility is attached at Appendix B. When consulting this schedule, cognisance must be taken of the following:
 - the provisions of Section 12 of this circular. Section 12 deals with the filling of posts of responsibility when there is/are teachers on the staff of a school holding post of responsibility allowances on a personal basis.
 - the existing number of post holders in each grade including post holders who decide not to undertake revised duties as provided for in the PCW agreement. The latter are reckoned when assessing a school's overall entitlement.

7. ADVERTISING A VACANT POST OF RESPONSIBILITY

This procedure should be followed for all posts of responsibility in a school except in the case of payment of the special duties allowance to the second mainstream class teacher in a two teacher school (see section 20).

- (a) Notice of a vacant post of responsibility shall be posted in a prominent position within the school so that all teaching staff may have access to it. In addition, notice should be sent to teachers on leave;
- (b) The notice should contain a statement of the duties attaching to the post;
- (c) The notice should remain on the notice board in the school for five consecutive school days;
- (d) The notice should specify the closing date for receipt of written applications, which should not be earlier than ten school days from the last date of the posting of the notice;
- (e) Teachers who wish to apply for the vacant post of responsibility should do so in writing to the chairperson of the board of management within the time limit specified on the notice.

Note:

- (i) Please note that the period of five school days

referred to in (c) above, includes the day on which the notice of the proposed appointment is first published.

- (ii) Please note that the period of ten school days referred to in (d) above, includes the last day of the posting of the notice.

8. ELIGIBILITY OF TEACHERS TO APPLY

- (a) All qualified permanent and temporary teachers serving in a recognised primary school are eligible to apply for posts of responsibility, i.e. deputy principal, assistant principal and special duties teacher. However, a qualified temporary teacher may only be appointed to a post of responsibility in a temporary/acting capacity for the duration of his/her contract, or until the post ceases to be warranted in the school, whichever is the earlier. Teachers with provisional and restricted recognition are also eligible to apply.

(b) Teachers on Approved Leave:

Teachers who are on approved leave, such as sick leave, maternity leave, parental leave, carers leave or career break are eligible to apply for a post of responsibility. A copy of the notice of the vacant post of responsibility should be sent by registered post to such teachers at their contact addresses. It is a matter for teachers on leave to ensure that the board of management has an up-to-date and current contact address.

(c) Ex-quota Teaching Posts (Shared and Non-Shared): *(See also Section 14)*

A teacher working in a special ex-quota teaching post, on a **non-shared** basis, is eligible to apply and be appointed to all posts of responsibility (excluding principal), i.e. **deputy principal, assistant principal or special duties post**.

A teacher working in a special ex-quota post on a **shared** basis e.g. shared learning support teacher, is eligible to be appointed or to continue to hold, a **special duties post or an assistant principal post**, subject to the board of management being satisfied, that the duties of the post will be fully discharged.

A teacher working in a shared ex-quota teaching post is eligible to be appointed to the post of **deputy principal**, but he/she will be required to relinquish the deputy principalship temporarily, while working in the shared teaching position. Where a deputy principal relinquishes his/her post temporarily, an acting deputy principal may be appointed in accordance with the terms of Section 15 of this circular.

(d) Job-sharing teachers:

A teacher who is job-sharing is eligible to hold or to

be appointed to the post of deputy principal but he/she will be required to relinquish the deputy principalship temporarily while job-sharing.

Where a deputy principal relinquishes his/her post temporarily, an acting deputy principal may be appointed in accordance with the terms of Section 15 of this circular.

A teacher who is job-sharing is eligible to hold or be appointed to a special duties post or an assistant principal position on a shared basis or on a full time basis. In the case of the latter i.e. full-time basis, the teacher may retain the post of responsibility on a full time basis where the board of management of the school is satisfied that the duties of the post will be fully discharged in the course of the job share.

A teacher who holds a post of responsibility and who moved school in order to facilitate an inter school job sharing arrangement must relinquish his/her post temporarily for the duration of the job sharing arrangement. An acting post holder may be appointed in his/her former school for the duration of the job sharing arrangement in accordance with the terms of Section 15 of this circular.

A post of responsibility teacher who is in an inter-school job sharing arrangement in another school must relinquish his/her post temporarily for the duration of the job sharing arrangement. An acting post holder may be appointed in his/her former school for the duration of the job sharing arrangement in accordance with the terms of Section 15 of this circular.

9. SELECTION PROCEDURE FOR APPOINTMENTS TO POSTS OF DEPUTY PRINCIPAL, ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHER

- (a) The principal teacher, chairperson of the board of management and an independent assessor shall constitute the selection board. (In the event of a second selection board being constituted following an appeal, the selection board shall include a second independent assessor) – Section 18(c)(5) of the Appeals Procedure refers.

- (b) The independent assessor shall be appointed by the board of management and shall be selected from a list of names drawn up specifically for this purpose between the school's patron and the INTO. These lists are available from INTO District Representatives and representatives of the patron. (For example, in the case of Catholic schools, the lists are available from the local Diocesan Secretary).

- (c) The selection board shall meet within a reasonable period after the closing date for the

receipt of applications. The selection board shall consider the applications and shall interview all applicants for the post, even in circumstances where there is only one applicant.

- (d) Where appropriate and where there is more than one vacancy arising at the same time for a post of responsibility of the same grade, it is open to the selection board to conduct one interview with an applicant who may have applied simultaneously for a number of the posts of the same grade. In these circumstances, the selection board should make it clear to the candidate which particular duty or set of duties is being considered at any one time. This provision does not apply in the case of appointments to posts of responsibility of different grades, which require separate interviews.
- (e) When selecting an applicant for a post of responsibility, the provisions of Sections 15(b) and (c) of the boards of management of National Schools – Constitution of Boards and Rules of Procedures (current edition) will apply in the event that a relationship exists between an applicant for a post and member of the Selection Board.
- (f) The selection board will have due regard to the provisions of the Employment Equality Act 1998 and the Code of Practice of the Equality Authority.
- (g) Records of the interviews including marking sheets shall be the selection board until the appointment process is finalised. Particular attention should be paid to the marking system where multiple interviews are the selection board to develop its own marking system provided listed below are given equal weighting.
- (h) The selection of the successful candidate shall be based criteria is of equal weighting. The criteria are as follows:
 - (1) willingness to participate in the school's middle undertaking the additional responsibilities specified in the list of duties;
 - (2) experience gained through length of service in the school (see * page 8); and
 - (3) capability to perform the duties attaching to the post (see ** page 8).
- (i) Where two or more candidates are ranked equally in all selection board, to determine the outcome by reference teachers in the school.
- (j) Having interviewed such applicants as present themselves, submit a written report to the board of management nominating considers most suitable for appointment to the post.

* **Calculation of Length of Service for the purpose of appointment to Post of Responsibility:**

- Leave of absence of one school year or longer, taken after 1 September 1999, is not reckonable as service e.g. secondment, career break;
- All leave of absence taken prior to the 1st September 1999 is reckonable;
- Maternity leave, leave in lieu of maternity leave, unpaid maternity leave, adoptive leave, unpaid adoptive leave, leave in lieu of adoptive leave, parental leave and certified sick leave do not constitute leave of absence for the purpose of this Circular;
- Leave of absence for periods of less than a school year is reckonable and does not affect the year in question being fully counted;
- Qualified permanent, temporary and substitute service given in the school where the post of responsibility is arising for a minimum of sixty days in any one school year will reckon as a full year. The reckoning of such service is subject to the verification of such service being possible. A maximum of one years credit may be granted in respect of any one school year. Service in any one school year which is less than sixty days will not be reckonable;
- Job-sharing is reckonable on the basis that one school year job-sharing counts as one years service; and
- Service given in a school prior to its amalgamation into the existing school is reckonable;
- Where a principal resigns his/her post in order to take up a different post in the school e.g. mainstream, resource post, his/her seniority is forfeited. Subsequently, if the principal is apply for a post of responsibility in the school, the principal's years of service in the school are reckonable under criterion (h) (2).

** **In assessing criterion (h)(3), i.e. capability, it is open to a selection board to consider relevant experience gained by a teacher whilst he/she was on leave of absence, including career break or secondment.**

10. APPOINTMENT OF SUCCESSFUL CANDIDATE

- (a) The board of management's proposal to offer a post to a particular teacher shall be posted within the school in the following terms:

*'The board of management of (name of school) ... proposes to offer the post of ... (specify post) to ... (name of teacher), provided that an appeal in writing by an unsuccessful candidate against the proposal has not been lodged with the chairperson of the board of management within ten school days **

of the publication of this notice.’ (Date of publication and signature of chairperson to be included with notice.)

Teachers on approved leave, who presented themselves for interview, should also be sent a copy of this notice by registered post. Teachers on approved leave who wish to appeal the board of management’s decision must do so within 10 school days of receipt of the letter.

- * Please note that the period of ten school days includes the day on which the notice of the proposed appointment is published.
- b) Subject to there being no appeal, the board of management shall notify the Department of Education and Science of the appointment of the successful applicant. In the event that there is an appeal, the board of management should appoint the next most senior suitable teacher in acting capacity, to undertake the duties of the post, while the appeal process is being conducted.
- (c) The board of management shall confirm the appointment to the teacher.

Before taking up an appointment, the post holder will enter into a contract to undertake the duties of the post to which he/she is being appointed. The contract may be evidenced in any of the following three formats:

- (1) a written agreement including the duties drawn up between the board of management and the teacher in question and signed by both the teacher and the Chairperson of the Board;

or

- (2) a letter from the teacher in question addressed to the chairperson of the board of management indicating her/his willingness to accept the post together with the duties attaching to the post;

or

- (3) a letter from the chairperson of the board of management to the teacher in question confirming the nature of the agreement reached with the teacher and outlining the duties attaching to the post.

It is not necessary to submit a copy of the relevant contract to the Department but the board of management and the teacher should retain a copy.

- (d) Once appointments have been made, a board of management should notify the Department of same using form POR 1 Amend in order that the

teacher can receive the post of responsibility allowance. This form is available on request from the Primary Payments Section of the Department in Athlone or on the Department of Education and Science website at www.education.ie.

11. EFFECT THAT AN INCREASE/DECREASE IN STAFFING MAY HAVE ON THE ALLOWANCE PAYABLE TO PRINCIPALS AND DEPUTY PRINCIPALS’

- (a) Principals and deputy principals (excluding those holding allowances on a personal basis and those who did not agree to undertake revised duties under PCW), may have their allowance increased if the number of teachers in the school increases. This will only apply when the increase in the number of teachers results in a change of category for principals/deputy principals (see Appendix C, p. 27). Staff in Primary Payments will do this automatically. There is no need for the school to contact the Department.
- (b) Allowances held by principals and deputy principals will not decrease even if the size of the school decreases.

12. RETENTION OF POST OF RESPONSIBILITY ALLOWANCES ON A PERSONAL BASIS AND BY PRIVILEGED ASSISTANTS

A permanent teacher, who holds a post of responsibility allowance, retains the allowance on a personal basis even if the post is subsequently not warranted by reference to the schedule of posts. However, the post holder must continue to perform duties while he/she continues to teach in the school.

With effect from 1 May 1999 where an acting principal, acting deputy principal, acting assistant principal or acting special duties teacher post is held for a period in excess of five consecutive years the acting up allowance is retained on a personal basis (an acting appointment for a five-year career break is excluded). However, the acting post holder will not be eligible to retain the allowance if she/he voluntarily relinquishes the acting post.

A personal basis holder must undertake post of responsibility duties.

In the event that the post holder voluntarily leaves the school he/she loses the allowance.

Prior to 1 September 2002 a privileged assistant teacher could retain for the remainder of his/her teaching career the level of principal’s allowance appropriate to his/her former school as long as he/she did not accept a post to which a higher allowance was attached. However, with effect from 1 September 2002 a

privileged assistant will be allowed to retain the allowance for one voluntary move only which takes place on or after this date. (A privileged assistant teacher will not prevent the filling of a post of responsibility in the school to which she/he voluntarily moves providing the voluntary move takes place on or after 1 September 2002). A privileged assistant who is compulsorily re-deployed will retain the level of principal's allowance and will not prevent the filling of a post of responsibility.

A privileged assistant must undertake post of responsibility duties. Such duties should be broadly in line with duties assigned to special duties teachers.

13. IMPLICATIONS OF PERSONAL BASIS ALLOWANCE HOLDERS ON THE FILLING OF POST(S) OF RESPONSIBILITY

- (a) The presence on the staff of personal basis post holders can affect the filling of posts of responsibility at the deputy principal, assistant principal and special duties teacher grades.

Please see Section 19 regarding the implication of personal basis allowance holders on filling of posts of responsibility in amalgamated schools.

Deputy principal

- (b) A deputy principal (personal basis)/vice principal (personal basis) on the staff of a school will prevent the filling of the deputy principal's post provided that the rate of allowance payable to the personal basis post holder is equal to or greater than the allowance due to the deputy principal.

See Section 20 regarding a two teacher school becoming a three teacher school.

Assistant principal

- (c) Any one of the following personal basis post holders will prevent the filling of an assistant principal's post:
 - a deputy principal (personal basis)/vice principal (personal basis), provided that the rate of allowance payable to the personal basis post holder is equal to or greater than the allowance due to the assistant principal,
 - an assistant principal (personal basis)/Grade A (personal basis).

Special Duties teacher

- (d) Any one of the following personal basis post holders will prevent the filling of a Special Duties Teacher's post:
 - a deputy principal (personal basis)/vice principal (personal basis);

- an assistant principal (personal basis)/Grade A (personal basis);
- Special duties (personal basis)/Grade B (personal basis);
- a privileged assistant (see Section 12 and 19).

The provisions at (b), (c) and (d) shall be set aside if the personal basis post holder was re-deployed into the school in the five year period prior to the vacancy arising.

14. POSTS OF RESPONSIBILITY AND SPECIAL EDUCATION POSTS (See also Section 8(c))

(a) Special Education Posts

Special education posts are allocated to a school to cater specifically for pupils with special needs. These posts are generally ex-quota and consequently are not usually determined by reference to the enrolment of the school. They include the following:

- Learning support teacher posts;
- Resource posts;
- Home-school co-ordinator posts;
- posts sanctioned under the Breaking the Cycle scheme and the Giving Children an Even Break Scheme, including co-ordinators appointed under this scheme;
- Support teacher posts;
- Special class teachers, e.g. posts sanctioned specifically for pupils with special needs;
- Early start posts;
- Resource teacher for travellers;
- Language Support Teachers.

Concessionary posts sanctioned under the Disadvantage Area scheme, although falling within the general description of special education posts, are not covered within the terms of this Section.

(b) Principal Teacher and Special Education posts

In light of the widely acknowledged pivotal role of a principal teacher in the overall management of a school, a principal shall not undertake the duties of any type of a special education post.

(c) Deputy principal/ Vice principal

A deputy principal/vice principal shall **not** be assigned any type of a **shared** special education post. However, she/he may temporarily relinquish his/her post of responsibility allowance and an acting post holder may be appointed in accordance with 15(c) below.

A deputy principal/vice principal cannot act as a home school liaison coordinator whether the post is shared or not. However, she/he may temporarily relinquish his/her post of responsibility allowance and an acting post holder may be appointed in accordance with 15(c) below.

Furthermore, in allocating **non-shared** special education posts, Boards are reminded that a deputy principal/vice principal may be required to act for a principal thus possibly lessening tuition time with special needs pupils. Accordingly, the Department strongly advises a board of management to take account of this fact when assigning teachers to special education posts.

The appointment of a deputy principal/vice-principal to a special education post, which consequently erodes tuition time, may result in the Department insisting on the re-allocation of a special education post.

(d) Assistant principal/Grade A, Special Duties Teacher/Grade B

An assistant principal/Grade A post holder and special duties teacher/Grade B post holder may be assigned any category of a special education post whether shared or otherwise. However, before making such appointments, a board of management must be satisfied that, in addition to undertaking the special education post, the post of responsibility duties can be competently and efficiently discharged.

(e) Relinquishing the Post of Responsibility Allowance

A teacher appointed to a special education post, who holds a post of responsibility and whose board of management determines that the post of responsibility duties cannot be adequately or competently discharged while holding the special education post, shall relinquish his/her post of responsibility allowance. The allowance may be relinquished for the period in which the teacher holds the special education post. An acting post holder may be appointed in accordance with the provisions of Section 15 of this circular.

15. ACTING POSTS OF RESPONSIBILITY

Appointment of Acting Post Holders

An acting post holder is appointed to the post of deputy principal, assistant principal or special duties teacher:

- when the permanent post holder is absent on approved leave of absence or an intraschool job sharing arrangement for a minimum period of one consecutive calendar month provided the post of responsibility is still warranted;
- where a special education post holder temporarily relinquishes his/her post of responsibility allowance, providing the post of responsibility is still warranted.

(a) Determining that an Acting Post is warranted

Before appointing a teacher to an acting post of responsibility, other than to a principal's post, a board of management must ensure that the acting appointment is warranted.

An acting post is warranted when the terms of Sections 6 and 13 of this circular have been fully satisfied. If necessary,

a board is required to seek clarification in this matter from the primary payments section of the Department before proceeding with an acting appointment.

(b) Duties of an Acting Post Holder

A teacher appointed to an acting post shall be required to undertake duties appropriate to the post.

(c) Acting appointments – Short-Term/Long-Term

It is necessary to distinguish between acting appointments which are short term in duration from those which are long term in duration.

The Department shall pay an acting allowance when an acting arrangement has been in place for at least one consecutive calendar month e.g. from 13 September 2000–12 October 2000 inclusive.

1. Short-Term Acting Appointments

Short-term acting appointments apply for absences of less than one school year i.e. start during the school year and do not extend beyond the end of the school year.

Short-term acting appointments are required to be filled by the promotion of the next most senior suitable post holder in the school as described in (i) to (iv) below.

In the event that there is/are no other post holder(s) on the staff of a school, an acting post should be filled by promoting the most senior suitable teacher.

(i) Acting principal

In schools with 3 or more teachers a deputy principal or vice principal should be promoted to fill an acting principal's post in the absence of the principal teacher owing to illness or other cause. Should the deputy principal refuse to take the acting principal's post his/her deputy principal's allowance will cease to be paid for the duration of the acting post. In two-teacher schools the mainstream class teacher must undertake the duties of the principal teacher during any period that she/he is absent from the school. In the event that the mainstream class teacher is not prepared to undertake the duties of the principal teacher his/her allowance shall be withdrawn. In one-teacher schools the replacement teacher may be paid an acting allowance.

(ii) Acting Deputy principal

The most senior suitable assistant principal or Grade A post holder should be promoted to fill an acting deputy principal's post. In schools without an assistant principal/Grade A post holder the most senior suitable special duties teacher or Grade B post holder may be appointed as acting deputy principal.

(iii) Acting assistant principal

The most senior suitable special duties teacher or Grade B post holder should be promoted to fill an acting assistant principal's post.

- (iv) *Acting Special Duties Teacher*
A vacancy for acting special duties teacher should be filled by the promotion of the most senior suitable unpromoted teacher within the staff of a school.

2. Long-term Acting Appointments

Long-term acting appointments extend for a minimum period of one school year. Long term acting appointments may be filled in either two ways:

- (i) Long-term acting appointments for principals, deputy principals and assistant principals may be filled as set out in 1(i) to 1(iv) above i.e. promotion of next most senior suitable post holder.

The most junior/consequential acting vacancy arising, if any, must be filled by open competition from within the staff of the school. The open competition procedures are described in Sections 7 to 10 of this circular.

- (ii) As an alternative to the procedures for making acting appointments outlined in 1(i) to 1(iv) above, a board of management may fill a long term acting post by open competition from within the staff of a school in accordance with Subsection 15(d) below.

- (iii) In the event that the procedures in 2(i) and 2(ii) above have been followed and no teacher is willing to undertake the duties of the principal, it is open to the board of management to advertise the post of acting principal. However, if no suitable applicant applies for the post, the deputy principal will be obliged to act for the principal. Should the deputy principal refuse to take the assistant principal's post his/her deputy principal's allowance will be cease to be paid for the duration of the acting post.

- (d) The procedures to be followed when making acting appointments through open competition are outlined in Sections 7 to 10 of this circular. These procedures are modified to the extent that the necessity to have an independent assessor on the selection board for acting appointments is removed.

(e) Adhering to the Arrangements:

Irrespective of which option a board selects to make acting appointments, (i.e. promotion on seniority/suitability or by open competition); it must adhere to its selected option for an entire school year.

(f) General Matters:

- (1) Long term acting appointments which are warranted and are set to continue into a second school year or longer may continue uninterrupted. However, notification of continuation of appointment must be submitted to the Department.
- (2) With effect from 1 May, 1999 where an acting principal, acting deputy principal, acting assistant principal or acting special duties teacher post is held for a period in excess of five consecutive years, the acting-up allowance shall be retained on a personal basis. An acting appointment for a five-year career break is excluded. If the acting arrangement continues in excess of a period of five years the acting post holder who retains the allowance on a personal basis must continue to carry out the acting post of responsibility duties until the actual post holder returns. The acting post holder is not eligible to retain the allowance if she/he voluntarily relinquishes the acting post.

16. PAYMENT OF ACTING POST OF RESPONSIBILITY ALLOWANCE

- (a) A teacher who carries out the duties of a principal, deputy principal, assistant principal or special duties teacher, whilst the actual post holder is absent on approved paid or unpaid leave of absence for a *minimum consecutive period of one calendar month* may be paid the appropriate allowance subject to the conditions at (b) to (d) below.
- (b) Payment of the allowance will be subject to the board of management certifying that the teacher carried out the duties of the post for a minimum period of one consecutive month while the actual post holder was on approved paid or unpaid leave of absence.
- (c) Payment will be made retrospectively after the duties have been carried out for one month and fortnightly thereafter in the case of all acting-up posts. An exception to this applies in the case of an acting appointment replacing a teacher on **sick leave** – in this instance the allowance will be paid at the end of the first month's absence and subsequently on a fortnightly basis provided medical certification of absence for the payment period has been received from the actual post holder.
- (d) Where the actual post holder is absent on paid or unpaid leave until the date of commencement of a vacation period an acting allowance cannot be paid for the duration of the vacation period even

if the board of management certifies that the acting duties were carried out. Where an actual post holder is absent on paid or unpaid leave which expires during a vacation period, and the board of management certifies that the acting duties were carried out up to the date of expiry, the acting up allowance may be paid up to the date of expiry only. Where the actual post holder is absent on paid or unpaid leave for a period which includes the summer vacation, the acting allowance may be paid in respect of the summer vacation subject to specified duties being undertaken and the post holder performing these duties before, during and after the summer vacation.

- (e) Where a teacher is initially appointed as an acting principal or deputy principal, the effect of falling staffing numbers during the course of the assignment (i.e. greater than one year) does not lead to a reduction in the acting allowance. However, if the post holder changes during the same assignment and the numbers have fallen during that time, the new post holder is paid the allowance based on the reduced staffing.
- (f) The position regarding payment of the post of responsibility allowance to a teacher who replaces another teacher on paid/unpaid leave is dealt with in the booklet maternity/adoptive/parental and paternity leave.
- (g) Once acting post of responsibility appointments have been made a board of management should notify the Department using the form POR1 Amend so that the teacher can receive the post of responsibility allowance. This form is available on request from the primary payments section of the Department in Athlone or on the Department website at www.education.ie

17. POST OF RESPONSIBILITY HOLDERS WHO HAVE NOT AGREED TO UNDERTAKE REVISED DUTIES

- (a) Existing post of responsibility holders appointed before 1 September 1998 who do not agree to undertake revised duties under the PCW Agreement, attaching to their posts will only qualify for increases in their allowances by reference solely to general pay increases and only in so far as these pay increases are specifically applied to allowances i.e. their post of responsibility allowance will not increase even if the size of the school increases.
- (b) A post of responsibility holder who opted initially not to perform revised duties may elect to do so at a later date by writing to his/her board of management before 30 April of a school year stating that from 1 September of the following

school year he/she wishes to perform revised duties. The board of management shall implement the necessary arrangements to assign revised duties to the teacher in accordance with Sections 4 and 5.

- (c) A board of management will be required to inform the Department in writing before 31 May of a school year that the option referred to at paragraph (b) has been exercised by a teacher. From 1 September of the following school year, the teacher's salary will be adjusted to reflect the increased allowance.
- (d) Once exercised, the option referred to in paragraph (b) above may not be rescinded.

18. THE APPEALS PROCEDURE

The appeals procedure provides a domestic and independent forum, i.e. an arbitration board, for dealing with an appeal in a fair and reasonable manner. It is not intended that there would be legal representation. The arbitration board will adjudicate on the appeal and decide if proper procedures were fulfilled. The arbitration board will not make a judgement as to which candidate was most suitable and it is not intended that the arbitration board would replace the selection board.

Initially, a teacher who is considering appealing has an entitlement to write to the board of management stating his/her grounds for the appeal and to receive a written response from the chairperson of the board of management in respect of the points raised. It is intended, that this initial response from the board of management will clarify many points for the teacher and may obviate the need to proceed to an appeal hearing.

In addition, it is generally the case, that where a school has a number of posts to fill and only one of the posts is appealed, the appeal will not affect the other posts which are not the subject of an appeal.

- (a) **Initiating the Process of Appeal**
- (1) In the event of an unsuccessful applicant wishing to proceed with an appeal, the teacher shall in the first instance and within the time specified, write to the chairperson of the board of management stating that the proposed appointment is being appealed. This letter must also state the grounds of appeal and will be regarded as the letter of appeal.
- (2) In general, though not exclusively, the grounds for appeal fall into the following categories:
 - alleged breach of procedure;
 - alleged inconsistency and lack of fairness in the application of the criteria for selection to the post;

- alleged lack of proper consultation and agreement in relation to the allocation of duties for the vacant post.
- (3) Having received the letter of appeal, the chairperson of the board of management shall respond in writing by registered post to the appellant within ten school days of the date of receipt of the letter of appeal. In the interests of resolving the matter at the earliest possible stage, the response of the chairperson should adequately address the points made by the appellant.
 - (4) On receipt by the appellant of the response of the chairperson of the board of management, he/she shall decide whether to continue with the appeal. Should the teacher decide to proceed with the appeal, he/she shall inform the chairperson of the board of management accordingly, in writing, within five school days of the date of the chairperson's response.
 - (5) The candidate to whom the post of responsibility has been provisionally assigned shall be informed by the chairperson of the board of management that an appeal has been lodged.
 - (6) A candidate who believes he/she has been discriminated against contrary to the Employment Equality Act may process a claim in accordance with the provisions of the legislation.
- (b) Hearing the appeal**
- (1) Following completion of the stages outlined above in Section 18(a) above and where the chairperson of the board of management has been notified in writing by the teacher that he/she wishes to proceed, the board of management of the school should, within five school days, contact the patron's representative and the INTO CEC representative for the district, in order to appoint by agreement, from the appropriate regional panel, a board of arbitration to hear the appeal.
 - (2) The board of arbitration shall be selected from the regional panel and shall have three persons as follows:
 - a representative of management, on behalf of the patron;
 - a representative of the INTO;
 - an agreed independent chairperson.
 - (3) Once the chairperson of the arbitration board has been appointed, the chairperson of the board of management, shall furnish him/her, within five school days, with three copies of the details of the appointment and all documentation, including the letter of appeal, the response of the chairperson of the board of management and on a confidential basis, the marking sheets/records of the selection board.
 - (4) The board of arbitration is empowered to call witnesses where considered necessary.
 - (5) The arbitration board shall arrange a hearing without delay and shall invite the appellant, the respondents, i.e. the board of management/or appropriate representatives, and witnesses if any, to attend the hearing. The arbitration board shall conduct the hearing and shall ensure that the normal rules of due process and fair procedures apply, which include:
 - that all documentation (excluding the marking sheets which shall be available to the arbitration board only on a confidential basis), including letter of appeal, statement of grounds, response of chairperson of board of management, and any additional submissions shall be copied to all the parties in advance of the hearing. No additional documentation will be accepted at the hearing;
 - that the chairperson of the arbitration board will clarify to both parties i.e the appellant and the respondent, the procedures that she/he intends to adopt at the hearing;
 - that the parties shall be invited to a hearing and shall be given reasonable notice of the hearing by the arbitration board. When notifying parties to the appeal of the date of the hearing(s), it should be indicated to the parties concerned that in the event of failure to appear, without reasonable cause, the arbitration board may proceed to decide the case if considered appropriate;
 - that the appellant shall be entitled to be accompanied and assisted by a person of their choice;
 - that each party shall be afforded an opportunity to present its case to the arbitration board;
 - that the two parties, i.e. the appellant and the respondent shall have an opportunity to be present in order to hear, at first hand, what each party has to say, together with witnesses where appropriate;
 - that each party shall be afforded an opportunity to question or respond to the other party through the chairperson of the arbitration board;

- that the arbitration board itself, shall be entitled to question each party or seek further information;
 - that all documentation given by the appellant to the arbitration board to be made available to the board of management;
 - that where appropriate, the arbitration board shall afford each party an opportunity to provide further information, on the clear understanding, that the other party shall have an opportunity to respond to same;
 - that if necessary, the arbitration board shall agree to adjournments.
- (6) The arbitration board shall be considered a domestic forum and accordingly, neither Management nor the INTO intends that there would be legal representation at any hearings arranged by the arbitration board.
- (c) **Arbitration Board Findings**
- (1) Having heard all the parties, the arbitration board shall withdraw to make its decision. In the event that the appeal is rejected, the decision of the arbitration board shall only record that the appeal is rejected. In the event that the appeal is upheld, the decision of the arbitration board shall record that the appeal is upheld and taking into account the grounds of appeal, the arbitration board shall advise the board of management to recommence the appointment process at either (a) the initial consultation/allocation of duties stage, (b) the advertisement stage or (c) interview stage. No other written record or minutes of the proceedings of the arbitration board shall be kept.
- (2) The outcome of the appeal shall be notified in writing by the chairperson of the arbitration board to the chairperson of the board of management and to the appellant. The chairperson of the board of management shall in turn notify the provisional appointee of the outcome.
- (3) The decision of the arbitration board shall be final and binding on the parties involved.
- (4) If the appeal has been rejected, the board of management confirms the appointment of the original successful candidate and notifies the Department of Education and Science accordingly at the earliest possible date.
- (5) Where an appeal has been upheld and the board of management is required to establish a second selection board, then the chairperson of the board of management, the principal teacher and

two independent assessors, neither of whom were involved in the original selection, shall comprise the second selection board. The two independent assessors shall be selected from the agreed panels of assessors. In the event of a tied vote, the chairperson shall have a second or casting vote.

- (6) It is not intended by either the management authority or INTO that there would be a second appeal by the same teacher, arising from the filling of one post. However, the parties accept that in certain exceptional circumstances, where for example, there are significant new grounds of appeal and/or a substantial breach of procedure, such a situation may arise. Accordingly, if these circumstances arise, following the completion of the appointment process for the second time, then the chairperson of the board of management should, in the first instance, forward the second letter of appeal including the grounds of the appeal, together with a statement on the matter from the board of management, to the central office of the Management Authority and the INTO for adjudication on whether a second appeal will be allowed.
- (7) Expenses incurred by the arbitration board shall be shared between the parties, i.e. management and INTO.

19. AMALGAMATIONS

The following regulations apply for schools which amalgamated with effect from 1 September 2002.

- (a) There is no blocking of posts of responsibility in schools with up to five ex-principals (i.e. privileged assistants)/deputy principals/vice principals. One post will be blocked where there are six ex-principals/deputy principals/vice principals and two posts are blocked where there are seven or more than seven ex-principals/deputy principals/vice principals.
- (b) Where there are surplus assistant principals (personal basis) and special duty teachers (personal basis) post holders in schools following amalgamations, this number will be retained as the minimum number of posts for a period of five years following amalgamation. After five years the school's entitlement to posts of responsibility will be determined by the schedule of posts as outlined in Appendix B, and personal basis post holders may prevent the filling of posts of responsibility.
- (c) Prior to 1 September 2002 a privileged assistant teacher retained for the remainder of his/her teaching career the level of principal's allowance appropriate to his/her former school as long as he/she did not accept a post to which a higher

allowance was attached. However, with effect from 1 September 2002 the privileged assistant is allowed to retain the allowance for one voluntary move only which takes place on or after this date (A Privileged Assistant will not prevent the filling of a post of responsibility in the school to which she/he voluntary move, providing the move takes place on or after 1 September 2002). A Privileged Assistant must undertake post of responsibility duties.

Such duties should be broadly in line with duties assigned to special duties teachers.

- (d) The amalgamated school should notify the primary payments section of the Department of the actual post of responsibility holder in the amalgamated school using the POR1 Amend Form.

20. ALLOWANCE FOR THE MAINSTREAM CLASS TEACHER IN A TWO-TEACHER SCHOOL

With effect from 1 January 2002 a mainstream class teacher in a two teacher school who carries out the specified duties as determined by the board of management of the school, may be paid a Special Duties teacher allowance subject to the conditions at (a) and (b) below.

- (a) Payment of the allowance will be subject to the board of management duties to be performed with the teacher and specifying the duties the duties should be retained in the school.
- (b) Payment is also subject to the teacher satisfactorily performing the duties of the post.

A two-teacher school, for the payment of the allowance, is defined as a school and one mainstream class teacher (a school with a principal and an ex- defined as a two teacher school for the purpose of this circular).

An allowance for acting principal of a two teacher school is payable where class teacher acts for a principal teacher absent on approved leave for weeks or more. No acting up allowance is payable to cover periods up duration.

The duties of the post will be defined and determined by the board of management.

It should be noted however, that there are two specific duties which must the allowance to be payable:

- to undertake the duties of the principal teacher during any period that she/he is absent from the school. In the event that the mainstream class teacher is not prepared to undertake the duties of the principal teacher his/her allowance shall be withdrawn;
- to undertake the additional supervision duties, over and above those provided under the

Supervision and Substitution Scheme, which are a necessary teacher schools as specified by the board of management.

In the event of the resignation, retirement etc. of the second teacher the board should notify the Department of the replacement teacher due the allowance POR1 Amend. This form is available on request from the Primary Payments Department in Athlone or on the Department website at www.education.ie.

In the event of the two-teacher school becoming a three-teacher school, receipt of the allowance automatically becomes the deputy principal.

APPENDIX A: SECTIONS C, D AND E OF CIRCULAR 16/73

SECTION C

Duties which may be delegated:

1. The effective supervision of the pupils during breaks, lunch periods, assembly and dismissal.
2. The care and safe custody of school requisites, equipment and teaching aids.
3. Cooperation with the chairperson in matters relating to school maintenance, heating and cleaning, care and general appearance of school and school grounds.
4. The organisation and supervision of special and/or learning support classes.
5. Supervision and work for pupils whose teachers are absent.
6. School records and official forms.
7. Arrangements for talks and demonstrations and for visits to selected schools.
8. Arrangements, in agreement with the chairperson, for effective liaison with parents.
9. Arrangements for educational tours and outings.
10. The promotion of savings.
11. The supervision of school and class libraries.
12. Responsibility for organising particular areas of the curriculum throughout the school.
13. Responsibility for a particular school activity e.g. games, choir, orchestra, drama etc.
14. Arrangements for the supervision of pupils during religious exercises.

SECTION D

Vice-principal Teacher

(Note: The term vice-principal teacher is now referred to as deputy principal)

1. The deputy principal is required to assist the principal teacher in the day-to-day organisation and supervision of the school. In addition to

his/her teaching duties the chairperson should assign the deputy principal specific duties. Before assigning such duties to the deputy principal the chairperson should discuss the matter with the principal teacher.

Assistant Teachers with posts of special responsibility

2. The chairperson should arrange in consultation with the principal teacher to assign specific duties to each teacher holding a post of responsibility.

SECTION E

1. The lists of duties at Section C are not exhaustive and may be amended by the Department of Education from time to time as circumstances warrant.
2. Responsibilities and duties of the principal teacher and other staff vary according to the type and size of the school. Where warranted the chairperson, in consultation with the principal teacher, may make whatever amendments to the lists of duties at Sections C as may be necessary to suit the particular needs of the school.

APPENDIX B:
SCHEDULE OF POSTS

PRIMARY POSTS SCHEDULE

Number of Authorised Posts (incl Principal)	Principal	Deputy Principal	Assistant Principal Posts	Special Duties Posts
1	1	0	0	0
2	1	0	0	1
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	2
8	1	1	0	2
9	1	1	0	3
10	1	1	0	3
11	1	1	0	3
12	1	1	0	4
13	1	1	0	4
14	1	1	1	4
15	1	1	1	4
16	1	1	1	5
17	1	1	1	5
18	1	1	1	6
19	1	1	1	6
20	1	1	2	6
21	1	1	2	6
22	1	1	2	7
23	1	1	2	7
24	1	1	3	7
25	1	1	3	7
26	1	1	3	8
27	1	1	3	8
28	1	1	3	9
29	1	1	3	9
30	1	1	3	10
31	1	1	3	10
32	1	1	4	10
33	1	1	4	10
34	1	1	4	11
35	1	1	4	11
36	1	1	5	11
37	1	1	5	11
38	1	1	5	12
39	1	1	5	12
40	1	1	6	12
41	1	1	6	12
42	1	1	6	13
43	1	1	6	13
44	1	1	7	13
43	1	1	7	13

APPENDIX C:
 CATEGORIES OF PRINCIPAL'S AND DEPUTY PRINCIPAL'S ALLOWANCES
 EFFECTIVE FROM 1st SEPTEMBER 1996

Number of Authorised Teaching Posts	Principal's Allowance Category	Deputy Principal's Allowance
Between 1 and 2	01 *	-
3 - 5	01 *	01
6 - 7	02	02
8 - 11	03	03
12 - 13	04	04
14 - 16	05	05
17 - 19	06	06
20 - 23	07	07
24 - 26	08	08
27 - 30	09	09
31 - 35	10	10
36+	11	11

* The Principal's allowance for school sizes 1 - 2 and 3 - 5 merged with effect from 1 September 1998.

APPENDIX 20

POSITIVE STAFF WORKING RELATIONS

1. Introduction

A key asset to any teacher is the support and security of working in a school where there are positive staff working relations. It is even more important when teachers are working in a changing environment and when society continues to make increased demands on the education sector. The primary sector has experienced a great many changes in recent times, which include the changing nature of society's expectations of education, increased parental involvement, the impact of social change in the classroom, and changes in the promotion and management structures within schools. In that context, it has become increasingly important for teachers to support each other and to create a school climate that fosters positive working relations. Equally, each teacher must be prepared to operate as part of a team and within the authority structures of the school.

The principal Management Bodies of primary schools and the INTO are of the view that it is incumbent on the staff and management of each school to promote a culture of positive working relations at all times. Where such a culture prevails, instances of adult bullying or harassment or staff conflict rarely occur.

The principal Management Bodies and the INTO recommend that staffs and boards of management should discuss this document vis-a-vis their own working relations and adopt all or relevant aspects thereof, in accordance with the needs of the staff and management through school policies and procedures or otherwise.

Please note that, in this regard, schools that work in a multi-disciplinary context, for example, special schools, may wish to adapt the procedures in order to cater for the range of personnel in the school.

The principal management bodies involved in the preparation of this document are:

Catholic Primary School Managers' Association;

Church of Ireland Board of Education;

National Association of Boards of Management of Special Schools; and

Educate Together.

2. Objectives

The objectives of this document are:

- firstly, to raise awareness among school staffs about the importance of fostering positive working relations with one's colleagues;

- secondly, to recommend guidelines for good practice (Sections A and B);
- thirdly, to set out various procedures to address staff relations difficulties, adult bullying or harassment, and grievances (Sections B and C).

The policy and procedures in this document will be monitored and reviewed from time to time, to ensure satisfactory operation.

SECTION A: RECOMMENDED GOOD PRACTICE

INTO and CPSMA have identified the following key practices as being very important in the promotion of positive working relations. The presence *or* absence of these practices within the school can determine the school climate and culture, and the dynamics of working relations among staff:

- (a) *Internal Communication:* Regular, transparent, open and direct communication should be encouraged. As part of that process, staff may wish to raise issues, as appropriate, with each other or with the principal teacher/Management. Each party should be open to hearing and addressing counter viewpoints and to responding in a constructive manner to any matters raised. There should be regular staff meetings, i.e. at least one per term, where staff are fully aware of the agenda in advance and given an opportunity to submit items for discussion. There should be clarity about the issues discussed, the decisions taken and the agreed follow-up action. At the following staff meeting, minutes should be adopted and a report given on follow-up action.
- (b) *Processes of Decision Making:* A hallmark of positive staff working relations is the manner by which decisions are made within the school. Each staff should consider, discuss and, if appropriate, review its processes of decision making. In some instances, decisions will be relatively automatic, particularly if governed by clearly established rules and regulations, while in other cases, decisions may be made on the basis of existing custom and practice. Alternatively, and increasingly, staffs are called upon to make decisions on the basis of consultation and consensus within the school community. This is particularly the case in drafting school policies, eg. discipline, home/school links, RSE etc.

The processes of decision-making should give due regard to the role of the principal teacher and the board of management in accordance with

DES Circular 16/73 and other relevant legislation. In order to foster collaborative decision-making, members of staff should be willing to make constructive contributions, to listen to and respect each other's viewpoints, to be prepared to be flexible, and to compromise if necessary and to uphold the majority decision. Those chairing staff meetings should encourage such open and constructive discussions.

- (c) *Effective School Policies and Procedures:* All staff should be aware of and have access to copies of school policies and procedures covering the curricular and administrative areas. Administrative policies cover such areas as dealing with parental complaints (complaints procedure), dealing with parents (home/school links), disciplining pupils, bullying among pupils, supervision, dealing with child abuse etc. There should be school policies on a wide variety of administrative matters and these should be implemented fairly and consistently, and in an open and transparent manner. It is in the staff's interests also to ensure that such policies and procedures are approved and adopted by the school's board of management.
- (d) *Mutual Respect:* Each member of staff performs a different role in the school and each is fully entitled to be treated with professional respect and with dignity. The principal teacher is both a staff member and a team leader with overall responsibility for the day to day activities in the school. Particular functions and responsibilities may be delegated to the other management personnel in the school, e.g. deputy principal, assistant principal and Special Duties Teachers. As well as being responsible for their individual classes, each teacher also has a clear responsibility for the implementation of school policies.
- (e) *A Sense of Fairness:* Individual staff members should be aware of the importance of demonstrating a sense of fair play, tolerance and goodwill. Exercising sound judgement based on relevant information, common sense and reasonableness are also significant factors in promoting positive staff relations. For example, deciding to compromise on a matter, rather than holding steadfast can often be the wisest and most sensible thing to do.
- (f) *Unacceptable Behaviour:* There are certain behaviours which are not acceptable among staff members and which create negative staff relations. Such behaviours include workplace bullying, sexual harassment, rudeness, aggressiveness, offensive language, threatening or intimidating behaviour, victimisation and

harassment. Each member of staff should respect the integrity and dignity of her/his colleagues.

Furthermore, in relation to adult bullying and sexual harassment, CPSMA and INTO recommend that each board of management/school adopt a policy and procedure that would include a clear statement that any such behaviour is not acceptable within the school. A complaint of sexual harassment or bullying may result, following investigation, in disciplinary action. However, where a complaint of sexual harassment or bullying is not upheld, no action shall be taken against the complainant, provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and the disciplinary procedure invoked. (See Appendix 24.)

- (g) *Conflict Resolution:* Conflict generally arises where two or more people disagree over issues of organisational substance and/or experience some antagonism towards each other. principal Teachers/Management may spend significant amounts of time dealing with conflict situations, either as a third party in trying to resolve matters or as one of the parties to the conflict. In so far as the school as a workplace is concerned, it is important to recognise that (a) over a period of time conflict is inevitable; and (b) that it is critical to resolve conflict at the earliest opportunity and before it is allowed to fester. In the vast majority of cases, teachers deploy conflict resolution skills, informally, effectively and constructively, such as:

- listening;
- identifying the source of conflict;
- addressing the issue early and in a constructive manner;
- putting forward options for resolution which may include reaching compromises;
- acknowledging if errors have been made by another party or that misunderstandings may have occurred;
- accepting solutions whether as a compromise or otherwise;
- closing the matter;
- moving on.

It is recommended that each staff foster a culture of open communication and debate, where conflict can be aired and dealt with constructively, speedily and in a reasonable manner and if possible, without recourse to the procedures set out in Section C.

SECTION B: KEY PRINCIPLES UNDERPINNING ALL OF THE PROCEDURES

It is intended that each of the procedures in Section C (1–3) will provide an overall framework to resolve matters at the earliest opportunity and preferably within the school structures. As staff relations issues and instances of bullying or discriminatory harassment vary significantly from school to school, Section C (1) and (2), in particular, place the emphasis on the general stages that should be followed in order to resolve matters.

However, it is important to note that the following key principles or procedural points are intrinsic to each procedure:

- (a) identify the difficulty;
- (b) observe due process;
- (c) keep records;
- (d) set realistic goals and parameters.

(a) *Identify the difficulty*

There are similarities in relation to the range of factors that arise in primary schools where there is internal conflict among staff members. The following list comprises issues which have been identified by staff as the main areas responsible for breakdowns in staff relations:

- bullying, intimidation, victimisation, verbal abuse, sexual harassment or other forms of discriminatory harassment;
- lack of consultation, dialogue and involvement in the processes of decision-making;
- unwillingness to engage in consensus decision-making;
- lack of decision-making;
- indecisiveness;
- unwillingness to cooperate with school policy or operate as team players;
- cliques among staff;
- ongoing expression of disgruntlement by internal school candidates who were unsuccessful in the competition for the Principalship or other internal promotions. Other colleagues may also express disgruntlement and this may result in a lack of cooperation with newly promoted post-holders/principal;
- a new principal introducing sweeping changes without proper consultation or meaningfully engaging staff in the process of change over realistic time frames;

- members of staff not talking to each other or not engaging in constructive communication;
- personality factors;
- lack of appropriate involvement by the board of management;
- insecurity and uncertainty among staff in the absence of the support of effective school policies, for example, in dealing with problematic areas, such as complaints against teachers, disruptive pupils etc.;
- perceptions that certain members of staff are favoured by management;
- feelings of being systematically undermined;
- staff members afraid to speak openly.

It should be noted that the above list does *not* purport to be final or exhaustive as it would be impossible to list every possible cause of conflict.

(b) *Observe due process*

The principles of due process, natural justice and fairness underpin the three procedures outlined in Section C, (1, 2 and 3). Accordingly, if issues are raised against a member(s) of staff, she/he is entitled to be fully apprised of the issues concerned and given an adequate opportunity to respond before any conclusions are drawn. In addition, parties should make clear to each other if they are following a particular procedure and, if so, identify the appropriate stage. Where documentation, records or submissions are being relied upon by Management or a third party, each party to the dispute or difficulty should have an opportunity to access and respond to such documentation (see paragraph below). As appropriate, a teacher may be entitled to be accompanied by a friend at meetings with the board of management or, in the event of a disciplinary hearing, may be entitled to INTO representation. Neither CPSMA nor the INTO intends that there would be legal representation at any hearings.

(c) *Keep Records*

Records are useful, particularly in terms of identifying whether there is a pattern of difficulty or offending behaviour. However, the principles of due process and fairness should apply to the keeping of records, especially in circumstances where the records are being relied upon by a third party or a board of management in making a judgement. The following guidelines in relation to keeping records should be borne in mind:

- records should be clear, honest and accurate accounts of all relevant matters, in chronological sequence, including details of offending behaviour, attempted resolutions, meetings, discussions etc.

- a member(s) of staff, who feels bullied, aggrieved, affected by staff conflict, sexually harassed or otherwise discriminated against in the course of her/his employment, should note/record the pattern of behaviour.
- records may form the basis of written submissions to the board of management or other appropriate third parties.
- in general, written records are confidential to the party keeping the record, except in circumstances where that party seeks to rely on such records or, for example, incorporate all or part of such records into a written submission to the board of management or other appropriate third party, e.g. a tribunal established under the Grievance Procedure. In these circumstances, and in accordance with due process, the party must be prepared to treat such records/submission in a transparent manner, in terms of furnishing copies to those records/submission to all of the relevant parties, as outlined in the various procedures.
- generally, where formal procedures involve appropriate third parties or the board of management, written submissions and/or responses may be obtained from all relevant parties and copied to all relevant parties.

(d) *Set Realistic Goals and Parameters*

It is critically important to set goals and expectations within the context of realistic parameters. Unrealistic and unachievable expectations can have the contrary effect of entirely frustrating the process. In that context the following should be borne in mind:

- changing the dynamics of working relations in a school from negative/partly negative to positive is a process which may take a considerable length of time and which will require ongoing effort, compromise, flexibility and constructive interaction by all those involved. Accordingly, it is reasonable to establish a framework for resolution of issues over an agreed and realistic time frame.
- the primary responsibility for promoting positive working relations in a school rests with each individual member of staff. Passivity among staff members may frustrate the promotion of positive working relations.
- since promoting positive working relations is a process which may involve awareness raising and possible behavioural changes, it may be appropriate for members of staff to consult other relevant literature on the dynamics of workplaces, bullying, conflict resolution, the functions of leadership and management etc., and also to attend relevant training courses.

- it is an intrinsic function of effective leadership that Management, including the principal teacher, should promote positive relations. In particular, where there are relations difficulties in a school, Management should support initiatives, including training and facilitation, to deal with matters. In addition, if there is unacceptable behaviour perpetrated by one staff member against another, Management may be required to invoke disciplinary action against the teacher concerned, subject to the normal principles of due process. It is also the responsibility of Management to monitor the initiatives put in place to restore/promote positive working relations.

SECTION C: THE PROCEDURES

Having identified the difficulties, the individual member or members of staff concerned should decide on whether it is feasible and more appropriate to address matters informally between themselves or initiate one of the following procedures:

- (a) Section C (1): Procedures to Address Staff Relations Difficulties
- (b) Section C (2): Procedures to Address Adult Bullying/Sexual Harassment or Harassment on Other Specified Discriminatory Ground, arising in the workplace or otherwise in the course of employment.
- (c) Section C (3): Grievance Procedure (revised)

While there are significant parallels between each of the procedures, in that, for example, each provides for:

- directly addressing matters;
- informal and formal stages;
- an emphasis on constructive engagement;
- an emphasis on early resolution;

there are also some key difference, such as:

- Section C (1) – places the emphasis on addressing staff relations difficulties in a consensus and voluntary type approach and it includes the provision of a mediation facility;
- Section C (2) – is specific to the matter of allegations of bullying, sexual harassment or other specific discriminatory harassment, which may occur in the workplace or otherwise in the course of employment;
- Section C (3) – places the emphasis on processing specific grievances that usually relate to breaches of school rules, policies, procedures or practices. It provides that an independent tribunal may be established that is empowered to issue a decision that is final and binding on all parties.

In deciding to proceed with any one of the procedures, it is advisable that teachers and Management seek advice.

Section C/(1): Procedures to Address Staff Relations Difficulties

Stage 1: Informally Address Matters between the parties

It is open to an individual teacher/group of teachers/entire staff to raise the matter of internal working relations in the school, particularly where staff relations difficulties exist. For the purpose of this procedure, the teacher(s) who raise the matter shall be termed Party A. Party A should raise the matter with the teacher(s) who it is considered is the source of the difficulty or who is contributing to the difficulty and this may include the principal teacher, i.e for the purpose of this procedure, Party B. The manner by which Party A decides to raise matters will, to a large extent, depend on the issues identified by the party, previous experience and the existing procedure in the school for raising matters. In general, the following steps should be taken:

- party A should identify the areas where staff relations difficulties exist or, if applicable, where relations can be improved;
- party A should raise matters at the earliest opportunity directly with party B;
- party B should make every effort to respond in a constructive manner to the issues raised by party A;
- the onus is now on both parties to engage constructively to sort out matters and it would be expected that the parties would be prepared to reach solutions and, if appropriate, move their position in order to resolve matters at the earliest opportunity;
- both parties should agree realistic time frames which should not be later than 20 school days by which time a framework for resolution of issues should be agreed;
- the outcome of the discussion should be recorded by the parties in a mutually agreeable manner (cf. Section B);
- by agreement, the twenty school-day period may be extended and the parties should take specific note of the new time frames.

Please note that if resolution is not achieved, and the principal teacher is one of the parties at Stage 1, then, where a party wishes to continue, the procedure should, after completion of Stage 1, move directly to Stage 3 or Stage 4.

Stage 2: Role of the Principal Teacher

Where it has not been possible to resolve matters informally and directly between the parties, and where

the principal teacher is not a party to the conflict, the principal should be consulted by both parties as follows:

- the principal teacher should be briefed by each party on the discussions which have occurred at the informal stage;
- as part of effective leadership, the principal teacher has a role in promoting positive working relations and, accordingly, should hear the parties and seek to mediate and resolve the staff-relations difficulty;
- the principal should act in a fair and impartial manner and may exercise judgement and make decisions that she/he considers necessary to resolve matters;
- the onus is on both parties, facilitated by the principal teacher, to engage constructively to resolve matters and it is expected that the parties would be prepared to reach solutions and, if appropriate, move their position in order to resolve matters at the earliest opportunity;
- where the principal teacher deems it prudent and appropriate, she/he may raise the matter at a staff meeting and seek to initiate a framework through full staff dialogue, to resolve matters. In these circumstances, it is recommended that, where possible, a neutral member of staff or a member of staff acceptable to both parties should be selected to chair the staff meeting;
- the outcome of the discussions should be recorded by the parties, including the principal teacher, in a mutually agreeable manner (cf. Section B);
- twenty school days are provided to resolve matters at Stage 2 and the parties should note the time frames, which should only be extended by agreement.

Please note that where resolution is not achieved at Stages 1 or 2, it is open to the parties to move to Stage 3 or to go directly to Stage 4.

Stage 3: External Intervention

Where resolution has not been achieved at either Stage 1 or Stage 2, the parties and/or the principal teacher may request the board of management to appoint a mediator, agreeable to the parties. Prior to entering a mediation process, each of the members of staff concerned will be required to supply the following background information for the attention of the mediator only:

- (i) a written account of the issues involved;
- (ii) a written account of the initiatives taken to date to resolve matters, detailing any progress made,

together with a general outline of the sequence of dates. Where the principal teacher has been involved at Stage 2, he/she should also supply an account;

- (iii) a list of the outstanding issues and the resolutions sought by the parties;
- (iv) a written and signed undertaking, to the effect, that he/she:-
 - will constructively participate in the mediation process;
 - will be flexible in order to achieve resolution;
 - will abide by and act on the recommendations of the mediator.

The mediator shall:

- review all of the documentation;
- arrange to meet with the parties;
- decide on whether it is possible to achieve a framework for resolution in light of the attitudes of the parties;
- where the mediator decides to proceed, she/he shall, following the mediation process, draft a conclusion.

The conclusion of the mediator shall *solely state* whether mediation has either achieved *or* failed to achieve a framework for resolution. The conclusion of the mediator shall be available to the parties and to the board of management.

In addition, if a framework for resolution is agreed between the parties then a copy of same may be appended to the conclusion.

As a rule, the mediator shall complete his/her work within twenty school days.

It is intended that a joint INTO/MANAGEMENT panel of mediators be established for the purpose of facilitating independent mediation.

Please note that any expenses involved at this stage will be shared by the parties, i.e. INTO and the relevant Management Body, provided that prior sanction for same has been obtained from those parties.

Stage 4: Formally Address Matters with the board of management

Where it has not been possible to agree a framework for resolution at previous stages, the matter should be referred, by the parties, to the board of management for investigation. The referral should be in writing. In addition, the conclusion to the mediator may indicate

that the matter should be referred to the board of management and, in this regard, the mediator's conclusion may itself constitute a referral. Once a board of management has received a written referral to investigate a staff relations difficulty, it should, generally, proceed as follows:

- the Board may enquire into the background of the difficulties, including obtaining details on the sequence of initiatives taken at previous stages;
- the Board or the chairperson of the Board may meet the teachers individually or collectively and may also request written submissions from the parties, having regard also to the principles of due process (cf. Section B(b));
- the Board may request the principal teacher to furnish a written submission;
- the Board may afford the parties an opportunity to present their case orally at a Board meeting, in each other's presence;
- following oral presentations, the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
- the board of management may convene a number of meetings in order to achieve resolution;
- the board of management shall act in a fair and impartial manner in order to achieve resolution;
- the Board is entitled to reach conclusions and to request the parties to agree a framework for resolution in which the parties will fully and constructively participate;
- where the parties fail to voluntarily agree a framework for resolution, following a request by the board of management, the Board itself is entitled to decide on an appropriate framework for resolution and may, if considered necessary, direct the parties to participate in same;
- the board of management should complete its investigation within twenty school days of receipt of the written referral;
- the steps taken at Stage 4 should be recorded, reviewed and monitored, and the record should be available to the parties.

APPENDIX 21

POSITIVE STAFF WORKING RELATIONS

SECTION C (2) – BULLYING/HARASSMENT

1. Procedures To Address Adult Bullying/Harassment

The procedures set out below may be initiated in relation to any of the following circumstances, which may occur in the workplace or otherwise in the course of employment:

- adult bullying;
- sexual harassment;
- harassment on other specified discriminatory grounds, which could in the circumstances be regarded as offensive, humiliating or intimidating.

INTO and CPSMA recommend that each board of management/school adopt a policy and procedure on bullying, sexual harassment or other harassment on specified discriminatory grounds, which would include a clear statement that any such behaviour is not acceptable within the school. In this regard, it should be noted that the procedures below provide that a complaint of sexual harassment or bullying may result, following an investigation, in disciplinary action. Where a complaint of sexual harassment or bullying is not upheld, no action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and the disciplinary procedure invoked.

The procedures outlined below are specifically designed to address adult bullying, sexual harassment or harassment on other specified discriminatory grounds, in an industrial relations/domestic framework.

It is also open to any member who considers that she/he is being discriminated against, to contact her/his CEO District Representative or INTO Head Office with a view to pursuing or referring a complaint to the Director of Equality Investigations or Labour Court, as the case may be.

1.1 Adult Bullying

There is no uniform definition of workplace bullying available. The INTO policy document *Relationships and the School Community/Bullying and Other Issues* defines bullying as 'repeated aggressive behaviour of a verbal, physical or psychological nature'. The document also presents a range of other definitions in use by various unions and organisations and also describes the forms and effects of bullying and profiles both the typical victim and bully.

Adult Bullying can take many different forms which usually include:

- intimidation or harassment;
- aggression;
- verbal abuse;
- humiliation;
- undermining;
- dominance or abuse of power;
- different or unfavourable treatment;
- exclusion or isolation.

Key features of Adult Bullying are that the behaviour is generally:

- persistent and/or systematic;
- unwanted;
- subtle;
- non-physical.

However, for the purposes of the procedures outlined in this document, CPSMA and INTO have adopted the definition of bullying set out by the Health and Safety Authority which is:

Bullying in the workplace is repeated aggression, verbal, psychological or physical, conducted by an individual or group against another person or persons. Bullying is where aggression or cruelty, viciousness, intimidation or a need to humiliate, dominate the relationships. Isolated incidents of aggressive behaviour, while to be condemned, should not be described as bullying. In the workplace environment there can be conflicts and interpersonal difficulties. Many of these are legitimate industrial relations difficulties that should be dealt with through the appropriate industrial relations channels. Only aggressive behaviour which is systematic and ongoing should be regarded as bullying.

Accordingly, it is the view of INTO and CPSMA that the exercise of legitimate management function, in a reasonable and fair manner, does not constitute bullying.

1.2 Sexual Harassment or Other Harassment On Specified Discriminatory Grounds

The Employment Equality Act (1998) explicitly provides that sexual harassment and other harassment on legally defined discriminatory grounds is unlawful and constitutes discrimination, contrary to the

Employment Act 1998. The Act (1998) defines harassment as any act or conduct which is unwelcome and offensive, humiliating or intimidating to the employee concerned, on a discriminatory ground, including spoken words, gestures, or the production, display or circulation of written material or pictures.

Employers may also be liable under the 1998 legislation, in respect of harassment occurring in the course of employment, whether or not it occurs with the employers' knowledge or approval. However, the legislation also provides that it shall be a defence for an employer to show that reasonably practicable steps were taken to prevent the harassment.

It is important to distinguish harassment, including sexual harassment, from normal social interaction at work involving mutually acceptable behaviour.

(a) Sexual Harassment

It is unlawful to treat a person less favourably than another person on ground of sex in matters relating to employment, whether in the workplace or otherwise in the course of employment. Sexual harassment creates an unpleasant and intimidating work environment, threatens job security and undermines equality in the workplace. It is a form of discrimination and every effort should be made to eliminate it.

The Employment Equality Act (1998) defines Sexual Harassment as any unwelcome act, request or conduct, which could reasonably be regarded as sexually or otherwise on the ground of gender, to be offensive, humiliating or intimidating to the employee in question, such as:

- any act of physical intimacy; or
- any request for sexual favours; or
- any other conduct, such as spoken words, gestures or the production, display or circulation of written words, pictures or other materials.

Discrimination may also arise if a person is treated differently in the course of his/her employment by virtue of his/her acceptance or rejection of the Sexual Harassment.

In September 1994, the Department of Justice, Equality and Law Reform published a Code of Practice on measures to protect the dignity of women and men at work. The Code of Practice was issued in accordance with the European Commission's Code of Practice, which defined Sexual Harassment as 'unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work'.

(b) Other Harassment on Specified Discriminatory Grounds

The Employment Equality Act (1998) states that other harassment, whether in the workplace or otherwise in

the course of employment, may constitute discrimination, contrary to the legislation, in circumstances where:

- the harassment arises from an employee's marital status, family status, sexual orientation, religious beliefs, age, disability, race or membership of the traveller community; and
- the harassment is unwelcome and could reasonably be regarded as offensive, humiliating or intimidating to the employee concerned.

Harassment may constitute any act or conduct, such as spoken words, gestures, or the production, display or circulation of written works, pictures or other material. Discrimination may also arise if a person is treated differently in the course of his/her employment by virtue of his/her acceptance or rejection of the harassment.

1.3 Bullying, Harassment/Procedures

Preamble:

The procedures outlined below are designed to address adult bullying, sexual harassment, or other harassment arising in the workplace or otherwise in the course of employment, in a fair and effective manner. In implementing the procedures, it is recommended that emphasis should be placed on assuring the party who considers that he/she is being bullied/harassed that his/her complaint will be acknowledged, that the matter will be investigated effectively and sensitively, and in accordance with due process.

Equally, where it is found that bullying or harassment has occurred, the emphasis, firstly, is to ensure that the offending behaviour immediately ceases and secondly, is to help the offending party acknowledge that his/her behaviour is unacceptable and that steps must be taken to address the matter constructively, thereby avoiding any recurrence. It is important to ensure that resolution is achieved at the earliest opportunity. Furthermore, it may be appropriate for the victim or the offender to attend counselling or obtain such other help as may be required.

Stage 1: Decide to Address The Matter

- (a) The party (party A) who considers that he/she is being bullied, sexually harassed, or harassed on other discriminatory grounds, should decide to address the matter. However, in light of the potential effects of bullying or harassment on an individual, including the loss of confidence, extreme upset, anxiety or fear, party A may initially decide to seek INTO or other assistance, including Employee Assistance Scheme or other counselling, in order to consider the most appropriate application of the procedures in the circumstances.

- (b) Party A should keep a record of the pattern of behaviour, or instances where he/she considers that bullying/harassment has occurred. The record should contain details such as dates, times, persons present, details of what was said or what occurred. (Further details on the keeping of records are outlined in Section B(b), Positive Staff Relations.)

Stage 2: *Informally Address the Problem*

- (c) The party who considers that he/she is being bullied, sexually harassed, or harassed on other discriminatory grounds (party A), should request a meeting with the other party (B) in order to discuss matters. The following should apply:

- where necessary, the meeting may be facilitated by a third party, generally a teaching colleague.
- party A should clearly outline his/her difficulties and should clearly object to the bullying/harassment and request that it stop.
- it is important that party A bear in mind, that the other member of staff may not be aware that his/her behaviour is causing difficulty.
- both parties should seek to resolve their differences and establish a pattern of interaction exclusive of any forms of bullying/harassment.
- party B may respond to party A at that meeting or, if requested, should be given an opportunity to consider his/her response, in which case the meeting may be adjourned. Party B should respond in a constructive manner.
- the resolution, as appropriate, may include any of the following, e.g. a commitment to cease the particular behaviour, modify the behaviour, plan to eliminate situations where the parties would be in conflict or monitoring. Alternatively, it may emerge, as a result of the discussions between the parties, that there may have been a degree of misunderstanding in relation to certain behaviours and the resolution may make provision for compromise or appropriate explanation or acknowledgement.

- (d) If there is no satisfactory indication of resolution between the parties, party A should refer the complaint to Stage 3, i.e. formal procedures.

Stage 3: *Principal Teacher or Chairperson of the Board of Management*

Stage 3 provides a mechanism for the principal teacher to intervene and resolve the matter. However, if the principal teacher is one of the parties, the chairperson of the board of management should then be involved, in an

individual capacity, in order to achieve resolution. In circumstances where the chairperson may also be involved at Stage 2, another member of the Board may be designated to intervene.

- (e) Party A should advise party B that he/she is proceeding with Stage 3.

- (f) Party A should state his/her complaint in writing and request the principal teacher (or chairperson of the board of management, as the case may be) to investigate the matter.

- (g) The principal teacher (or chairperson of the board of management, as the case may be) should:

- obtain background details including details of what occurred at the previous stage;
- consider the pattern of behaviour and the timescale;
- hear the parties and seek to resolve the matter;
- act in a fair and impartial manner and deal with the matter sensitively, having regard to the nature of the problem and the principles of due process;
- exercise judgement and make decisions which he/she considers necessary to resolve matters;
- the outcome of the discussions should be noted by the parties;
- the matter should be dealt with confidentially.

- (h) Where resolution has not been possible and, particularly, where there is a likelihood of the offending behaviour continuing, either party or the principal teacher (or chairperson of the board of management as the case may be) should refer the matter to the board of management in accordance with Stage 4 below.

Stage 4: *Board of Management*

- (i) It is open to any of the parties or the principal teacher (or chairperson of the board of management, as the case may be) to refer the matter to the board of management for investigation. The referral should be in writing and dated, and should include a copy of the written complaint.

- (j) The board of management should consider the issues and investigate the matter:

- the Board may enquire into the background of the difficulties, including obtaining details on the sequence of initiatives taken at previous stages;
- the Board or the Chairperson of the Board may meet teachers individually or collectively

and may also request written submissions from the parties, having regard also to the principles of due process (cf. Section B(b), Positive Staff Relations);

- the Board may request the principal teacher to furnish a written submission;
- the Board may afford the parties an opportunity to present their case orally at a Board meeting in each other's presence;
- following oral presentations, the board of management may designate the chairperson to meet with the parties again, separately or jointly, if further clarification is required or to work towards resolution;
- the board of management may convene a number of meetings in order to achieve resolution;
- the board of management shall act in a fair and impartial manner in order to achieve resolution and shall deal with the matter sensitively, having regard to the nature of the problem.

(k) Having considered all matters, the board of management should reach a view on the matter not later than twenty school days after receipt of the written request/referral.

(l) Where the board of management finds that bullying/harassment has not occurred, both parties should be informed accordingly. No action shall be taken against the complainant provided the allegation was made in good faith. If the complaint was brought maliciously, it should be treated as misconduct and appropriate action taken.

(m) Where the board of management finds that bullying/harassment has occurred, the Board should deal with the matter appropriately and effectively. This may include:

- the issuing of a clear warning that bullying/harassment is not acceptable in the school workplace and that it will not be tolerated;
- a demand that all forms of bullying/harassment cease and that acceptable patterns of interaction be established between the parties;
- an instruction to the offending party that he/she apologise/express regret or give an assurance that the bullying/harassment behaviour will cease;
- seeking a commitment to attend counselling or the welfare service;
- more serious disciplinary sanctions as may be commensurate and appropriate, such as:

oral warning
written reprimand
written warning
final written warning
suspension
dismissal

(n) As part of any resolution, the board of management should monitor the situation, and should put systems in place to ensure that it is kept informed that resolutions are being implemented. The board of management should keep matters under review.

APPENDIX 22

POSITIVE STAFF WORKING RELATIONS

Section C(3) – GRIEVANCE PROCEDURE

The following procedure for handling grievances in schools has been agreed between the INTO and the principal Management Bodies.

- The purpose of this procedure is to provide a mechanism for the resolution of a grievance which a teacher in a national school, including a principal teacher, has against (i) the board of management in respect of the exercise of any of its responsibilities for the governance of the school, or (ii) the chairperson of the Board in an individual capacity or (iii) the principal teacher in respect of her/his duties and responsibilities for the organisation, conduct, and day to day activities of the school.
- The Grievance Procedure shall generally relate to breaches of school rules, policies, procedures or practices. The Grievance Procedure shall not deal with curricular matters.
- If a grievance, which concerns a matter covered by the Employment Equality Act (1998) or other relevant legislation, is referred to the Labour Court, this procedure shall not be used. Such a referral would serve to terminate the Grievance Procedure.

STAGE 1

- 1.1 The aggrieved teacher shall give notice in writing to the principal that the Grievance Procedure is being invoked.
- 1.2 The teacher shall discuss the grievance with the principal teacher with a view to resolving it.
- 1.3 If the grievance is not resolved within ten school days, the teacher shall be entitled to invoke Stage 2 within a further ten school days.

STAGE 2

- 2.1 The aggrieved teacher shall give notice in writing to the principal and chairperson of the board of management that Stage 2 of the Grievance Procedure is being invoked.
- 2.2 The teacher shall discuss the grievance with the chairperson of the Board with a view to resolving it.
- 2.3 The chairperson shall immediately take such steps as she/he considers appropriate to have the grievance resolved informally.
- 2.4 If the grievance is not resolved within ten school days, the teacher shall be entitled to invoke Stage 3 within a further ten school days.

STAGE 3

- 3.1 The aggrieved teacher shall give notice in writing to the chairperson of the board of management that Stage 3 of the Grievance Procedure is being invoked.
- 3.2 The teacher shall make a written submission which shall include the details of the grievance(s) and the redress being sought. The submission shall be presented to the chairperson for consideration by the board of management.
- 3.3 The normal rules of due process shall apply to the exchange of documentation, and accordingly, the chairperson shall copy the submission to the person against whom the grievance is being taken.
- 3.4 Where the Grievance involves the principal teacher, she/he shall be requested by the chairperson to prepare a written response to the submission. The written response shall address all of the points made in the aggrieved teacher's submission and shall be furnished to the aggrieved teacher(s) within 10 school days of the date of the written submission. Similarly, where the grievance is against the chairperson of the board of management or the Board itself, the aggrieved teacher shall be entitled to a written response from the chairperson or the Board, as the case may be. Such response shall also be furnished within ten school days.
- 3.5 The chairperson shall invite the aggrieved teacher to be in attendance at a hearing of the Board, which shall be held within ten school days of the date of the written response. The hearing shall afford each party to the grievance an opportunity to hear, at first hand, what the other party has to say, and also to question and/or respond to the other party.
- 3.6 In circumstances where the grievance is against the principal teacher, he/she shall attend at the Board hearing in an individual capacity and not as a member of the board of management. Similarly, where the grievance is against the chairperson of the board of management (in an individual capacity) he/she shall also attend at the Board hearing in an individual capacity and an Acting chairperson shall be appointed. Further, the principal teacher or the chairperson, as the case may be, shall withdraw from the Board's deliberations and decision making on the matter.

- 3.7 Where appropriate, the parties shall be entitled to bring witnesses. The same principles of due process apply to hearing witnesses.
- 3.8 The Board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded. If the Board is unable to resolve the grievance by conciliation it shall make a decision on the matter, except as provided under paragraph 3.9.
- 3.9 In cases where the grievance is against the Board itself, the Board shall hear the grievance as outlined above, shall try to resolve the matter by conciliation, but failing resolution, the matter may proceed to stage 4 in accordance with the provisions of paragraph 3.11.
- 3.10 The chairperson shall convey the outcome in writing to the parties within 5 school days of the hearing specified at 3.5.
- 3.11 The teacher shall have the right to invoke Stage 4 of the procedure:
- (a) if the Board fails to give a hearing to the aggrieved teacher;
 - (b) if the chairperson fails to convey the outcome of the hearing within the specified period; or
 - (c) if the teacher is unwilling to accept the outcome of Stage 3.

STAGE 4

- 4.1 The Teacher who wishes to proceed with an appeal to Stage 4 shall give notice of same, by letter, to the chairperson of the board of management within ten school days of receiving the written outcome of Stage 3 (or at the end of the period specified in 3.5, if the Board fails to arrange a hearing). The date of that letter shall be referred to as the 'date of appeal', and the teacher may include, in the letter, any additional arguments he/she wishes to put forward.
- 4.2 On receipt of the letter of appeal, the chairperson of the board of management shall notify the patron (or a designated representative of the patron) and the General Secretary of the INTO (or a designated representative of the INTO) and invite these parties:
- (a) to select an agreed independent person to act as chairperson of a tribunal;
 - (b) each to appoint a person who is not associated with the school to serve on the tribunal;
 - (c) to arrange a meeting of the tribunal within 15 school days of the date of appeal.
- 4.3 The chairperson of the board of management shall also furnish each member of the tribunal, prior to its first meeting with (a) a report on the proceedings at each of the previous stages and (b)
- a copy of the aggrieved teacher's letter of appeal;
 - a copy of the aggrieved teacher's submission;
 - a copy of any written response;
 - any other relevant documentation.
- 4.4 The Tribunal shall arrange a hearing(s) for the parties and shall ensure that the normal rules of due process and fair procedures apply, which include:
- that the parties shall be given reasonable notice of the hearing by the Tribunal. When notifying parties of the date of the hearing(s), the Tribunal should indicate to the parties concerned that, in the event of failure to appear without reasonable cause, the Tribunal may proceed to decide the case if considered appropriate;
 - that each party shall be afforded an opportunity to access and respond to relevant documentation, including the letter of appeal;
 - that the parties shall have an opportunity to hear, at first hand, what each has to say, and also to question or respond to the other party through the chairperson of the Tribunal;
 - that witnesses may attend as appropriate;
 - that the Tribunal itself shall be entitled to question each party or seek further information;
 - that, where appropriate, the Tribunal shall afford each party an opportunity to provide further information, on the clear understanding that the other party shall have an opportunity to access and respond to same;
 - that, if necessary, the Tribunal shall agree to adjournments.
- 4.5 The Tribunal shall be considered a domestic forum and, accordingly, neither Management nor the INTO intends that there would be legal representation at any hearings.
- 4.6 The tribunal shall be empowered to conciliate, with a view to reaching a friendly settlement.
- 4.7 Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
- 4.8 The tribunal's decision shall be conveyed in

writing by the chairperson of the tribunal to all the parties and shall be final and binding.

** Please note that any expenses involved in Stage 4 will be shared by the parties who nominate the tribunal provided that prior sanction for same has been obtained from INTO and the relevant Management Body.*

GRIEVANCE PROCEDURE NOTES

1. Until such time as the dispute is resolved or determined, the aggrieved teacher shall continue to carry out the legitimate instructions of the principal teacher or the board of management as the case may be.
2. The Grievance Procedure shall also apply where two or more teachers share a grievance.
3. Where a principal teacher, or a principal teacher and one or more other teachers, share a grievance, Stages 2, 3 and 4 of the procedure shall apply.
4. Where the grievance is against an individual chairperson or the board of management itself, Stages 2, 3 and 4 of the procedure shall apply.
5. Where there is a single Manager as opposed to a board of management, Stages 1, 2 and 4 only

shall apply. In these circumstances the aggrieved teacher shall supply a written submission at Stage 4, and the normal procedures of due process will apply to the exchange of documentation and the right of response.

6. An aggrieved teacher(s) may be represented at Stages 3 and 4 by the INTO Staff Representative or by a branch or district committee member or by a teacher colleague.
7. Attention is also drawn to paragraph 15 of the Constitution of Boards and Rules of Procedure, particularly with regard to disclosure of interest.
8. Where the aggrieved teacher is a member of a religious order, the INTO will consult her/his representative association before nominating a member of the independent tribunal envisaged in Stage 4.
9. A school day is a day on which the school is in operation.
10. Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.

APPENDIX 23

ASSAULTS ON TEACHERS/SCHOOL EMPLOYEES

The Minister for Education and Science wishes to bring to the attention of the school authorities his concern at the increase in the incidence of assaults on staff in primary schools. Violence in the workplace is an issue of grave concern for employees and employers alike. As in other workplaces, school employees are also the victims of violence in the workplace. During the course of their work, school staff may be at risk from violence in the form of verbal abuse, threats, assaults or other forms of intimidation. This behaviour may come from pupils, parents, guardians, other staff members or intruders.

The Minister is anxious that every effort would be made to create and maintain a culture in schools where acts of violence are not tolerated and where incidents, when they do occur, are effectively and speedily dealt with.

In this context, the Department of Education and Science wishes to draw the attention of boards of management to the following issues:

- the Board's duty to provide a safe place of work for employees

- measures to be taken to prevent or minimise the risk of assaults on teachers or other staff employed in schools
- measures to be taken in support of staff who have been assaulted or threatened with assault; and ensuring that appropriate action is taken to safeguard against a recurrence.

1. Board's Duty to Provide a Safe System of Work

The Safety, Health and Welfare at Work Act became operative on 1 November 1989. It is an important piece of legislation for boards of management and for those who work in schools, as schools and colleges were brought under the scope of safety legislation for the first time.

The Safety, Health and Welfare at Work Act 1989 requires employers to ensure the safety and health of their employees. It requires employers to draw up a Safety Statement:

- Identifying the hazards;
- Assessing the risks to health and safety;

- Putting in place appropriate safeguards.

In the Education Sector violence should be considered as a potential hazard and assessed accordingly and where there is a risk to health and safety from violence appropriate safeguards must be put in place. Account should be taken of the specific circumstances that obtain in each school.

There should be consultation with those at risk concerning the measures to be taken and monitoring their effectiveness. Information should be given to staff on protection and preventative measures which are essential.

The Safety, Health and Welfare at Work (General Applications) Regulations 1993 provides that the Health and Safety Authority must be notified when an accident/incident occurs in the workplace which requires treatment from a registered medical practitioner or treatment in hospital. An accident or incident which results in an employee being absent from work for 3 days or more must also be reported to the Authority.

2. Preventative Measures

Boards are urged to consider and implement measures which would prevent or minimise the risk of assault to the employees of the Board. The effectiveness of agreed procedures should be reviewed where necessary.

(a) External Liaison

Bearing in mind that communication between home and school should be frequent, open and positive, Boards, in consultation with the principal and staff of the school, should promote good practice for the conduct of communication between home and school.

In this context schools should develop and circularise to parents policies to deal with the following matters:

- Admitting parents/visitors to the school

Parents who wish to have a consultation with a class teacher should be encouraged to make a prior appointment with the relevant teacher. In urgent cases where a pre-arranged appointment is not appropriate, parents should be encouraged to report in the first instance to the school secretary/principal. The practice of parents approaching classrooms directly during teaching time should be discouraged. Specifically, access to teachers should be on an 'appointment only' basis where the circumstances of a meeting are likely to provoke a confrontation.

- Parent/teacher meetings

Arrangements for the conduct of formal parent teacher meetings should be addressed in the School Plan. Parents should be given adequate notice regarding the

timing of such meetings and encouraged to raise issues of concern. Where sensitive issues are the subject of discussion, arrangements should be made for conducting such interviews in privacy. Conducting interviews at the classroom door, while simultaneously supervising a class of children is not conducive to open communication. Particular care should be taken to ensure that parent/teacher consultations do not take place within the hearing of other pupils and/or parents.

- Code of Discipline

Under the terms of Circular 20/90 schools are requested to develop a Code of Behaviour and Discipline for Pupils. This Code should be developed by the principal and staff in consultation with parents and approved by the board of management. Once finalised, this Code should be notified to parents. Any sanction imposed on a pupil should be in accordance with the Code of Discipline. Procedures for suspending pupils should be clearly set out in the school's Code of Discipline and should be adhered to.

- Complaints Procedure

Boards of management should have in place a clear procedure for the processing of potential complaints. Some managerial Associations have already negotiated such a procedure with the INTO. The terms of the complaints procedure should be notified to parents and parents should be encouraged to utilise stages of the procedure where necessary.

(b) Internal Procedures

The issues of internal school procedures should also be discussed from time to time at staff meetings. Staff should be familiar with all relevant procedures.

In circumstances of increased risk (e.g. schools for young offenders) training should be provided for staff:

- in identifying potentially violent situations, and
- in calming down potentially violent situations

Specific examination should be given to circumstances where staff are:

- working alone on the school premises
- working in an isolated part of the school premises
- engaged in out-of-class activities
- working with pupils with behavioural difficulties
- engaged in home visiting

3. Steps to be followed in the event of an assault

Boards should develop a clearly defined procedure to be implemented in the event of an assault on an employee. This policy should include a clear commitment on the

Board's part to be fully supportive of staff who have been subject to violence.

It is accepted that judgement will have to be exercised in each case. However, the following elements should be included in each procedure:

- (i) The incident should be immediately reported to the principal teacher/other colleague.

The details of the incident should be recorded in an Incident Book kept for this purpose in the workplace. Situations in which members have been intimidated or threatened with physical violence should also be recorded.
- (ii) Where necessary immediate medical assistance should be sought.
- (iii) The matter should be reported to the Gardaí, where appropriate. This report would normally be made by the teacher who was assaulted.
- (iv) The board of management should be notified of the incident and where necessary an emergency meeting of the Board should take place. The Board should notify its legal advisers of the assault. The Board's insurance company should also be notified.
- (v) Where the assault is by a pupil the matter should be dealt with in accordance with the school's Code of Discipline and as provided for in Rule 130(5) of the Rules for National Schools.

- (vi) Repeatedly aggressive pupils should be referred, with the consent of parents, for psychological assessment in order to assess the pupil's social and emotional needs and to determine how these can be best met.
- (vii) Where the assault is committed by a parent/guardian, the parent/guardian should be immediately instructed in writing not to make direct contact with the teacher/school pending full consideration of the matter by the Board. Subsequently the Board should correspond with the parent/guardian stating:
 - that the Board considers the assault unacceptable
 - what action the Board intends to take
 - outlining what pre-conditions should be met before access to the school is restored.
- (viii) Applications for leave of absence, in relation to a member who has been assaulted, should be forwarded to Primary Payments Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath. Each application will be assessed on its merits.
- (ix) Where an employee's personal property is damaged in the course of an assault, compensation for its replacement value may be paid by the board of management under the extended School Protection Policy.

APPENDIX 24

INSURANCE COVER FOR SCHOOL EMPLOYEES WHO MAY BE ASSAULTED

The Allianz Custodian School Protection Policy includes cover to provide for payment at the specific request of a board of management for:

- (a) Loss of or damage to clothing or other personal effects;
- (b) Medical/dental or optical expenses up to a maximum amount of €10,000.

Resulting from an employment related assault on a teacher or other school employee provided that:

- 1 Such loss or expenses are not recoverable from any other source, e.g. the perpetrator of the assault, VHI etc.
- 2 There is an understanding on the part of the Board and the employee that the payment is entirely without prejudice to the issue of legal liability.

APPENDIX 25

SPECIAL EDUCATION

CIRCULAR SP ED 02/05

KEY PRINCIPLES OF THE GENERAL ALLOCATION SCHEME

PUPILS' NEEDS CAN BE MET IMMEDIATELY

- The general allocation scheme is designed to ensure that all schools have enough resource teaching hours to meet the immediate needs of pupils with high incidence special educational needs and those who require learning support. It reflects the fact that most schools would have children with these needs.

INDIVIDUAL APPLICATIONS WILL CONTINUE FOR PUPILS WITH LOW INCIDENCE SPECIAL EDUCATIONAL NEEDS

- As pupils with low incidence special educational needs are not found in every school, individual resource applications for these pupils will continue to be made.

THE LEVEL OF SUPPORT CAN BE MATCHED TO THE LEVEL OF NEED

- Schools should allocate teachers to pupils in line with the pupils' needs, ensuring that those with the greatest need get the highest level of support.

ONE-TO-ONE AND GROUP TEACHING ARE BOTH POSSIBLE

- It is up to the school to decide whether one-to-one or group teaching, or a mix of both, is the best type of support for each individual pupil, depending on the nature of their needs.

PUPILS SHOULD BE SUPPORTED BY THE MOST APPROPRIATE TEACHER

- The training, experience and expertise of teachers should be taken into account in deciding which pupil(s) to assign to which teacher.

1. Purpose

The main purpose of this circular is to provide guidance for mainstream primary schools on the deployment and organisation of the teaching resources that were allocated recently under the general allocation model. Reference is also made in this circular to the deployment of additional teaching resources that are allocated to schools for the support of individual pupils

with low incidence disabilities. (The various categories of low-incidence disability are listed in Appendix 1.)

2. Background

2.1 Circulars 08/99 and 08/02

An automatic response to applications for additional teaching support for pupils with special educational needs in mainstream primary schools was implemented by the introduction of a system of resource teaching allocation in 1999 (Circular 08/99). This system, which allocated varying levels of resource teaching hours to individual pupils with assessed special educational needs, was reviewed and revised in 2002 (Circular 08/02). Under the terms of these circulars, pupils with assessed learning disabilities in ordinary classes in mainstream primary schools were allocated resource teaching support in accordance with their level of assessed need.

2.2 Circular 24/03

Circular 24/03 (Allocation of Resources for Pupils with Special Educational Needs in National Schools) provided clarification in relation to the flexible deployment of these resources in primary schools. It pointed to the need for pupils with special educational needs to belong to a peer group and to mix with pupils of different levels of ability in a variety of situations. It maintained that an exclusive reliance on using resource teaching hours for individual tuition only is contrary to the principle of integration in learning and teaching and advised that primary schools should deploy their allocated special education resources in a way that best accommodates the special educational needs of pupils. It recommended that, wherever possible, schools should provide additional teaching support for pupils in the mainstream classroom or in small groups. Such an approach will help to maximise effective and efficient teaching and learning and to minimise disruptions to the class programme.

Circular 24/03 also stated that the Department of Education and Science would support school management in the development of special education support teams, consisting of specialist teachers such as learning-support teachers and resource teachers, in primary schools. These teachers are expected to collaborate with class teachers in the planning and delivery of special education provision.

Circular 24/03 specifically advised that the development of a staged approach to assessment, identification and programme planning was appropriate

in the area of special education. This staged approach has been described in the Model of Service leaflet produced by the National Educational Psychological Service (NEPS) and is also summarised in Appendix 3 to this circular.

3. The General Allocation Model

3.1 Pupils covered by the general allocation model

The general allocation model provides additional teaching resources to assist schools in making appropriate provision for

- pupils who are eligible for learning-support teaching;

In determining eligibility for learning-support teaching, priority should be given to pupils whose achievement is at or below the 10th percentile on standardised tests of reading or mathematics.

- pupils with learning difficulties, including pupils with mild speech and language difficulties, pupils with mild social or emotional difficulties and pupils with mild co-ordination or attention control difficulties associated with identified conditions such as dyspraxia, ADD, ADHD;

Pupils with conditions such as dyspraxia, ADD and ADHD who have been assessed as being in the low incidence category, will continue to receive an individual allocation of support through the relevant Special Education Needs Organiser.

Pupils in the two categories described above can be considered to have learning needs that require intervention at stage II (i.e. where the classroom support plan has not succeeded and it is considered necessary to refer the pupil to the learning support/resource teacher for further diagnostic testing) of the Staged Approach to Assessment, Identification and Programme Planning set out in Circular 24/03 and in Appendix 3 of this document.

- pupils who have special educational needs arising from high incidence disabilities (borderline mild general learning disability, mild general learning disability and specific learning disability).

Some of the pupils who have borderline mild general learning disability and virtually all of the pupils described above with mild general learning disability or with specific learning disability, can be considered to have learning needs that require intervention at stage III of the staged approach (i.e. where significant concerns remain following interventions and adaptations to the learning programme at stage II and the pupil may require more intensive intervention) of the staged approach. (Please note that pupils with special educational needs arising from low-incidence disabilities are also considered to have learning needs that require intervention at stage III).

Most of the pupils described above will receive additional teaching support in the classroom or in small withdrawal groups in addition to the support they receive from the class teacher. However, some pupils may also require intensive additional one to one teaching support for a specific period of time.

3.2 Rationale for general allocation system

The allocation of additional teaching resources to schools under the terms of the general allocation model is intended to make possible the development of truly inclusive schools. The general allocation of teaching resources ensures that schools have a means of providing additional teaching support to pupils with learning difficulties and special educational needs arising from high incidence disabilities without recourse to making applications on behalf of individual pupils. The general allocation model is an allocation that includes additional teaching time that was previously allocated for learning-support teaching as well as an allocation of additional teaching time for what was termed resource teaching for pupils with special educational needs arising from high incidence disabilities.

Schools should note that where the need for such intervention arises, pupils may receive individualised teaching within the general allocation model. However, effective additional teaching support for literacy and numeracy can usually be provided in small group situations either within the classroom or by withdrawal to another room. All additional teaching support will build on and complement the support planned for and delivered by the class teacher.

It is intended that the general allocation will enable schools

- to ensure that additional teaching support is provided in a timely manner;
- to deploy additional teaching resources in a flexible manner, leading to more effective and efficient delivery of services;
- to ensure that permanent access to additional teaching support is available in schools for pupils with special educational needs arising from high incidence disabilities;
- to put in place transparent and equitable whole-school plans and procedures for the selection of pupils for additional teaching support;
- to ensure that additional teaching resources are allocated differentially to pupils in accordance with their levels of learning need;
- to allow for the grouping for additional support of pupils with similar needs as appropriate; and
- to allow for in-class as well as out-of-class teaching support by the learning-support/resource teacher.

The general allocation will also give more security to special education teaching posts.

School management should note that the additional teaching resources that are allocated to schools under the terms of the general allocation model cannot be used for mainstream class teaching or to reduce the pupil-teacher ratio in mainstream classes. The general allocation should be deployed to provide additional support for the pupils described in 3.1. Some suitable models of organisation are set out in this circular.

4. DEPLOYMENT OF ADDITIONAL TEACHING RESOURCES FOR SPECIAL EDUCATIONAL NEEDS

4.1 Allocating additional teaching resources to identified pupils:

The staged approach to assessment, identification and learning programme planning for pupils with special educational needs is set out in Appendix 3. Schools should establish a system of screening, identification and diagnostic testing to assist in the selection of pupils for additional support. In drawing up whole-school policies and procedures, teachers and schools should follow the guidance provided in the Learning-Support Guidelines, particularly in relation to whole-school planning, partnership, screening, selection, assessment and review, and planning and teaching.

4.2 Allocation of additional teaching support based on the staged approach:

The pupils with learning needs who require intervention at stage II are those who in the past were eligible for supplementary teaching by the learning-support teacher (with priority being given to pupils whose achievement is at or below the 10th percentile on standardised tests of reading or mathematics). The general allocation model also provides schools with the resources to provide additional support for pupils with mild or transient learning difficulties (or both) as a result of speech and language difficulties, social or emotional difficulties, or identified conditions such as dyspraxia, ADD, or ADHD. These pupils can also be considered to have learning needs that require intervention at stage II.

Pupils with identified significant special educational needs arising from low incidence disabilities for whom the school has been given specific individual allocations of resource teaching hours are considered to be at stage III.

The following pupils are considered to be at stage III:

- pupils who have significant special educational needs and who have been identified as being at stage III through the application of the staged approach to intervention (see Appendix 3);

In the past, many of these pupils may have had assessments involving external agencies: However this is not a prerequisite for being at this stage of intervention.

- pupils who have significant special educational needs arising from high-incidence disabilities (borderline mild general learning disability, mild general learning disability, and specific learning disability) who were previously assessed as meeting the criteria for resource teaching in accordance with Circulars 08/99 and 08/02 and who continue to have a significant level of need.

The general allocation of additional special educational needs teaching resources is therefore intended to enable schools to cater for the needs of all pupils with learning needs requiring teaching support in addition to that provided by the class teacher, other than for those pupils with complex and enduring needs (see Appendix 1) for whom the school has been given a specific individual allocation of resource teaching hours.

The allocation of additional teaching resources to schools under the general allocation is intended to ensure that the pupils with learning needs at stage III will continue to receive a differential allocation of teaching support. Pupils with learning needs at stage III for whom additional teaching support is allocated by means of the general allocation should generally receive more additional teaching time than pupils with learning needs at stage II. However, the level of support to be allocated to an individual pupil, or to groups of pupils, will essentially be based on the varying levels of need of the pupils and within the parameters of the additional teaching time available to the school under the general allocation model.

(See Appendix 4 for examples)

4.3 Allocation of teaching responsibilities to learning-support/resource teachers and resource teachers

An essential principle of the general allocation is that the teaching resources made available under the model will be allocated to pupils according to their needs. Pupils with the highest level of need will therefore have the highest level of support.

Principals and teachers will therefore need to have regard to the following considerations when allocating teaching responsibilities for pupils catered for by the general allocation, as well as for those pupils for whom resources have been allocated on the basis of low-incidence disabilities:

- It is the needs of all pupils who require additional support that should determine the manner in which full-time and part-time learning-support teachers and resource teachers are deployed.

- Whenever possible, pupils with the greatest need should be taught by teachers who have the relevant expertise and commitment and who have a degree of permanence of status that can guarantee continuity of provision.
- The training, experience and expertise of teachers should be taken into account by the principal when allocating teaching responsibilities in respect of pupils with learning needs at stages II and III.
- Logistical factors, such as timetabling for in-class additional teaching support and for withdrawal of pupils from mainstream classes, should be taken into account in order to ensure an inclusive approach to the education of the pupils to the greatest extent possible.

It is important that, where possible, schools should deploy experienced and qualified teachers to meet the needs of pupils with special educational needs.

4.4 Formation of special education support teams in schools

While the primary responsibility for all pupils continues to rest with class teachers, each school should adopt a whole-school approach to meeting special educational needs as outlined in the *Learning-Support Guidelines*. Very useful advice on whole-school planning and organisation for learning support and partnership for learning support is provided in Chapters Two and Three of the *Learning-Support Guidelines*. Advice for schools is provided on the development of whole-school policies and procedures for learning support. The roles of each of the partners in learning support – the principal teacher, the class teacher, the learning-support teacher, the parent and the pupil is – discussed. The circumstances of schools in areas of educational disadvantage and of schools that have a shared learning-support service are considered.

The formation of special education support teams in individual schools or across clusters of schools is advocated in Circular 24/03. These teams should consist of learning-support/resource teachers (LS/RT) (who are allocated under the general allocation model) and resource teachers (RT) (who are allocated on behalf of individual pupils) with assistance from other specialist teachers. Members of special education support teams should collaborate closely with principal teachers and assist class teachers in the planning and delivery of education provision for pupils with special educational needs. Interventions with pupils or groups of pupils may be undertaken by either a learning support/resource teacher or resource teacher, depending on the needs of the pupils in question. Both class teachers and members of special education support teams may avail of additional support from agencies of the Department such as the National Educational Psychological Service (NEPS), the National Council for

Special Education, the Visiting Teacher Service, the Special Education Support Service, the Primary Curriculum Support Programme, and the School Development Planning Service.

5 PLANNING IN INDIVIDUAL SCHOOLS

In planning to meet the special educational needs of pupils, schools should plan in a manner consistent with the size of the school, the learning profile of the pupils with special educational needs, and the expertise of the school staff.

As stated in Circular 24/03, the over-riding principle is that resources should be deployed in individual schools in the manner that best meets the needs of the pupils with special educational needs in that school. In addition to adherence to the principles set out in Section 4, the following factors should be considered in order to achieve this:

- **Interventions with pupils should be delivered in a manner that best meets the needs identified, which may be through group or individual teaching.**
- **Intervention with pupils at stages II and III should include a classroom support plan to ensure that the pupils' needs are met for the whole of the school day.**
- **The development of literacy and numeracy skills will be a major component of many interventions at stages II and III. However, special educational needs in areas such as oral language, social interaction, behaviour and application to learning tasks may also need to be addressed.**

Outline of a possible approach to planning for the deployment of resources at individual school level:

- | | |
|--------|--|
| Step 1 | Identify all the pupils in need of additional teaching support, both learning-support teaching and resource teaching and including pupils who have special educational needs arising from high-incidence and low-incidence disabilities. |
| Step 2 | Identify the level of intervention required on the basis of the pupils' learning needs. (stage II or stage III). It is up to the school to decide whether one-to-one or group teaching, or a mixture of both, is the best type of support for each individual pupil, depending on the nature of their needs. |
| Step 3 | Identify the members of the teaching staff who will be allocated to the identified pupils (all teachers who are appointed on |

foot of the general allocation model, allocations of additional teacher hours for the support of pupils with special educational needs arising from low-incidence disabilities, and any other allocation to the school).

Step 4 Allocate the identified staff members to the pupils, taking account of:

- the learning programme needs of individual pupils and groups of pupils, including whether it is short-term focused intervention or long-term, continuing support;
- the time available to all pupils and the proportion of time needed by individual pupils and groups of pupils, based on identified needs;
- the expertise and interest of the teachers; and
- practical and logistical considerations, including increasing chances for LS/RTs and RTs to liaise with mainstream class teachers, availability of staff at times of greatest need etc.

Step 5 Cross-reference the programme needs of pupils with learning needs at stages II and III, and consider common needs that can be met by grouping to ensure effective and efficient teaching and learning approaches. Agree on which teacher or teachers will cater for these groups.

Step 6

- Establish a tracking and recording system to ensure that a record is maintained of all pupils who are receiving additional teaching support and of their progress in response to the established interventions;
- Learning-support/resource teachers and resource teachers should regularly and actively monitor the progress of the pupils who receive support under the general allocation model and those who have special educational needs arising from low-incidence disabilities, in consultation with parents, class teachers, and relevant professionals. This is particularly important in cases where support for a pupil has been increased, reduced or discontinued.

See Appendix 4 for Worked Models of such deployment.

6 PART 2

6.1 Qualifications required for Learning Support/Resource Teaching (LS/RT) Posts and Resource Teaching (RT) Posts

Boards of management are obliged to recruit and employ fully recognised and probated primary teachers for any vacancies arising for LS/RT posts. Any posts that comprise an element of general allocation hours and low incidence hours are regarded as LS/RT posts and must be filled by fully recognised and probated primary teachers.

In relation to RT (low-incidence) posts, the following teachers can be appointed:

- (i) fully recognised and probated primary teachers; or
- (ii) teachers who hold provisional or restricted recognition from the Department of Education and Science.

However, interim arrangements for the 2005/2006 school year have been put in place and are outlined in Section 6.5 below.

6.2 Status of posts

Posts consisting entirely of general allocation hours are permanent posts. The allocations are based on the criteria set out in Appendix 2. To allow the new allocation system and associated clustering arrangements to settle, it is not intended to alter these allocations for a period of three years. This excludes any interim or temporary arrangements referred to in this circular and for which specific procedures have been outlined. Arrangements will be made in cases where significant increases in pupil enrolments occur within this period. Changes may also be made in the case of disadvantaged schools arising from the development of a new policy framework for educational inclusion. (Please read in conjunction with Section 6.10 below 'Review of General Allocation Model').

All posts which contain an element of individual hours in respect of pupils with special educational needs arising from low incidence disabilities are considered temporary posts. Accordingly, as pupils with an individual allocation of hours leave the school at the end of any school year, the full-time temporary post(s) will revert back to the appropriate reduced level of part-time hours. In all situations where pupils who have been sanctioned resource hours on an individual basis leave the school, the hours allocated to the school must be reduced at the end of the school year in which the pupil leaves and the relevant teacher placed on the appropriate panel, if eligible.

Schools should review annually any temporary posts for which they have received sanction and where the number of hours is less than the minimum of 22 hours needed for such a post, the post must revert to part-time

hours. However it is open to a school, or a cluster of schools, to replace hours that they may be losing with any new low incidence hours that were not used to make up the original post.

It should be noted that while a post will be sanctioned at 22 hours, a full-time teaching post is equivalent to 25 hours. The excess capacity within the full post must be off set against any future allocations for resource teaching support. Furthermore, where a school has an entitlement to part-time hours, but where it also has a teacher on a panel who has not been redeployed, the school must use the teacher on the panel to deliver the part-time hours rather than employing a part-time teacher to do so. The purpose of this is to ensure that a part-time teacher would not be employed where a teacher on the panel is available to the school.

6.3 Filling of posts and panel arrangements

The Department of Education and Science has not introduced any new recruitment procedures for the filling of special educational needs posts.

Accordingly, the positions of LS/RT or RT should in the first instance be notified internally in the school. In cluster arrangements, the position should in the first instance be notified internally in the base school. If no teacher in the base school wishes to take up the position it should then be notified in the other schools sharing the post. In the event of a teacher from the non base school taking the post, he or she will be staffed in the base school. If in either single or cluster arrangements the post is still vacant it should be filled in the normal way, i.e. by taking someone from the appropriate panels or if the panels are clear, the post should be advertised in accordance with agreed procedures.

In allocating the posts of LS/RT or RT, account must be taken of the provisions set out in Circulars 07/03 (Appointment to Posts of Responsibility) and 15/05 (Regulations Governing the Appointment and Retention of Teachers in Primary Schools for the school year 2005/2006).

6.4 Special National Panel

The Department of Education and Science operates a Special National Panel for the redeployment of teachers with *restricted recognition. (*restricted recognition in this case excludes teachers with provisional recognition.) It should be noted that only teachers with restricted recognition are eligible to be placed on this panel. The operation of the panel is governed by Circular 22/92. Please refer to Circular 25/00 for advice on recognition of teacher qualifications for the purposes of teaching in National Schools. Both circulars may be accessed on the Department's website www.education.ie.

Where a post in a special school or a post in a special class is to be filled, whether it is a new post or an existing post, the schools in which the vacancy arises

should, once all local processes as outlined in Section 6.3 above have been concluded, attempt to fill the post from the Special National Panel or if the panel is clear, the post should be advertised in accordance with agreed procedures.

Further information on the operation of the panel, and the teachers who may be on the existing panel, are available from the Special Education Section of the Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath (Phone: 090 6484149).

6.5 Interim arrangements for 2005/2006 school year

A number of interim arrangements relating to the general allocation model have been put in place for the 2005/2006 school year. These are as follows:

6.5.1 Qualifications

While teachers must be fully qualified and have satisfactorily completed their probationary period to take up any new LS/RT posts, teachers with restricted recognition who held full-time resource teaching posts in schools prior to the introduction of the general allocation model may be retained in schools where the school has sufficient hours (22), consisting of general allocation, low incidence or transitional hours, to retain the post for the 2005/2006 school year.

Teachers with restricted recognition continue to be eligible for appointment to posts in special schools and classes and to posts consisting entirely of low incidence hours and to posts consisting of low incidence and transitional hours.

6.5.2 Recruitment/filling of temporary posts

While teachers who were placed on panels were not obliged to take up temporary posts that had been created in schools, the Department agreed that teachers on the panels who agreed to take up such posts will retain their panel rights in the following circumstances:

- Mainstream Panels

A number of schools have an entitlement to gain a post which is composed of low incidence hours only or a combination of general allocation hours and/or transitional hours and/or low incidence hours. These posts are regarded as temporary posts under current arrangements. However, where the panel is in operation these posts may be offered to teachers on the

panel. In the event of a teacher on the panel accepting such a post it will be deemed permanent for the purposes of the panel for the 2006/2007 school year and the teacher will preserve all panel entitlements. In other words should the allocation to the school be decreased next year because of a reduction in transitional hours or as a result of pupils with low incidence hours leaving the school, or for some other reason causing the allocation of hours to be reduced, the teacher will retain panel rights.

- **Special National Panel**

Where the main and supplementary panels are clear schools may offer temporary posts created under the new special education system to teachers with restricted recognition on the special education panel. In the event of the teacher accepting such a post he or she will retain panel rights for the special education panel.

6.5.3 *Status*

All temporary posts are for the 2005/2006 school year initially.

6.6 **Notification of appointments to the Department of Education and Science**

A board of management appointing a LS/RT or RT should specify this post in Section 2 under 'Other' on the Notification of Permanent (and Temporary, if applicable) Appointment Form(s).

The procedures for the appointment of teachers are set out in the publication 'Appointment of Principals, Permanent and Temporary Teachers' updated version, – April 2002. Information regarding recognised qualifications can be obtained from the Primary Administration Section of the Department of Education and Science (Tel: 090 6483735/6) or the Department's website at www.education.ie.

6.7 **School clusters**

One of the objectives of the general allocation model is to maximise the extent of full-time permanent posts available to support the needs of pupils with special educational needs arising from higher-incidence disabilities and pupils requiring learning support. To this end, schools, particularly those with small enrolments, are grouped in clusters where possible.

As outlined in the letter to schools of 18 May, where it is not possible for schools to form permanent posts under the general allocation model, such schools may,

for the purposes of creating temporary full-time posts, form clusters to combine permanent part-time hours allocated under the general allocation model with hours allocated for individual children with low incidence disabilities, or transitional hours retained for children with high incidence disabilities. Such posts may be created with a minimum of 22 hours. Schools wishing to form such temporary full-time posts should contact Special Education Section in writing with details of their proposal.

However, the Department of Education and Science confirmed in June 2005 that any school that had submitted such a proposal may proceed to fill the post subject to the following conditions:

- i) The post must have a minimum of 22 hours, comprising either approved general allocation and approved low incidence hours, or approved low incidence hours only. However, where an application includes transitional hours it is still subject to sanction in advance by the Department of Education and Science.
- ii) The temporary post must not interfere with clustering arrangements already notified to schools.
- iii) The proposal must have the agreement of all the schools concerned where there is more than one school involved.

The Department of Education and Science has replied in writing to the majority of schools that have lodged any such applications with it. Responses are issuing to the remainder on an ongoing basis. However the above arrangements have been agreed to enable schools to fill or retain these posts in advance of receiving written confirmation.

This arrangement will apply only for the 2005/2006 school year and is being allowed on the strict understanding that, as pupils with an individual allocation of hours leave the school at the end of that school year the full-time temporary posts will revert back to the appropriate reduced level of part-time hours, and the relevant teacher will be placed on the appropriate panel, if an entitlement to panel rights arises.

6.8 **Transitional arrangements in respect of pupils with special educational needs arising from high-incidence disabilities**

In the letter to schools of 18 May 2005, schools were advised of the general allocation, their clustering arrangements (if they had been included in a cluster), and their transitional hours (if appropriate). Schools that were not informed that they were entitled to transitional hours should not have, under any circumstances, used high incidence hours that were previously allocated to children in their schools in

making up the minimum of 22 hours that are required to either retain a post or create a new post. Any schools that have used such previously allocated high incidence hours to retain or create posts, without receiving written confirmation in advance from the Department of Education and Science that they were entitled to regard these hours as a transitional allocation should immediately contact Special Education Section, Athlone.

It is also important to remind schools that were allocated transitional hours in the letter of 18 May 2005 that they should provide to Special Education Section details of the children in respect of whom the transitional hours applied prior to Special Education Section giving final confirmation to those schools that the transitional allocation may be applied. Schools should not regard the transitional allocation notified in the letter of 18 May as final sanction for those hours – that letter specifically stated that in order to qualify for the transitional allocation, a school must provide details of the pupils in respect of whom the transitional allocation was required. If schools have not provided this information to the Department of Education and Science, and have used transitional hours to retain or create a post, they should immediately contact Special Education Section, Athlone.

6.9 Accommodation

Please note that if additional accommodation is required to facilitate a new post or posts, then the board of management must apply to the Planning Section, Department of Education and Science, Portlaoise Road, Tullamore, Co. Offaly. (Tel: 0506 24300).

6.10 Review of general allocation model

As stated in paragraph 6.2 above, it is anticipated that a review of general allocations will be undertaken after three years of operation. Further reviews will occur at regular intervals thereafter. A further communication in this regard will be issued to schools in due course. However, in relation to disadvantaged schools the position may be reviewed at an earlier stage in the context of the development of a new policy framework for educational inclusion.

6.11 Necessity for an inclusive enrolment

The general allocation is conditional on the board of management implementing an inclusive enrolment policy in accordance with the Education Act (1998) and the Equal Status Act (2000).

6.12 Schools' cooperation

The Department of Education and Science accepts that the transition to a general allocation system is a major change for schools when compared to the previous model. However, it also considers that the new system will bring benefits to schools and pupils that were not available under the previous model. It is accepted that schools did not have a lot of time to implement the changes for the new school year, and the cooperation of schools in implementing the change is acknowledged and appreciated by the Department of Education and Science.

6.13 Queries

Any queries in relation to the general allocation model should be addressed to the Special Education Section, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath. Telephone enquiries can be made to 090 6474621 / 01 8734700 and when enquiring you should specify the school's roll number and the county in which your school is located.

APPENDIX 1

CATEGORIES OF LOW-INCIDENCE SPECIAL EDUCATIONAL NEEDS

This Appendix is divided into two Sections, A and B:

Section A

This section sets out the various categories of low incidence disabilities and the level of resource teaching support available to schools in respect of each category.

Low Incidence Disabilities to school per week	Hours of resource teaching support available
Physical Disability	3
Hearing Impairment	4
Visual Impairment	3.5
Emotional Disturbance	3.5
Severe Emotional Disturbance	5
Moderate General Learning Disability	3.5
Severe / Profound General Learning Disability	5
Autism / Autistic Spectrum Disorders	5
Specific Speech and Language Disorder	4
Assessed syndrome in conjunction with one of the above low incidence disabilities	3 to 5, taking into account the pupil's special educational needs including level of general learning disability
Multiple Disabilities	5

SECTION B

This is an information note for professionals in relation to the various low-incidence disability categories.

Physical disability

Such pupils have permanent or protracted disabilities arising from such conditions as congenital deformities, spina bifida, dyspraxia, muscular dystrophy, cerebral palsy, brittle bones, or severe accidental injury. Because of the impairment of their physical function they require special additional intervention and support if they are to have available to them a level and quality of education appropriate to their needs and abilities.

Many require the use of a wheelchair, mobility or seating aid, or other technological support.

They may suffer from a lack of muscular control and co-ordination and may have difficulties in communication, particularly in oral articulation, as for example severe dyspraxia.

Pupils with a physical disability who have learning difficulties arising from the disability may need resource teaching where there are consequent significant learning difficulties. Others may need assistive technology only.

Hearing impairment

Such pupils have a hearing disability that is so serious to impair significantly their capacity to hear and understand human speech, thus preventing them from participating fully in classroom interaction and from benefiting adequately from school instruction. The great majority of them have been prescribed hearing aids and are availing of the services of a Visiting Teacher. *(This category is not intended to include pupils with mild hearing loss.)*

Schools that have a pupil who has been assessed as having hearing impairment and no other assessed disability, may be allocated a maximum of 4 hours teaching support per week from a resource teacher, or from a visiting teacher and resource teacher combined.

Where a pupil with a hearing impairment also meets the criterion for another low-incidence disability category, provision is allocated as for multiple disabilities.

Visual impairment

Such pupils have a visual disability which is so serious as to impair significantly their capacity to see, thus interfering with their capacity to perceive visually presented materials, such as pictures, diagrams, and the

written word. Some will have been diagnosed as suffering from such conditions, such as congenital blindness, cataracts, albinism and retinitis pigmentosa. Most require the use of low-vision aids and are availing of the services of a Visiting Teacher. *(This category is not intended to include those pupils whose visual difficulties are satisfactorily corrected by the wearing of spectacles and/or contact lenses.)*

Schools that have a pupil who has been assessed as having a visual impairment, and no other assessed disability, may be allocated a maximum of 3.5 hours teaching support per week from a resource teacher, or from a visiting teacher and resource teacher combined.

Where a pupil with a visual impairment also meets the criterion for another low-incidence disability category, provision is allocated as for multiple disabilities.

Emotional disturbance and/or behaviour problems

Such pupils are being treated by a psychiatrist or psychologist for such conditions as neurosis, childhood psychosis, hyperactivity, attention deficit disorder, attention deficit hyperactivity disorder, and conduct disorders that are significantly impairing their socialisation and/or learning in school. *(This category is not intended to include pupils whose conduct or behavioural difficulties can be dealt with in accordance with agreed procedures on discipline.)*

Some pupils in this category may need resource teaching support. Care support from a special needs assistant may be required where a pupil's behaviour is a danger to himself or others or where it seriously interferes with the learning opportunities of other pupils. In certain circumstances, some pupils may require both supports.

Moderate general learning disability

Such pupils have been assessed by a psychologist as having a moderate general learning disability.

A maximum allocation of 3.5 hours teaching support per week from a resource teacher may be made to schools in respect of each pupil assessed as having a moderate general learning disability (the pupils full-scale IQ score will have been assessed in the range 35 – 49).

Severe or profound general learning disability

Such pupils have been assessed by a psychologist as having a severe or profound general learning disability. In addition, such pupils may have physical disabilities.

Five hours teaching support per week from a resource teacher may be made to schools in respect of each pupil with a severe/profound general learning disability (the pupil's full-scale IQ score will have been assessed as being below 35).

Autism/autistic spectrum disorder (ASD)

A psychiatrist or psychologist will have assessed and classified such pupils as having autism or autistic

spectrum disorder according to DSM-IV or ICD-10 criteria.

In the interest of the pupil with an ASD and in order that the needs of the pupil are adequately addressed, it is important, where feasible, that for a definitive assessment of ASD, a multi-disciplinary assessment team should be involved. The need for a multi-disciplinary assessment is also in keeping with the policy of the National Educational Psychological Service (NEPS).

A maximum allocation of 5 hours teaching support per week from a resource teacher may be made to schools in respect of each pupil assessed as having ASD.

Pupils with special educational needs arising from an assessed syndrome

The level of additional support to be provided for pupils who present with a particular syndrome e.g. Down syndrome, William's syndrome and Tourette's syndrome will be determined following consideration of psychological or other specialist reports which describes the nature and degree of the pupils special educational needs.

Where a pupil with an assessed syndrome has a general learning disability, resource teaching support will be allocated to schools in line with hours allocated to pupils assessed as being within the same IQ band (moderate/severe/profound GLD). Where a pupil with an assessed syndrome has any of the other low-incidence disabilities, resource teaching support will be allocated on that basis.

Specific speech and language disorder

Such pupils should meet *each* of the following criteria:

- The pupil has been assessed by a psychologist on a standardised test of intelligence that places non verbal or performance ability within the average range or above.
- The pupil has been assessed by a speech therapist on a standardised test of language development that places performance in one or more of the main areas of speech and language development at two standard deviations or more below the mean, or at a generally equivalent level.
- The pupil's difficulties are not attributable to hearing impairment; where the pupil is affected to some degree by hearing impairment, the hearing threshold for the speech-related frequencies should be 40Db;
- Emotional and behavioural disorders or a physical disability are not considered to be primary causes.
- Pupils with speech and language *delays* and *difficulties* are not to be considered under this category.
- In the case of specific speech and language disorder it is a pupil's **non verbal or performance ability** that

must be within the average range or above. (i.e. non verbal or performance IQ of 90, or above).

- The pupil must also have been assessed by a speech and language therapist and found to be at two or more standard deviations (S.D.) below the mean, or at a generally equivalent level (i.e. - 2 S.D. or below, at or below a standard score of 70) in one or more of the main areas of speech and language development.
- Two assessments, a psychological assessment and a speech and language assessment are necessary in this case.
- A maximum allocation of four hours teaching support per week from a resource teacher may be made to schools in respect of each pupil assessed as having specific speech and language disorder.

Multiple disabilities

Pupils assessed with multiple disabilities meet the criteria for two or more of the disabilities described above. A maximum allocation of five hours teaching support per week from a resource teacher may be made to schools in respect of each pupil assessed as having multiple disabilities.

Applications for resources for pupils with special educational needs arising from low-incidence disabilities should be made to the assigned Special Educational Needs Organiser.

APPENDIX 2

BACKGROUND AND DETAILS OF GENERAL ALLOCATION

The general allocation model replaces the system proposed in June 2004 and provides for the allocation to schools of permanent teachers on a basis of enrolment to cater for the needs of pupils with learning difficulties and special educational needs arising from high-incidence disabilities. The advantages of the new system are that:

- It provides schools with permanent resources for pupils with special educational needs arising from high incidence disabilities and thereby facilitates flexible and early intervention for these pupils;
- It reduces the need for individual applications and supporting psychological assessments for pupils with special educational needs arising from high incidence disabilities;
- It provides resources more systematically, thereby giving schools more certainty about their resource levels;
- It gives greater flexibility to school management in the deployment of resources;
- It provides greater levels of certainty about resource

allocations thereby facilitating better planning within the system both at central and local level, leading to a more effective and efficient delivery of services.

The general allocation model will operate as follows:

Larger schools

Differing pupil teacher ratios apply to boys', mixed and girls' schools.

- Boys' schools with 135 pupils or more get their first post at 135; second post at 295; third post at 475, fourth post at 655, and so on.
- Mixed schools with 145 pupils or more get their first post at 145; second post at 315; third post at 495, fourth post at 675, and so on.
- Girls' schools with 195 pupils or more get their first post at 195; second post at 395; third post at 595; fourth post at 795, and so on.
- All designated disadvantaged schools get their first post at 80; second post at 160; third post at 240; fourth post at 320, and so on.

It should be noted that schools qualify for a pro-rata part of a post for pupil numbers below the enrolment point for the first post and between the first and second post, the second and third post, and so on. For a designated disadvantaged school with 60 eligible pupils the general allocation is 0.8 of a post; for a boys' school with 215 pupils the general allocation is 1.5 posts; for a mixed school with 700 pupils the general allocation is 4.1 (rounded to one decimal place).

Small schools

To ensure that small schools are not disadvantaged by the introduction of the general allocation model, the point at which smaller schools can appoint their first post is significantly reduced. For the purposes of the general allocation model, a boys' school is considered to be small if it has an enrolment of fewer than 135 pupils, a mixed school is considered to be small if it has an enrolment of fewer than 145 pupils, and a girls' school is considered to be small if it has an enrolment of fewer than 195 pupils.

Boys' small schools will qualify for their first post at 100 pupils; mixed small schools will qualify for their first post at 105 pupils; and girls' small schools will qualify for their first post at 150 pupils. However, no additional general allocation will be made to boys' small schools on the basis of an enrolment between 100 and 135, to mixed small schools on the basis of an enrolment between 105 and 145, or to girls' small schools for an enrolment between 150 and 195.

APPENDIX 3

THE STAGED APPROACH TO ASSESSMENT, IDENTIFICATION AND PROGRAMME PLANNING

Stage I

A class teacher or parent may have concerns about the academic, physical, social, behavioural or emotional development of certain pupils. The teacher should then administer screening measures, which may include screening checklists and profiles for pupils in senior infants and first class, standardised, norm-referenced tests for older pupils and behavioural checklists where appropriate.

The class teacher should then draw up a short, simple plan for extra help to be implemented within the normal classroom setting, in the relevant areas of learning and/or behavioural management. The success of the classroom support plan should be reviewed regularly, with appropriate parental involvement. If concern remains after a number of reviews and adaptations to the plan, the special education support team or the learning support/resource teacher in the school may be consulted about the desirability of intervention at stage II.

Stage II

If intervention is considered necessary at stage II, then the pupil should be referred to the learning support/resource teacher, with parents' permission, for further diagnostic testing. In the case of pupils with learning difficulties, if the classroom support plan fails to achieve the desired outcome the pupil should be referred to the learning support teacher/resource teacher, with parents' permission, for further diagnostic testing. If this diagnostic assessment suggests that supplementary teaching would be beneficial, this should be arranged. The parents and the class teacher should be involved with the learning-support/resource teacher in drawing up the learning programme, which would include appropriate interventions for implementation in the home, in the classroom, and during supplementary teaching.

The learning support/resource teacher and the class teacher should review regularly, in consultation with the parents, the rate of progress of each pupil receiving supplementary teaching. If significant concerns remain after a number of reviews and adaptations to the learning programme, then it may be necessary to provide interventions at stage III.

In the case of pupils with emotional or behavioural difficulties, it is recognised that, with serious difficulties, more urgent action may be needed. In these cases the pupil's needs should, with parents' permission, be discussed with the relevant NEPS psychologist and/or

the case should be referred to the clinical services of the Health Services Executive. This may lead to a more detailed behavioural management programme to be implemented at home and in class, or to referral for further specialist assessment (stage III).

Stage III

Some pupils who continue to present with significant learning needs will require more intensive intervention at stage III. The school may formally request a consultation and, where appropriate, an assessment of need from a specialist outside the school in respect of pupils with learning difficulties or with mild or moderate behavioural problems (or both) who have failed to make progress after supplementary teaching or the implementation of a behavioural programme and in respect of pupils with serious emotional disturbance and/or behavioural problems. Such specialist advice may be sought from psychologists, paediatricians, speech and language therapists, audiologists etc.*

The learning support/resource teacher, resource teacher, if available, and the class teacher, in consultation with the relevant specialist or specialists should then draw up a learning programme that includes identification of any additional available resources that are considered necessary in order to implement the programme. The parents should be fully consulted throughout this process. This programme should be the subject of regular reviews, leading to revisions of the learning programme and referral for specialist review, as necessary.

In the case of pupils identified at an early age as having very significant special educational needs, intervention at stage III will be necessary on their entry to school. Support in the classroom will be an essential component of any learning programme devised for such pupils, and primary responsibility for the pupil will remain with the class teacher, in consultation with the learning support/resource /or resource teacher.

* Following the introduction of the general allocation model teaching resources are available to schools for pupils at Stage III without necessarily having recourse to an assessment by an external specialist outside the school.

APPENDIX 4

DEPLOYING SPECIAL EDUCATIONAL RESOURCES USING THE GENERAL ALLOCATION

Three models are presented to assist schools in planning, at the level of the whole school and at the level of the individual pupil, for the deployment of additional teaching resources. In drawing up these models the framework suggested in part 1 of this circular was used. Schools should note that the principles and procedures in the Learning-Support

Guidelines continue to apply and that the guidance provided in them should continue to be followed. Where necessary, the advice provided in the *Learning-Support Guidelines* can be adapted in the light of teacher allocations made to schools under the terms of the general allocation model.

What follows in this appendix are the three worked models of how the general allocation can be applied in different settings. Example A is a small mixed school, example B is a mid-sized all-boys' school and example C is a large all-girls' school. These models use the structure suggested in part 1, section 5 of this circular.

While it is not feasible to illustrate all possible types of schools and settings, it is hoped that these three models will be helpful in illustrating various possibilities. Equally, some timetables for pupils and teachers are outlined for each type of school. These timetables are also intended as samples and do not cover the full range of possible options, nor do they refer to the classroom support plans being implemented by the class teacher.

EXAMPLE SCHOOL A

A mixed small school with an enrolment of 60 pupils, no disadvantaged status

General Allocation: 15 hours (a full-time permanent post, shared with a neighbouring school)

plus allocation for low incidence resource teaching:

3.5 hours (temporary hours)

In total, therefore, the school has 18.5 hours, with a part-time permanent shared post, plus part-time (3.5 hours) temporary hours.

Step 1

Identify all the pupils in need of additional teaching support, both learning-support teaching and resource teaching and including pupils who have special educational needs arising from high-incidence and low-incidence disabilities.

In this case the school identified a total of nine pupils.

Step 2

Identify the level of intervention required on the basis of the pupils' learning needs (stage II or stage III).

Pupils with learning needs at stage II:

Five pupils, (Paul, Aidan, Emma, Vicky & Teresa) need support for literacy (Traditionally, these pupils would have been described as needing learning support).

One pupil (Ola) has mild emotional and behavioural difficulties.

Pupils with learning needs at stage III:

Those with special educational needs arising from high incidence disabilities:

One pupil (Heather) has a mild general learning disability, and one pupil (Samir) has borderline general learning disability and additional behavioural difficulties, both of whom have been previously assessed.

Those with special educational needs arising from low incidence disabilities for whom 3.5 hours have been allocated, which is additional to the general allocation:

One pupil (Adam) has a moderate general learning disability (3.5 hours).

	Pupils with learning needs at stage II (literacy and numeracy)	Pupils with learning needs at stage II (other special educational needs)	Pupils with learning needs at stage III (pupils with high incidence disabilities)	Pupils with learning needs at stage III (pupils with low incidence disabilities)
Junior Infants	None yet identified			
Senior Infants				
First Class	1 pupil (<i>Paul</i>) for literacy support			1 pupil (<i>Adam</i>) with moderate GLD
Second Class	2 pupils (<i>Aidan & Emma</i>) for literacy support	1 pupil (<i>Ola</i>) with mild emotional and behavioural needs		
Third Class			1 pupil (<i>Heather</i>) with mild GLD	
Fourth Class	1 pupil (<i>Vicky</i>) for literacy support			
Fifth Class			1 pupil (<i>Samir</i>) with borderline mild GLD/behavioural difficulties	
Sixth Class	1 pupil (<i>Teresa</i>) for literacy support			

In this school, junior infants, senior infants and first class are in one classroom, second, third and fourth class are in a second classroom and fifth and sixth class are in a third classroom.

Step 3

Identify the members of the teaching staff who will be allocated to the identified pupils. (All teachers who are appointed on foot of the general allocation model, allocations of additional teacher hours for the support of pupils with special educational needs arising from low-incidence disabilities, and any other allocation to the school).

Ms McMahon (15 hours): a full-time permanent post, shared with a neighbouring school. She will be offering the school 15 hours, from noon to 3 p.m. five times per week. Ms Mc Mahon also gives one additional session, on Friday from 11:15 a.m. to noon.

Mr Doyle (3.5 hours): a temporary post allocated for pupils with low incidence disabilities.

Step 4

Allocate the identified staff members to the pupils, taking account of:

- the programme needs of individual pupils and groups of pupils, including whether it is short-term/focused intervention or long-term/continuing support;
- the time available to all pupils and the proportion of time needed by individual pupils and groups of pupils, based on identified needs;
- the expertise of the teachers; and
- practical and logistical considerations, including increasing chances for LS/RTs and RTs to liaise with

mainstream class teachers, availability of staff at times of greatest need etc.

Ms McMahon is a qualified primary school teacher, working in the area of learning support for the last 6 years. She will be offering the school 15 hours, from noon to 3 p.m. Monday to Thursday and from 11:15 to 3 p.m. on Friday.

Mr Doyle is a retired teacher, available on Tuesday and Wednesday from 9:15 a.m. to 11 a.m.

In this case it was decided to allocate Mr Doyle to in-class support work with younger pupils in the school, to assisting with identification and screening and early intervention, to give focused support to Paul (who has literacy needs at stage II), and to offer Adam (who has moderate general learning disability and is at stage III) in-class support. It is envisaged that both Adam and Paul will have focused support for thirty minutes each on Tuesdays and Thursdays.

Ms McMahon will then use her fifteen hours to support the remaining pupils and to further support Adam.

Step 5

Cross-reference the programme needs of pupils with learning needs at stages II and III and consider common needs that can be met by grouping to ensure effective and efficient teaching and learning approaches. Agree on which teacher or teachers will cater for these groups.

Weekly timetable for Special Education – Ms McMahon and Mr Doyle

	Monday	Tuesday	Wednesday	Thursday	Friday
Session 1		<i>Adam & Paul</i> (Mr Doyle)		<i>Adam & Paul</i> (Mr Doyle)	
Session 2					<i>Samir</i> (Ms McMahon)
	Lunch Time				
Session 3	<i>Adam</i> (Ms McMahon)	<i>Aidan & Emma</i> (Ms McMahon)	<i>Adam</i> (Ms McMahon)	<i>Aidan & Emma</i> (Ms McMahon)	<i>Adam</i> (Ms McMahon)
Session 4	<i>Ola</i> (Ms McMahon)	<i>Samir</i> (Ms McMahon)	<i>Heather</i> (Ms McMahon)	<i>Samir</i> (Ms McMahon)	
Session 5	<i>Vicky & Teresa</i> (Ms McMahon)	<i>Heather</i> (Ms McMahon)	<i>Vicky and Teresa</i> (Ms McMahon)	<i>Heather</i> (Ms McMahon)	<i>Aidan & Emma</i> (Ms McMahon)

EXAMPLE SCHOOL B

A boys' school with an enrolment of 230 pupils, no disadvantaged status

General Allocation: One full-time permanent post, plus fifteen hours (a full-time permanent post, shared with a neighbouring school)

plus Allocation for low incidence resource teaching:
11.5 hours (temporary hours)

In total, therefore, the school has a full-time permanent post and fifteen hours (full-time permanent post, shared with another school) plus 11.5 temporary hours.

Step 1

Identify all the pupils in need of additional teaching support, both learning-support teaching and resource teaching and including pupils who have special educational needs arising from high-incidence and low-incidence disabilities.

In this case the school identified a total of thirty-two pupils.

Step 2

Identify the level of intervention required on the basis of the pupils' learning needs (stage II or stage III).

Pupils with learning needs at stage II:

Eighteen pupils needing support for literacy and six needing support for maths. (Traditionally, these pupils would have been described as needing learning support).

Two pupils (Bartak and Ajith) have mild emotional and behavioural difficulties.

Pupils with learning needs at stage III:

Those with high incidence disabilities:

One pupil (Jack) has a mild general learning disability, and one pupil (Michael) has a borderline general

learning disability and additional behavioural difficulties, and a further pupil (Eoin) has severe reading difficulties.

Those with low incidence disabilities, for whom 11.5 hours have been allocated, which is additional to the general allocation:

One pupil (Kyle) has an autistic spectrum disorder (five hours), one (Kevin) has emotional and behavioural disturbance (3.5 hours), and one pupil (Joshua), has a hearing impairment (four hours).

Summary of pupils in need of additional support and stage of intervention

	Pupils with learning needs at stage II (literacy and numeracy needs)	Pupils with learning needs at stage II (other special educational needs)	Pupils with learning needs at stage III (pupils with high incidence disabilities)	Pupils with learning needs at stage III (pupils with low incidence disabilities)
Junior Infants	None yet identified			
Senior Infants		1 pupil (<i>Bartak</i>) with mild emotional and behavioural difficulties		1 pupil (<i>Kevin</i>) with emotional and behavioural disturbance
First Class	3 pupils for literacy support		1 pupil (<i>Michael</i>) with borderline mild GLD and behavioural difficulties	
Second Class	5 pupils for literacy support and 2 for maths support			
Third Class	3 pupils for literacy support			1 pupil (<i>Kyle</i>) with autistic spectrum disorder
Fourth Class	3 pupils for literacy support and 2 for maths support	1 pupil (<i>Ajith</i>) with mild emotional and behavioural difficulties		1 pupil (<i>Joshua</i>) with hearing impairment
Fifth Class	1 pupil for literacy support and 2 pupils for maths support		1 pupil (<i>Jack</i>) with mild GLD	
Sixth Class	3 pupils for literacy support		1 pupil (<i>Eoin</i>) with severe reading difficulties	

Step 3

Identify the members of the teaching staff who will be allocated to the identified pupils (all teachers who are appointed on foot of the general allocation model, allocations of additional teacher hours for the support of pupils with special educational needs arising from low-incidence disabilities, and any other allocation to the school).

Ms Mulhall: a full-time permanent post.

Mr Murphy (fifteen hours): a permanent full-time post shared with neighbouring girls' school

Ms Hogan (11.5 hours): a temporary post allocated for pupils with low incidence needs

Step 4

Allocate the identified staff members to pupils, taking account of

- *the programme needs of individual pupils and groups of pupils, including whether it is short-term/focused intervention or long-term/continuing support;*
- *the time available to all pupils and the proportion of time needed by individual pupils and groups of pupils, based on identified needs;*

- *the expertise of the teachers; and*
- *practical and logistical considerations, including increasing chances for LS/RTs and RTs to liaise with mainstream class teachers, the availability of staff at times of greatest need etc.*

Ms Mulhall has a full-time permanent post. She has 10 years' experience in learning support and has attended a one year course in learning support in a College of Education.

Ms Mulhall has been allocated learning support (literacy and maths) for first, second, third and sixth class. She is also responsible for early identification and screening and support for literacy at the infant phase. Ms Mulhall is also working with Eoin, who has stage III needs because of his severe reading difficulties.

Mr Murphy has 15 hours, a permanent full-time post shared with neighbouring girls' school. He previously worked in a special school for pupils with mild and moderate general learning disabilities.

Mr Murphy will be working with some of the pupils with learning needs at stage III (Jack, Michael, Kyle and Joshua). He will be taking care of fifth class stage II learning support (literacy and maths).

Ms Hogan has 11.5 hours, a temporary post. She is a qualified primary teacher and has expressed an interest in working with pupils in the area of social interaction and physical education. She is available on Tuesday, Wednesday and Thursday.

Ms Hogan will be offering in-class support and some social skills training to Bartak (stage II, mild emotional and behavioural needs) and to Kevin (stage III,

emotional and behavioural disturbance), both of whom are in senior infants. She will also be working with Ajith (stage II, mild emotional and behavioural needs), who is in fourth class. Additionally, she will be offering learning support in literacy and maths to five pupils in fourth class.

Step 5

Cross-reference the programme needs of pupils with special educational needs at stages II and III and consider common needs that can be met by grouping to ensure effective and efficient teaching and learning approaches. Agree on which teacher or teachers will cater for these groups.

In this school, it was felt that it would be helpful to group Kevin and Bartak together for some of the time, as they had similar needs.

Although Joshua was allocated to Mr Murphy for resource teaching, it was felt that he would also benefit from joining the small maths learning support group with Mr Hogan.

Mr Hogan was also providing the fourth class with some learning support. However, to supplement this, Ms Mulhall also offered them one session per week, to specifically develop reading comprehension skills.

It was also felt that a paired reading scheme, between the first class learning support pupils and the sixth class learning support pupils would be beneficial. Ms Mulhall undertook to co-ordinate this, although the activity took place in the first class classroom after lunch, three times per week for 20 minutes.

Weekly timetable for Ms Hogan

	Monday	Tuesday	Wednesday	Thursday	Friday
Session 1		Literacy learning support, fourth class	Literacy learning support, fourth class		
Session 2		Maths, learning support, fourth class, 2 pupils + <i>Joshua</i>	Maths, learning support, fourth class, 2 pupils + <i>Joshua</i>		
Break Time					
Session 3		<i>Ajith</i>	Computer time		
Lunch time Developing playing skills in the yard, focusing on senior infants (<i>Bartak & Kevin</i>) on Tuesday and fourth class (<i>Ajith</i>) on Wednesday (Ms Hogan takes a later lunch herself on these days.)					
Session 4		<i>Bartak & Kevin</i>	<i>Bartak & Kevin</i>	<i>Bartak & Kevin</i>	
Session 5		In class support and small group work with senior infants, to include <i>Bartak & Kevin</i>			

Weekly timetable for Ms Mulhall

	Monday	Tuesday	Wednesday	Thursday	Friday
Session 1	Eoin (individual for 30 minutes)	Eoin (individual for 30 minutes)	Eoin (individual for 30 minutes)	Eoin (individual for 30 minutes)	Eoin (individual for 30 minutes)
Session 2	Individual session for 30 minutes with pupil from sixth class, to follow intensive computer-based literacy programme for a five-week block. Three pupils to be seen by rotation in first term, followed by review.				
Session 3	Learning support, second class group 1	Learning support, second class group 1	Learning support, third class	Learning support, second class group 1	Learning support, second class group 1
Break Time					
Session 4	Learning support, second class group 2	Learning support, second class group 2	Learning support, second class group 2	Learning support, second class group 2	Learning support, comprehension workshop, fourth class
Lunch					
Session 5	Learning support, third class	Junior and senior infants, identification, screening and early intervention.		Learning support, third class	Time for review of peer reading scheme involving three pupils at stage II in the first class and three pupils at stage II in sixth class
Session 6	Learning support, first class	Learning support, second class, maths workshop	Learning support, first class	Learning support, first class	

EXAMPLE SCHOOL C

An all girls' school with an enrolment of 497, no disadvantaged status

General Allocation: 2 full posts, plus 12.5 hours (a full-time permanent post, shared with a neighbouring school)

plus allocation for low incidence resource teaching of: 11.5 hours (a full-time temporary post shared with a neighbouring school)

In total, therefore, the school has two full-time permanent posts, a part-time (12.5 hours) permanent post, and a part-time temporary post (11.5 hours).

Step 1

Identify all the pupils in need of additional teaching support, both learning-support teaching and resource teaching and including pupils who have special

educational needs arising from high-incidence disabilities.

In this case the school identified a total of 66 pupils.

Step 2

Identify the level of intervention required on the basis of the pupils' learning needs (stage II or stage III)

Pupils with learning needs at stage II:

Forty-six pupils need support for literacy (including eight who also need support with numeracy,) and a further six need support with numeracy only. (Traditionally, these pupils would have been described as needing learning support).

A pupil with dyspraxia (Clodagh) and two pupils with mild emotional and behavioural difficulties (Sinead & Rachel) were also identified as requiring intervention at stage II.

Pupils with learning needs at stage III:

Seven pupils have special educational needs arising from high incidence disabilities.

Four pupils (Alison, Ciara, Michaela & Kate) were assessed as having mild general learning disability.

Two pupils (Tara & Lauren) have borderline general learning disability and additional learning needs (as outlined in circular 08/02).

One pupil (Toni), as assessed, meets the criteria for specific learning disability as set out in circular 8/02.

One pupil (Eilish), with severe reading difficulties, as assessed, would not have been eligible for an allocation of resource teaching hours, being just outside the criteria for specific learning disability as set out in circular 8/02. However, based on the staged approach to

assessment, identification and programme planning, it has been decided in the school that focussed, short-term intervention at stage III is warranted for her also.

For pupils with special educational needs arising from low incidence disabilities, 11.5 resource teaching hours have been allocated in addition to the general allocation. The pupils with low incidence disabilities, as set out in Appendix 1, are:

- one (Raksandra) with a physical disability (three hours);
- one (Samantha) with Asperger's syndrome (five hours);
- one (Kerry) with emotional disturbance and associated behavioural difficulties (3.5 hours).

Summary of pupils in need of additional support and stage of intervention

	Learning needs at stage II (literacy and numeracy needs)	Learning needs at stage II (other special educational needs)	Learning needs at stage III (pupils with high incidence disabilities)	Learning needs at stage III (pupils with low incidence disabilities)
Junior Infants	None yet identified		1 pupil (<i>Alison</i> , has mild GLD/ language delay	
Senior Infants	4 pupils for literacy (<i>Sarah, Lisa, Laura & Nadia,</i>) 3 for numeracy (<i>Sarah, Lisa & Sorcha</i>)	1 pupil (<i>Sinead</i>) with mild emotional and behavioural difficulties	1 pupil (<i>Ciara</i>) with mild GLD, another (<i>Lauren</i>) with borderline mild GLD/ language difficulties	1 pupil (<i>Raksandra</i>) with physical disability (3 hours)
First Class	9 pupils for literacy, 2 pupils for numeracy			
Second Class	7 pupils for literacy 2 pupils for numeracy		1 pupil (<i>Eilish</i>) with severe reading difficulties	
Third Class	6 pupils for literacy, 2 pupils for numeracy	1 pupil (<i>Clodagh</i>) with dyspraxia	1 pupil (<i>Tara</i>) with borderline GLD and significantly low attainments	
Fourth Class	4 pupils for literacy	1 pupil (<i>Rachel</i>) with mild emotional /behavioural difficulties	1 pupil (<i>Michaela</i>) with mild GLD	1 pupil (<i>Samantha</i>) with Asperger's syndrome (5 hours)
Fifth Class	5 pupils for literacy, 3 pupils for numeracy		1 pupil (<i>Toni</i>) with severe reading difficulties	
Sixth Class	6 pupils for literacy, 2 pupils for numeracy		1 pupil (<i>Kate</i>) with mild GLD	1 pupil (<i>Kerry</i>) with emotional and behavioural needs (3.5 hours)

Step 3

Identify the members of the teaching staff who will be allocated to the identified pupil (all teachers who are appointed on foot of the general allocation model, allocations of additional teacher hours for the support of pupils with special educational needs arising from low-incidence disabilities, and any other allocation to the school).

- Ms O' Malley: a full-time permanent post.
- Ms Hennessy: a full-time permanent post.
- Mr Walsh: 12.5 hours, and holds a permanent post, shared with another school.
- Ms Dunne: 11.5 hours, with a full-time temporary post shared with another school

Step 4

Allocate the identified staff members to the pupils, taking account of

- the programme needs of individual pupils and groups of pupils, including whether it is short-term/focused intervention or long-term/continuing support;
- the time available to all pupils and the proportion of time needed by individual pupils and groups of pupils based on identified needs;
- the expertise of the teachers;
- practical and logistical considerations, including increasing chances for LS/RTs and RTs to liaise with mainstream class teachers, the availability of staff at times of greatest need etc.

Ms O' Malley is a qualified primary teacher who has worked in the area of developing literacy for twelve years and has completed a one year course in learning-support teaching in a College of Education. Ms O' Malley has a full-time permanent post.

This teacher was allocated responsibility for providing learning-support to pupils in first, second and third class (twenty-two pupils at stage II) and for the two pupils with severe reading difficulties at stage III, as well as one pupil with mild general learning disability in fourth class.

Ms Hennessy is a qualified primary teacher but is new to learning support since last year. She has expressed an interest in working with younger pupils and has expertise in the area of Social Personal and Health Education (SPHE). Ms Hennessy has a full-time permanent post.

(Names are noted here to help illustrate the sample timetable overleaf)

This teacher was allocated the pupils in need of early intervention with literacy and numeracy needs at stage II in junior infants. She also provides additional support

for two pupils at stage II who have emotional and behavioural difficulties (Sinead & Rachael) and four pupils with needs at stage III in infants: one in junior infants with mild general learning disability (Alison), one in senior infants with mild general learning disability (Ciara), one in senior infants with borderline general learning disability and significant language difficulties (Lauren) and one in senior infants with a physical disability (Raksandra).

She will also provide support for a pupil with Asperger's syndrome in fourth class (Samantha) and a pupil in sixth class (Kerry) with emotional and behavioural difficulties.

Mr Walsh is a primary trained teacher who has been working in the area of resource teaching in the last two years. He has a particular interest and expertise in the teaching of mathematics. Mr Walsh has 12.5 hours and holds a permanent post that is shared with another school.

This teacher was allocated the numeracy support for pupils at stage II, from first to sixth class. He is also allocated two other pupils in third class, one with dyspraxia (at stage II) and one with mild general learning disability (at stage III).

Ms Dunne is a primary teacher trained in Northern Ireland who worked in resource teaching part-time last year and has attended courses in literacy development. She has 11.5 hours and holds a full-time temporary post that is shared with another school.

This teacher provides learning support to pupils in fourth, fifth and sixth classes (fifteen pupils at stage II). She was also allocated one pupil in sixth class with mild general learning disability.

Note

As well as matching teachers with pupils based on the teacher's expertise, the following factors were also considered:

Mr Walsh was allocated two pupils in third class so that he could maximise liaison with teachers and so that third-class teachers did not find that they needed to liaise with up to four different people. Some aspects of the programme to be offered the pupil with dyspraxia (handwriting activities, ideas for structuring written work and general motor development) are relevant to the pupil with a borderline general learning disability.

Ms Hennessy is concentrating much of her time in the infant classes. However, in the afternoon she also provides teaching support to a pupil with Asperger's syndrome and one with mild emotional and behavioural difficulties, both in fourth class. There is some overlap in the programmes that these pupils need, particularly with regard to being aware of the feelings of others and taking turns.

At the end of each day Ms Hennessy is working with a pupil in sixth class with emotional and behavioural needs (at stage III). This allows for this pupil to be provided with regular support, and facilitates the implementation of a daily behavioural review, school-based rewards, and some homework support, as needed. It was decided that both these pupils would need to be allocated to a teacher who was working full-time in the school.

Step 5

Cross-reference the programme needs of pupils with learning needs at stages II and III and consider common needs that can be met by grouping to ensure effective and efficient teaching and learning approaches. Agree on which teacher or teachers will cater for these groups.

This step is inherent in much of what has been discussed above. However, in this worked model there are some particular grouping arrangements that are worthy of further comment.

A suggested timetable for Ms Hennessey is shown overleaf. As noted above, Ms Hennessy concentrates much of her time in infant classes.

In senior infants there are four children requiring stage II learning support in reading (Sarah, Lisa, Laura, Nadia).

There are three pupils who require stage II learning support in mathematics (stage II) (Sarah, Lisa, Sorcha).

In senior infants there is one pupil with mild emotional and behavioural difficulties (Sinead), one with mild general learning disability (Ciara) and one with borderline general learning disability and additional significant language difficulties (Lauren). One pupil has a physical disability (Raksandra).

In junior infants there is one pupil with mild general learning disability (Alison). It should also be noted that two hours per week have been set aside for early stage II work in junior infants, including in-class support, screening, and early intervention.

One pupil has Asperger's syndrome (Samantha) and one has mild emotional and behavioural difficulties (Rachel). Both are in fourth class. One pupil in sixth class has emotional and behavioural needs (stage III) (Kerry).

In the infant programme it was decided to offer a language enrichment group, which included some work on social skills, and this was offered to pupils with stage II needs (Sinead) and stage III needs (Alison, Ciara, Lauren and Raksandra). Sinead needed to work on taking her turn and listening to others, while Raksandra needed to build social confidence and to be more forthcoming in a group and whole-class situation.

Weekly timetable for Ms Hennessy

	Monday	Tuesday	Wednesday	Thursday	Friday
Session 1	<i>Raksandra</i>	<i>Ciara & Lauren</i>	<i>Raksandra</i>	<i>Ciara & Lauren</i>	<i>Raksandra</i>
Session 2	<i>Samantha</i>	Junior Infants, stage II support, in-class support, screening and early intervention, as negotiated with class teachers.	<i>Samantha</i>	<i>Sinead/ Samantha</i> (alternate weeks)	
Break Time					
Session 3	Language enrichment group (<i>Alison, Lauren, and Ciara</i>)	<i>Alison</i>	Language enrichment group (<i>Alison, Lauren, and Ciara</i>)	<i>Alison</i>	Language enrichment group (<i>Raksandra, Sinead and Lauren</i>)
Lunch Time					
Session 4	Sen infants, stage II literacy support (<i>Sarah, Lisa, Laura and Nadia</i>)	Sen infants stage II literacy support (<i>Sarah, Lisa, Laura, and Nadia</i>)	Sen infants stage II literacy support (<i>Sarah, Lisa, Laura and Nadia</i>)	Sen infants stage II literacy support (<i>Sarah, Lisa, Laura and Jade</i>)	Cookery afternoon for <i>Rachel, Samantha, Michaela*</i> and two others from
Session 5	<i>Alison</i>	Sen infants stage II maths support (<i>Sarah, Lisa and Sorcha</i>)	<i>Ciara</i>	Sen Infants Stage II maths support (<i>Sarah, Lisa & Sorcha</i>)	fourth class, alternating with sixth class group, <i>Kerry, Kate*</i> and up to
Session 6	<i>Samantha</i>	<i>Samantha & Rachel</i>	<i>Samantha</i>	<i>Samantha</i>	three others as selected by the class teacher by way of a reward.
Session 7	<i>Kerry</i>	<i>Kerry</i>	<i>Kerry</i>	<i>Kerry</i>	

It is envisaged that sessions 6 and 7 will be relatively short (30 minutes each).

It has been agreed by Ms Hennessy and the class teachers that a flexible arrangement will apply in relation to the location for additional teaching to these pupils. As often as possible, additional teaching will be provided in the classroom, with withdrawal to another classroom only when this is absolutely necessary.

*Michaela and Kate are girls in fourth and sixth class respectively, both of whom have mild general learning disability. Michaela will generally be working with Ms O'Malley for her resource needs, while Kate will be working with Ms Dunne. However, it was felt that these girls would benefit from the cookery afternoon, as a way of developing social skills and applying mathematical concepts in a practical setting.

SIX KEY STEPS TO PROVIDING APPROPRIATE SUPPORT FOR ALL PUPILS WHO NEED IT

Outline of a possible approach to planning for the deployment of resources at individual school level

- Step 1 Identify all the pupils in need of additional teaching support, both learning-support teaching and resource teaching and including pupils who have special educational needs arising from high-incidence and low-incidence disabilities.
- Step 2 Identify the level of intervention required on the basis of the pupils' learning needs. (stage II or stage III). It is up to the school to decide whether one-to-one or group teaching, or a mixture of both, is the best type of support for each individual pupil, depending on the nature of their needs.
- Step 3 Identify the members of the teaching staff who will be allocated to the identified pupils (all teachers who are appointed on foot of the general allocation model, allocations of additional teacher hours for the support of pupils with special educational needs arising from low-incidence disabilities, and any other allocation to the school).
- Step 4 Allocate the identified staff members to the pupils, taking account of:

- the learning programme needs of individual pupils and groups of pupils, including whether it is short-term focused intervention or long-term, continuing support;
- the time available to all pupils and the proportion of time needed by individual pupils and groups of pupils, based on identified needs;
- the expertise and interest of the teachers, and
- practical and logistical considerations, including increasing chances for LS/RTs and RTs to liaise with mainstream class teachers, availability of staff at times of greatest need etc.

Step 5 Cross-reference the programme needs of pupils with learning needs at stages II and III, and consider common needs that can be met by grouping to ensure effective and efficient teaching and learning approaches. Agree on which teacher or teachers will cater for these groups.

- Step 6
- Establish a tracking and recording system to ensure that a record is maintained of all pupils who are receiving additional teaching support and of their progress in response to the established interventions.
 - Learning-support/resource teachers and resource teachers should regularly and actively monitor the progress of the pupils who receive support under the general allocation model and those who have special educational needs arising from low-incidence disabilities, in consultation with parents, class teachers, and relevant professionals. This is particularly important in cases where support for a pupil has been increased, reduced or discontinued.

See Appendix 4 for Worked Models of such deployment.

APPENDIX 25(A)

THE NATIONAL COUNCIL FOR SPECIAL EDUCATION (NCSE)

CIRCULAR SP. ED. 01/05

1. Purpose of this Circular

The purpose of this circular is to advise the authorities of schools of the establishment of and the transfer of certain functions to the National Council for Special Education (NCSE)

2. Background

The level of resources allocated to schools in recent years to meet the special educational needs of children with disabilities has grown very significantly. Notwithstanding this development, the Department has been concerned for some time at its lack of capacity to deliver the required level of service to schools, parents/ guardians and pupils under current structures. An internal review highlighted the over-centralised structure of the Department and its lack of any locally-based capacity for service delivery and co-ordination as key deficiencies in the system. As a result of findings of the review, the Government approved the establishment of a National Council for Special Education, hereafter referred to as the NCSE.

3. Functions of the NCSE

The NCSE has been established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order, 2003. This Order, made pursuant to the Education Act 1998, gives the Council the authority to:

- a) carry out research and provide expert advice to the Minister for Education & Science on the educational needs of children with disabilities and the provision of related services;
- b) provide for a range of services at local and national level in order that the educational needs of children with disabilities are identified and provided for; and
- c) co-ordinate, with health authorities, schools and other relevant bodies, the provision of education and related support services to children with disabilities.

A detailed list of functions as specified in the Order is at Appendix 1. Once the Education for Persons with Special Educational Needs Act 2004 is commenced, the functions of the NCSE as set out in the Order will be superseded by the functions of the NCSE as set out in the Act. These functions are set out at Appendix 2.

4. Special Educational Needs Organisers

The local service delivery aspect of the Council's operation will be the responsibility of Special Educational Needs Organisers (SENOs). Approximately 70 SENOs have been employed, all of whom have a qualification and previous work experience relating to service delivery to children with disabilities. The SENOs will be responsible for co-ordinating and facilitating delivery of educational services to children with disabilities at local level. In particular, the SENOs will be a focal point of contact for parents/guardians and schools, and will process applications for resources for children with disabilities who have special educational needs. This will also involve regular and detailed engagement with organisations such as health authorities, the Department, including administrative divisions, the Inspectorate and the National Educational Psychological Service (NEPS).

5. Transfer of Functions

The transfer of functions from the Department of Education & Science to NCSE is effective from 1 January 2005.

6. Processing of Applications for Resources

With effect from 1 January 2005 the NCSE, through the local SENO, is processing resource applications for children with disabilities who have special educational needs. In doing so, the Council is required to observe Departmental policy. The following functions are the responsibility of the NCSE with effect from 1 January 2005:

- a) processing applications for resource teacher support in respect of children with low incidence disabilities and deciding on the level of support appropriate to the school (please see Appendix 3 for information on low incidence disabilities);
- b) processing applications for special needs assistant support for children with disabilities and deciding on the level of support appropriate to the school;
- c) examining applications for special equipment/assistive technology;
- d) examining applications for transport arrangements for children with disabilities and making recommendations to the Department of Education & Science;
- e) identifying appropriate educational settings for individual children with special educational needs.

Applications in relation to any of the above should be submitted to the local SENO. In relation to a) and b) above, following consideration of the application, including consultations with schools and parents/guardians as necessary, the SENO will decide on any adjustments necessary to the existing level of teaching or special needs assistant support currently available to the school. The decision will be confirmed, by the SENO, in writing to the school and will not be subject to further Departmental ratification. Please see Section 9 and Appendices 4 & 5 of this circular for information in relation to the filling of posts.

In the case of applications relating to c), d) and e) above, the SENO will process these applications in conjunction with the Department.

7. Circular SP ED 09/04

The Minister for Education & Science has decided to review the proposed new system of allocation of resource teaching support to primary schools for pupils with high incidence disabilities. The review will involve consultation with representative interests and the NCSE before it is implemented in the coming school year. A further communication will issue to schools in this regard.

8. Contacting the NCSE and SENOs

A notice has issued from the NCSE to schools giving contact details for the SENO attached to each school. If for any reason your school has not received this information notice, contact may be made with the NCSE at 1-2 Mill Street, Trim, Co. Meath. Telephone: 046 9486400.

A separate information and guidelines notice from the NCSE, setting out its role and initial operations, is being issued in conjunction with this Circular.

9. Filling Posts

The board of management has responsibility for the recruitment and appointment of all school staff in compliance with the appointment procedures referred to in Appendices 4 & 5.

10. Dissemination

Management authorities are requested to provide a copy of this circular to the parents' representatives on the board of management. The circular may be accessed on the Department of Education & Science website at www.education.ie under Children with Special Needs.

APPENDIX 1

Functions of the National Council for Special Education as set out in the

National Council for Special Education (Establishment) Order, 2003

- a) Conduct and commission research on matters relevant to its functions and, as it considers appropriate, to publish in such form and manner as it thinks fit the findings arising out of such research;
- b) Advise the Minister for Education & Science in relation to any matter relating to the education of children and others with disabilities on being requested by the Minister to do so;
- c) Make available to the parents of children with disabilities information in relation to the provision for their children regarding education;
- d) Consult with schools, health boards and other relevant bodies in relation to the provision of education and support services to children with disabilities;
- e) From time to time carry out general assessment and review of the provision of education and related support services to children with disabilities;
- f) Monitor the educational progress of children with disabilities and ensure that it is reviewed at regular intervals;
- g) Disseminate to schools and to parents information relating to best practice, nationally and internationally, concerning the education of children with disabilities; and
- h) In carrying out these functions, the Council and its employees shall act in accordance with any policy direction issued by the Minister.

APPENDIX 2

Functions of the National Council for Special Education as set out in the Education for Persons with Special Educational Needs Act 2004 (to be commenced)

- (a) to disseminate to schools, parents and such other persons as the Council considers appropriate information relating to best practice, nationally and internationally, concerning the education of children with special educational needs;
- (b) in consultation with schools, health boards and such other persons as the Council considers appropriate to plan and co-ordinate the provision of education and support services to children with special educational needs;
- (c) in consultation with schools and with such persons as the Council considers appropriate to plan for the

- integration of education for students with special educational needs with education for students generally;
- (d) to make available to the parents of children with special educational needs information in relation to their entitlements and the entitlements of their children;
 - (e) to ensure that the progress of students with special educational needs is monitored and that it is reviewed at regular intervals;
 - (f) to assess and review the resources required in relation to educational provision for children with special educational needs;
 - (g) to ensure that a continuum of special educational provision is available as required in relation to each type of disability;
 - (h) to review generally the provision made for adults with disabilities to avail of higher education and adult and continuing education, rehabilitation and training and to publish reports on the results of such reviews (which reviews may include recommendations as to the manner in which such provision could be improved);
 - (i) to advise all educational institutions concerning best practice in respect of the education of adults who have disabilities;
 - (j) to advise the Minister in relation to any matter relating to the education of children and others with disabilities;

SECTION A

Low Incidence Disabilities

Physical Disability	3
Hearing Impairment	4
Visual Impairment	3.5
Emotional Disturbance	3.5
Severe Emotional Disturbance	5
Moderate General Learning Disability	3.5
Severe/Profound General Learning Disability	5
Autism/Autistic Spectrum Disorders	5
Specific Speech and Language Disorder	4
Assessed Syndrome in conjunction with one of the above low incidence disabilities	3 to 5, taking into account the child's special educational needs including level of general learning disability
Multiple Disabilities	5

- (k) to consult with such voluntary bodies as the Council considers appropriate, (being bodies whose objects relate to the promotion of the interests of, or the provision of support services to, persons with disabilities) for the purposes of ensuring that their knowledge and expertise can inform the development of policy by the Council and the planning and provision of support services; and
- (l) to conduct and commission research on matters relevant to the functions of the Council and, as it considers appropriate, to publish in such form and manner as the Council thinks fit the findings arising out of such research.

APPENDIX 3

This Appendix is broken into three Sections, A, B and C:

Section A sets out, in tabular format, the various categories of low incidence disabilities and the level of resource teaching support available to schools in respect of each category.

Section B is an Information Note for professionals in relation to the various low-incidence disability categories.

Section C sets out the various professional reports that are required in respect of each category of low-incidence disability.

Hours of Resource Teaching Support Available to School per week

Physical Disability	3
Hearing Impairment	4
Visual Impairment	3.5
Emotional Disturbance	3.5
Severe Emotional Disturbance	5
Moderate General Learning Disability	3.5
Severe/Profound General Learning Disability	5
Autism/Autistic Spectrum Disorders	5
Specific Speech and Language Disorder	4
Assessed Syndrome in conjunction with one of the above low incidence disabilities	3 to 5, taking into account the child's special educational needs including level of general learning disability
Multiple Disabilities	5

SECTION B

Information Note for Professionals in relation to Low Incidence Disability Categories

The purpose of the following note is to assist psychologists and other professionals in the interpretation of Circular 08/02, which replaces certain procedural elements of Circular 8/99, and to provide clarification on areas where difficulties have arisen over the past few years. It is hoped that this clarification will bring about consistency in approach and equity in the allocation of resources.

The following sections are supplementary to, and should be read in conjunction with Appendix II to Circular 08/02.

Provision for pupils with special educational needs in mainstream schools

Pupils with special educational needs include all those whose disabilities and/or circumstances prevent or hinder them from benefiting adequately from the education which is normally provided for pupils of the same age. Such pupils have special educational needs arising from their disabilities and/or circumstances and will require special educational provision to be made for them.

In this information note, it is pupils who have learning difficulties and special educational needs arising from disabilities who are the focus of concern. Many of these pupils attend mainstream schools and it is important that they are identified as early as possible and that the schools arrange for the assessment and diagnosis of their special educational needs and take appropriate steps in providing for those needs. While some pupils with special educational needs will be referred to special schools, it is pupils in mainstream schools and whose parents wish for them to be supported there that this note is concerned.

Some of these pupils can have their special educational needs met by the class teacher and/or the learning support teacher, using carefully differentiated teaching and appropriate education plans. Other pupils may need, in addition, certain accommodations such as hearing aids, braille machines, computers and/or other assistive technology. A small number may require support from a special needs assistant. Certain others may need the support of a resource teacher in addition to the help they receive from their mainstream class teachers, or full- or part-time placement in a special class. **Only those pupils who have learning difficulties arising from their disabilities and whose special educational needs cannot be met fully by the class teacher and/or the learning support teacher should be supported by resource teaching or special class placement.**

In interpreting the definition of the various disability categories in Appendix II of Circular 08/02, the following should be noted:

Physical Disability

Children with a physical disability who have learning difficulties arising from the disability may need resource teaching in cases where there are consequent significant learning difficulties. Others may need assistive technology only. Some children with severe physical disabilities may have needs for care support from a special needs assistant for some part or all of a day.

Hearing Impairment

Schools that have a pupil who has been assessed with hearing impairment, and no other assessed disability, may be allocated a maximum of four hours per week teaching support from a resource teacher, or from a visiting teacher and resource teacher combined.

In cases where a pupil with a hearing impairment meets, in addition, the criterion for another disability category, provision is allocated in keeping with multiple disabilities.

Visual Impairment

Schools that have a pupil who has been assessed with visual impairment, and no other assessed disability, may be allocated a maximum of 3.5 hours per week teaching support from a resource teacher, or from a visiting teacher and resource teacher combined.

Some pupils with visual impairment may have needs for care support from a special needs assistant.

In cases where a pupil with a visual impairment meets, in addition, the criterion for another disability category, provision is allocated in keeping with multiple disabilities.

Emotional Disturbance and/or Behaviour Problems

Some children in this category may need resource teaching support. Care support from a special needs assistant may be required where a child's behaviour is a danger to himself or others or where it seriously interferes with the learning opportunities of other children. In certain circumstances, some children may require both supports.

General Learning Disability

In the case of moderate general learning disability, the pupil's full-scale IQ score will have been assessed in the range 35 – 49.

In the case of severe/profound general learning disability, the pupil's full-scale IQ score will have been assessed as being below 35.

Autism/Autistic Spectrum Disorder (ASD)

In the interest of the child with an ASD and in order that the needs of the child are adequately addressed, it is important, where feasible, that for a definitive

assessment of ASD, a multi-disciplinary assessment team should be involved. The need for a multi-disciplinary assessment is also in keeping with the policy of the National Educational Psychological Service. (NEPS)

All reports received in support of an application for a pupil with an ASD will be considered in the light of Department of Education and Science/NEPS guidelines.

Children with special educational needs arising from an Assessed Syndrome

Where a child with an assessed syndrome has a general learning disability, resource teaching support will be allocated to schools in line with hours allocated to pupils assessed within the same IQ band (moderate/severe/profound GLD). Where a child with an assessed syndrome has any of the other low incidence disabilities listed in Section A, resource teaching support will be allocated on that basis.

In some cases, as with very young children, or where clear evidence is supplied that the pupil has needs for care support, the support of a special needs assistant may be allocated for some part or all of a day.

Specific Speech and Language Disorder

In the case of specific speech and language disorder, it is a pupil's non-verbal or performance ability which must be within the average range, or above. (i.e. non-verbal or performance IQ of 90, or above).

The pupil must also have been assessed by a speech and language therapist and found to be at two standard deviations (S.D.) or more below the mean, or at a generally equivalent level (i.e. - 2 S.D. or below, at or below a standard score of 70) in one or more of the main areas of speech and language development.

Two assessments, a psychological assessment and a speech and language assessment are necessary in this case.

Multiple Disabilities

Children assessed with multiple disabilities meet the criteria for two or more of the disabilities described above.

N.B. Only pupils who have been appropriately assessed and who meet the relevant criteria for a diagnosis of a learning difficulty under one or more of the above disabilities may receive provision from a resource teacher or in a special class.

SECTION C

Professional reports that are required in respect of each category of disability

- Physical disability – report from medical doctor or occupational therapist (psychological report may also be required);
- Hearing impairment – report from audiologist and verification of such reports from relevant visiting teacher (psychological report may also be required);
- Visual impairment – report from ophthalmic consultant and verification of such reports from relevant visiting teacher (psychological report may also be required);
- Emotional disturbance/severe emotional disturbance/behavioural problems – report from psychiatrist or psychologist and evidence that the child is receiving treatment;
- Moderate, severe or profound general learning disabilities – psychological report;
- Autism/Autistic spectrum disorders – report from a relevant assessment multi-disciplinary team or a psychological report;
- Assessed syndromes – schools in which children with such syndromes are enrolled will be eligible for additional educational resources if the psychological and/or other specialist report confirms the existence of one of the low incidence disabilities listed above;
- Specific speech and language disorder – psychological report plus speech and language therapist's report;
- Multiple disabilities – the name of each disability must be specified on application form. Children are eligible for additional resources under this heading if the appropriate professional reports confirm the existence of two or more distinct disabilities from the above list.

Appendix 4

Appointment of Full-time resource teacher for Children with Low Incidence Disabilities.

- The board of management, as employer, has responsibility for the recruitment and appointment of all teaching staff.
- The SENO's decision may result in the employment of a full-time resource post by the school. A full-time teaching post is equivalent to 25 hours, but a school may appoint a full-time teacher where the SENO decision amounts to a minimum of 22 hours resource teaching. The excess capacity within the full post must be off set against any future allocations for resource teaching support. Any such posts will be allocated on a temporary basis. The position of resource teacher for pupils with special educational needs can be allocated to one of the existing staff of the school, excluding the principal, and a temporary teacher recruited to replace that staff member. Please refer to Circular 07/03 on www.education.ie Education Personnel > Associated Document.
- The teacher assigned to the resource teaching duty must be a fully qualified national school teacher who has full recognition from the Department of Education & Science or hold provisional or restricted recognition from the Department of Education & Science. Circular 25/00 sets out the Recognition of Teacher Qualifications for the Purpose of Teaching in National Schools and is available on the Department website www.education.ie under Education Personnel > Primary > Circulars and Information Booklets > General Administration.
- The procedures for the appointment of a temporary teacher should be followed, i.e., if the duration of the temporary post is for a period of eight months or more the procedures are as outlined in Appendix D of the Boards of Management of National Schools - Constitution of Boards and Rules of Procedure published November 2003. If the temporary appointment is for a period of less than eight months duration, the appointment procedures are a matter for the board of management. Please consult the Department's booklet, Appointment of Principals, Permanent and Temporary Teachers also. (See website www.education.ie under Education Personnel > Primary > Circulars and Information Booklets > Appointment/Redeployment.)
- When the process for the appointment has been finalised, a Notification of Temporary Appointment Form should be completed and forwarded to the Primary Payments Section, Department of Education & Science, Cornamaddy, Athlone. These

forms are available on the Department website www.education.ie under Education Personnel > Primary > Circulars and Information Booklets > Appointment/Redeployment.

- Please note that if additional accommodation is required to facilitate the above post then the board of management must apply to the School Planning Section, Department of Education & Science, Portlaoise Road, Tullamore, Co. Offaly, for grant assistance, enclosing a copy of the SENO decision.

Appointment of Part-Time resource teacher for Children with Low Incidence Disabilities

- If the SENO's decision results in the employment of a part-time resource teacher post by the school, the board of management must recruit and pay the salary of the teacher. The teacher must be a fully qualified national school teacher or hold provisional or restricted recognition from the Department. Circular 25/00 sets out the Recognition of Teacher Qualifications for the Purpose of Teaching in National Schools and is available on the Department website www.education.ie under Education Personnel > Primary > Circulars and Information Booklets > General Administration.
- The Department of Education & Science, through the Special Education Section, operates a grant system, whereby once you notify that section, by letter, of the appointment of the part-time teacher and the hours authorised, an advance grant payment, based on the hourly rate applicable plus employers PRSI will issue to the school bank account. Initial grant period covers from date of appointment to end December with follow-up grant for the period January to June.
- The hourly rates payable are available on the Department's website www.education.ie under Education Personnel > Payroll.
- The board of management, as the teacher's employer, has responsibility for all statutory deductions (e.g., Income Tax, PRSI etc.) and information regarding these processes should be obtained from the relevant statutory authority.
- A reconciliation statement as set out in Circular 11/04 should be submitted for each part-time teacher employed by the board of management in June of each year and any balance due to the school or refund due to the Department will be arranged at that time. Copy circular is available on the Department's website www.education.ie under Children with Special Needs.

Appendix 5

Appointment of Special Needs Assistant.

The board of management, as employer, has responsibility for the recruitment and employment of all Special Need Assistants. If the SENO decision results in the employment of a full or part-time special needs assistant post by the school, the appointment will be on a temporary basis. A full-time special needs assistant is equivalent to 32 hours.

- The recruitment and appointment process must be carried out in accordance with procedures set out in Department of Education Special Need Assistants Payroll Circular, SNA 03/03.
- The qualifications and conditions of service are set out on the Department's website www.education.ie under Education Personnel > Special Need Assistants > Salary & Personnel.
- Each appointee must be of good character and have Grade D (or pass) at least, in Irish, English and Mathematics in the Junior Certificate Examination or in an examination of equivalent standard.
- When the appointment process has been completed, a Notification of Appointment Form, special needs assistant should be completed and forwarded to the Special Need Assistants Payroll, Payroll Division,

Department of Education & Science, Cornamaddy, Athlone, Co. Westmeath.

- The same appointment form applies for either full or part-time special needs assistant and is available on the Department website www.education.ie under Education Personnel > Special Need Assistants > Salary & Personnel.
- Correspondence relating to the appointment and payment of a special needs assistant is dealt with by the Special Need Assistants Payroll, Department of Education & Science, Cornamaddy, Athlone, Co. Westmeath.
- All relevant Department Circulars and Office Notices relating to Special Need Assistants can be located on the Department website at www.education.ie under Education Personnel > Special Need Assistants > Salary & Personnel.

The payment of Substitute Special Need Assistants employed to cover absences is dealt with by the Special Education Section, Cornamaddy, Athlone, Co. Westmeath. Claims for substitute payment should be made on the Application for the Refund of Payment of Substitute Special Need Assistants Form, available on Department website under headings given above. The payment will issue directly to the school bank account.

APPENDIX 25(B)

INFORMATION AND GUIDELINES FOR PRIMARY SCHOOLS IN PROCESSING APPLICATIONS FOR RESOURCES FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

The notification should be read in conjunction with DES Circular SP.ED.01/05, which advises the authorities of primary schools of the transfer from the Department of Education and Science (DES) to the National Council for Special Education (NCSE) in relation to children with disabilities with special educational needs on and from 1 January 2005.

This should be regarded as the first step in the assumption of the complete role of the Council in relation to the provision of services to children with special educational needs.

New Applications Procedure

Scope

On and from 1 January 2005, the Department of Education and Science has determined that the NCSE will assume its full functions as set out in the Ministerial

Order establishing the Council dated December 2003. As a result, applications for resources in relation to children with disabilities, who have special educational needs, should now be made to the Council through the Special Educational Needs Organiser (SENO). Such resources could include as appropriate.

- Application for resource teaching hours *in respect of children with low incidence disabilities (as per DES Circular SP.ED.01/05)*
- Application for special needs assistant (SNA) hours
- Application for school transport for children with disabilities with special educational needs
- Application for other resources e.g. assistive technology

It is important to note that from 1 January 2005, such applications should no longer be sent directly to the

Department of Education and Science but should be made to the SENO otherwise this will delay the process. It should also be noted that the relevant professional reports should accompany the application as heretofore.

Role of the SENO – Decisions on Resource Teaching and SNA Applications.

With effect from 1 January 2005, the NCSE will decide on

- Applications for resource teaching from schools in meeting the special educational needs of children with low incidence disabilities, as set out in Circular SP.ED.01/05 and
- Applications for SNA support in respect of all children with disabilities with special educational needs.

In considering such applications, the SENO will take into account a number of factors including:

- i The special educational needs of the child as identified and documented in the professional assessments supporting the application
- ii The proposals from the school as to how it will meet the needs of the child
- iii The views of the parents
- iv The departmental policy on the teaching and SNA supports to which the school is entitled by reference to the nature and degree of disability of the child
- v The overall resource teaching and SNA supports already available in the school to meet such needs

In considering applications the SENO will

- Examine the application and the supporting documentation
- Consult with and seek clarification from schools and parents as necessary as regards the special educational needs of the child in the school setting and discuss the child's needs with the teachers and parents as appropriate. This may include observation of the child within the school setting and classroom as appropriate.
- Take account of any existing resources in the school including teaching of special needs assistant resources that may be freed up by the exit of other children with disabilities from the school.

Role of the SENO – Communication of the Decision

When a decision is made, the SENO will inform the principal. The principal of the school and the SENO will inform the parents as to how the special educational

needs of the child will now be met by the school. A copy of the decision will be forwarded to the Head Office of the NCSE and also to the Department of Education & Science. A copy of the decision form is attached as Appendix 1.

It is important to note that Special Education circular SP/ED.01/05 authorised the school to act immediately on the decision of the SENO where additional resource teaching or special needs assistant resources are approved. On receipt of school approval the board of management/principal should act to implement the decision.

Role of the SENO – Recommendations on Applications for Assistive Technology/Special Equipment

While SENOs are not currently responsible for deciding on applications for assistive technology/special equipment, the Department of Education & Science will wish to draw on the local knowledge of the SENO as part of the decision making process.

Therefore such applications should be submitted in the first instance to the SENO who is assigned responsibility for your school who will forward them to the Department with recommendation regarding the application. This should have the effect of speeding up the process of dealing with such applications.

In the case of applications for special equipment for visually or hearing impaired pupils, the SENO will seek the recommendation of the appropriate Visiting Teacher before submitting the application to the Department.

Role of the SENO – Recommendations on Applications for School Transport

Similarly, the Department of Education & Science will draw on the local knowledge of the SENO as part of the decision making process in the case of applications for school transport for children with special educational needs.

Such applications should be submitted in the first instance to the SENO who is assigned responsibility for your school who will forward them to the Department with a recommendation regarding the application. This should have the effect of speeding up the process of dealing with such applications.

Application Process

In the interest of the child and administrative efficiency, all applications relating to a particular child for resource teaching, SNA supports, transport and special equipment should be attached together and forwarded to the SENO for consideration. A sample notification for this purpose is attached at Appendix 2.

Review of Decisions

In the absence of the formalised appeals process, the NCSE will undertake to review the relevant decision on teaching or SNA supports on foot of a request from the school or parents/guardians, when accompanied by relevant additional information, which may not have been to hand at the time of the decision.

Future Role

The above procedures reflect the commencement of the transfer of functions process from the Department of Education & Science to the NCSE. The involvement of the Council in areas such as the assessment of need arising from a disability e.g. liaison with the health sector as regards the provision of health supports, and the preparation of individual education plans (IEPs) will expand progressively.

Further information notifications/guidelines and circulars will issue from the Council and the Department of Education & Science as appropriate.

Contact Points for SENOs

On 22 December 2004, an information notice issued to your school providing the name, official address and contact number for access to the SENO will responsibility for your school. As the SENO will spend considerable time away from the office, it is important that you leave your contact details on the messaging service, if the SENO is not available. The SENO will access such messages regularly and will return your call.

If for any reason your school has not received this information notice, contact may be made with the NCSE at 1-2 Mill Street, Trim, Co. Meath. Telephone: 046 9486400.

Appendix 1

NATIONAL COUNCIL FOR SPECIAL EDUCATION

Application from primary schools for Resource Teaching Hours and Special Needs Assistant Allocations Decision of Special Educational Needs Organiser

School: _____ Roll No: _____

Principal: _____

Address: _____

I have examined the allocation of teaching resources available to the above school for children with assessed special educational needs in the lower incidence disabilities as set out in Circular SP.ED.01/05 and the overall SNA resources in the context of the recent assessment of the children on the attached list.

I certify that, in accordance with the findings of the assessment and the Department of Education and Science resource allocation and the resources currently available to the school the following adjustments should be made:

Resource Teaching Hours:

No Change

Additional Hours _____ per week

Reduction in Hours _____ per week

Following these adjustments the school will have a total of _____ Resource Teaching Hours to provide for the assessed special educational needs of _____ children in the lower incidence special educational needs category.

Special Needs Assistant Hours:

No Change

Additional Hours _____ per week

Reduction in Hours _____ per week

Following these adjustments the school will have a total of _____ Special Needs Assistant Hours to provide for the assessed special educational needs of _____ children with disabilities with Special Educational Needs.

Signed _____

SENO

SENO Area _____

Date _____

*CC. Department of Education and Science
NCSE*

**Application from Primary Schools for
Resource Teaching Hours and Special Needs Assistant Allocations
Decision of SENO in Relation to the Following Children**

For Use by NCSE Only

School: _____

Roll No: _____

Address: _____

Principal: _____

Date: _____

List of children

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Name: _____

PPS NO: _____

Appendix 2

APPLICATION TO NCSE FOR ACCESS TO RESOURCES

Name of Student: _____

Home Address of Student: _____

Date of Birth: _____

PPS Number: _____

Name of School: _____

Roll Number of School: _____

Address of School: _____

Name of Principal: _____

The following applications are enclosed for the attention
Of the SENO in respect of the above named

Please
✓

Resource Teaching (for decision)

SNA Hours (for decision)

School Transport (for recommendation)

Other resources e.g assistive technology (for recommendation)

Signed by Principal: _____

Date: _____

APPENDIX 25 (C)

ARRANGEMENTS FOR THE 2007/2008 SCHOOL YEAR IN RELATION TO LEARNING SUPPORT/RESOURCE TEACHER (LS/RT) POSTS AND RESOURCE TEACHER (RT) POSTS

The purpose of this circular is to provide information to all primary schools on the staffing arrangements that will apply in relation to LS/RT and RT posts for the 2007/2008 school year.

The circular contains information in relation to the following issues and should be read in conjunction with Circulars SP ED 02/05 and 0036/2006:

- Clustering arrangements for the 2007/2008 school year;
- Qualifications necessary for LS/RT and RT posts;
- Suppression SEN posts that are no longer warranted;
- The position of schools that will have Developing School status;
- Transitional arrangements that are in place in certain schools.

1. Clustering arrangements for the 2007/2008 school year

In instances where LS/RT or RT posts comprise general allocation and/or low incidence and/or transitional hours in one or more schools, it is a matter for principals in base schools to ensure that there are sufficient hours to justify the continuation of posts, that is 25 hours for each post. The Department is prepared to consider applications from schools in relation to the retention of 1st posts at 22 hours and 2nd posts at 44 hours. In such cases the school or cluster of schools are expected to cater for 25 hours for 1 post and 50 hours for 2 posts before additional LS/RT support would be employed. All fulltime posts are expected to cater for 25 hours per week. Schools may continue with existing arrangements or enter into new arrangements to continue existing posts or create new posts, where appropriate. Please note that where there are proposals to amend existing clusters, all schools involved must agree in writing to the proposed changes.

A minimum of 22 hours is required in order to create a new post;

A minimum of 47 hours is required to create a 2nd post; and

72 hours to create a 3rd post.

In all cases, principals/chairpersons of boards of management of schools involved in previous and proposed new cluster arrangements should sign the Form LS/RT 1 to confirm their agreement.

It is the responsibility of all the schools in a cluster to effectively organise the timetable to maximise the teaching time available to the pupils concerned.

2. Qualifications necessary for LS/RT and RT posts

The position in relation to the qualifications required for teachers to be eligible to take up LS/RT posts and RT posts, as outlined in Special Education Circular 02/05 and Circular 0036/2006, will continue to apply.

In brief, boards of management are obliged to recruit and employ fully recognised and probated primary teachers for any vacancies arising for LS/RT posts.

In relation to RT (low-incidence only) posts, the following teachers can be appointed:

- (i) Fully recognised and probated primary teachers (excluding Principals); or
- (ii) Teachers who were granted provisional or restricted recognition from the Department of Education and Science before 28 March 2006.
- (iii) Teachers who are registered with the teaching council on or after 28 March 2006, and who are eligible to teach in mainstream or special education settings.

A deputy principal/vice principal may not be assigned a post of resource teacher if the post is shared between schools. Schools should refer to Circular 17/00 for clarification.

3. Suppression of posts that are no longer warranted

Where the number of hours making up a LS/RT or RT post fall below the required minimum level of 22 hours, the post reverts to part-time and a teacher is placed on the relevant panel. Contact should be made with the Primary Payments Section of the Department if the teacher is to be placed on the main panels and with General Allocation Section, if the special national panel applies. It is the responsibility of all schools to ensure that contact is made with the relevant section in the Department if a fulltime post is no longer warranted i.e. if the post no longer has the required minimum 22 hours.

Circular 0020/2007 which recently issued to schools regarding staffing schedules and panel arrangements for 2007/2008 should be taken into account in this regard.

4. The Position of Developing Schools

The Department accepts that a case for an increased general allocation may arise in developing schools, as defined in Primary Circular 0020/2007.

Any school management that considers it may qualify for an increase in general allocation on this basis must submit details of their projected enrolment for September 2007 to General Allocations, Primary Section, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath.

A copy of the letter from the Department's Primary Payments Section granting a developing post must accompany all submissions. Please confirm if your school has special classes and the enrolment in these classes. Please also confirm if your school has a resource teacher for Travellers (RTT) post/s and the number of pupils assigned to this post/s.

5. Transitional arrangements currently in place in certain schools

As outlined in Circular 0036/2006 schools who are currently in receipt of transitional hours must forward details of the pupils for whom these hours will continue to be required for the 2007/2008 school year, together with a submission requesting the retention of the hours. As the relevant pupils leave the school, transitional hours in the school must reduce accordingly.

6. Review of General Allocation Model

As previously indicated it is anticipated that a review of general allocations will be undertaken after three years of operation.

7. Return of Form LS/RT 1

Note:

- 1) *Returns are not required in respect of all fulltime posts originally allocated under the General Allocation (GA) system as these posts will remain unchanged.*
- 2) *It is not necessary to complete this form in respect of part-time posts.*

All completed forms must be returned to General Allocations, Primary Section, Department of Education & Science before Friday 27 April 2007. Forms that are incomplete will be returned to schools to be filled out correctly which may result in delays in processing returns. Schools that fail to return Form LS/RT 1 by the above date may not have their special education staffing arrangements confirmed for September 2007.

Contact can be made with the General Allocations area as follows:

- (090) 6483977 for queries from Cork, Waterford, Tipperary, Carlow, Kilkenny, Offaly, Longford, Donegal and Sligo;
- (090) 6484105 for queries from Clare, Galway, Kerry, Limerick, Mayo, Leitrim, Roscommon, Laois and Westmeath;
- (090) 6484159 for queries from Dublin, Monaghan, Cavan, Louth, Meath, Kildare, Wexford and Wicklow.

It would, however, be appreciated if you would limit the level of contact to the section in the 2 weeks after the closing date to facilitate processing the forms.

Additional Forms LSRT 1 can be downloaded from the Departments website at www.education.ie.

Composition of LS/RT or RT Post for 2007/2008 School Year

Please use a separate form for each post (photocopy or download from the Department's website www.education.ie)

Base School Details

School Name _____ Roll No: _____

School Address: _____

Telephone No: _____ Fax No: _____

Email: _____

Total number of LS/RT posts currently **based** in the school:

Teacher Details

Name of Teacher: _____

Learning Support/Resource Teacher (LS/RT) or Resource Teacher (RT)

(Tick appropriate box)

Teacher's No. or PPS No.

--	--	--	--	--	--	--	--	--	--

Is the teacher a fully recognised and probated primary teacher? Yes ___ No ___

If no, does he/she hold provisional or restricted recognition from the Department of Education and Science/Teaching Council? Yes ___ No ___

Composition of Post

Proposed Composition of Post for 2007/2008 _____ (Tick appropriate box)

- | | | |
|-----------------------|--|--|
| (a) Proposed New Post | (b) Existing Post
(No changes proposed) | (c) Proposed Changes
to Existing Post |
|-----------------------|--|--|

If (b) or (c) is selected, indicate Cluster No. _____ where available (shown as cluster number on approval letters for 06/07 school year).

School Name	Roll No.	Sanctioned hours from General Allocation	Sanctioned hours in respect of pupils with low-incidence special educational needs (SEN)	Transitional hours still required (attach justification)
Base School				

Pupils with Low-incidence SEN on LS/RT or RT Caseload					
Standard/class	Pupil's Name	Hours sanctioned	Standard/class	Pupil's Name	Hours sanctioned

Declaration

I declare that the above information is correct and that I am in agreement with the proposed cluster arrangements as outlined for the 2007/2008 school year **(to be signed by Principal/Chairperson BOM of all schools involved in proposed new cluster arrangements/rearrangements)**. In instances where there is a change to an existing clustering arrangement proposed, schools involved in the original cluster and not involved in the new arrangement should also sign below to indicate their agreement to the new arrangement.

_____ Date: _____ Roll No: _____
Principal/Chairperson BOM
Base School

_____ Date: _____ Roll No: _____
Principal/Chairperson BOM

_____ Date: _____ Roll No: _____
Principal/Chairperson BOM

_____ Date: _____ Roll No: _____
Principal/Chairperson BOM

APPENDIX 26

SPECIAL NEEDS ASSISTANT

INFORMATION NOTE TO SCHOOLS ON THE DUTIES OF A SPECIAL NEEDS ASSISTANT FUNDED BY THE DEPARTMENT OF EDUCATION AND SCIENCE.

1. Introduction

Special Need Assistants (SNAs) are recruited specifically to assist in the care of pupils with disabilities in an educational context. They may be appointed to a special school or a mainstream national school to assist school authorities in making suitable provision for pupil(s) with special care needs arising from a disability. The service may be provided on a full or part-time basis.

Schools Authorities may now apply for the services of a special needs assistant to assist in catering for pupil(s) with special care needs arising from a disability.

2. Duties of Special Need Assistants.

The duties of Special Need Assistants are listed in Appendix I. Schools should note that the duties of

Special Need Assistants sanctioned by this Department are of a *non-teaching nature*. Individual pupils with a general learning disability would not typically require the services of a special needs assistant. Schools with pupils who have special care needs arising from a disability and who require additional academic input should also consider applying for additional support teaching provision.

3. Applications for a special needs assistant should be considered where, for example, a pupil has a significant medical need for such assistance, a significant impairment of physical function or where their behaviour is such that they are a danger to themselves or to other pupils. Pupils' needs could range from needing an assistant for a short period each week, for example to help feed or change the pupil(s) or bring them to the toilet, to requiring a full-time assistant.

APPENDIX 26(A)

APPOINTMENT PROCEDURES FOR SPECIAL NEED ASSISTANTS

1. Introduction

1.1 The Minister for Education and Science wishes to inform management authorities that this Circular – SNA 03/03 has been updated in August, 2007 and now sets out revised appointment procedures for Special Need Assistants in primary schools.

1.2 Boards of management, in accordance with the guidelines hereunder, are responsible for the appointment of Special Need Assistants in primary schools. Any such appointment is subject to the prior approval of the school's patron.

1.3 A special needs assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2. Advertising a Special Needs Assistant Post:

2.1 A special needs assistant post must be advertised in a local newspaper. The advertisement shall invite applications from eligible persons to be submitted by a specified date to the chairperson of the board of management.

2.2 Subject to any exceptions permitted by the Employment Equality Acts, 1998 and 2004 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.

3. Details that must be included in the advertisement:

- (i) The name and address of the school.
- (ii) The date of commencement of the post.
- (iii) State if the post is full time or part time and the number of part-time hours.
- (iv) A general description of the duties of the post.
- (v) The latest date for receipt of application.
- (vi) State that curriculum vitae must be submitted with the application.
- (vii) State that references or the names and addresses of referees are required.
- (viii) State that a list of suitable applicants may be set up from which future vacancies may be filled (valid for the duration of the school year).

4. Selection Board for Appointment of Special Need Assistants:

4.1 The Selection Board shall consist of the chairperson of the board of management, the principal of the school and one other person nominated by the patron.

4.2 The Selection Board must include at least one male and one female.

4.3 If any member of the Selection Board, including the chairperson, stands in a relationship to a person who is a candidate for employment in the school, she/he shall withdraw from the Selection Board and the patron shall nominate another chairperson or member in his/her place.

5. Functions of the Selection Board:

5.1 The Selection Board, prior to interviewing the candidates shall establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. Established criteria of the Board shall take account of the Employment Equality Acts, 1998 and 2004 and the Code of Practice of the Equality Authority.

5.2 The Selection Board shall meet within a reasonable period after the closing date for receipt of applications to determine those applicants to be called for interview.

5.3 The chairperson of the Selection Board shall keep a record of the criteria used.

6. Interviews

6.1 While the Selection Board may decide to limit the number of applicants called for interview, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.

6.2 The Selection Board must adhere to the agreed criteria for the assessment of applicants.

6.3 The chairperson of the Selection Board must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.

6.4 When interviewing applicants, particular caution must be taken to ensure that no questions, comments or statements might be construed as discriminatory e.g. on grounds of gender or marital status.

7. Appointing the Successful Candidate:

7.1 Schools are reminded that the minimum qualification necessary for appointment as a special needs assistant is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate/Junior Certificate or the Day Vocational Certificate Examination or in an examination of equivalent standard.

7.2 Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the board of management, nominating

(a) the applicant whom it considers most suitable for appointment and

(b) a list of candidates in order of merit suitable for appointment to any further post arising in the school over the course of the school year.

7.3 The board of management shall meet and appoint the candidate nominated by the Selection Board unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the patron, whose decision in this matter shall be accepted by the Board.

7.4 The board of management shall also retain the list of candidates deemed suitable for appointment. This list will be effective for the duration of the school-year in question in respect of any appointment to posts of Special Need Assistants which may arise in the school.

7.5 If two or more Special Need Assistants commence duty on the same day, the board of management shall establish the order of seniority based on the order that the Special Need Assistants were listed as a result of the interview process i.e. the special needs assistant who was ranked highest following the interview process should be given the higher seniority rating. Please refer to Circular 0059/2006 – Seniority of Special Need Assistants which is available on the Department's website at www.education.ie under Education Personnel/Special Need Assistants.

8. Medical Certification

8.1 The Board shall obtain from the successful candidate, prior to appointment, a certificate of medical fitness that she/he is fit to undertake the duties of the post. A sample form is attached as Appendix A.

8.2 While the medical practitioner shall be nominated by the board of management, any costs incurred shall be borne by the successful candidate.

9. References

9.1 Before notifying the successful candidate the board of management shall check his/her references.

10. Vetting

10.1 It is the responsibility of the board of management to ensure that any proposed new appointee as special needs assistant is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer appointment.

10.2 Please refer to Circular 0094/2006 – 'New arrangements for the vetting of teaching and non-teaching staff' which is available on the Department's website at www.education.ie under Education Personnel/Special Need Assistants.

11. Contracts of Employment

11.1 New appointees must be offered a contract of employment in accordance with the terms outlined in Circular SNA 15/05 – ‘Contract of Employment for Special Need Assistants’ which is available on the Department’s website www.education.ie under Education Personnel/Special Need Assistants.

12. Notification of the appointment to the Department of Education and Science:

12.1 On completion of the appointments procedure as outlined above, boards of management shall complete and submit the form ‘Notification of Appointment – special needs assistant’, which is available on the Department’s website www.education.ie under Education Personnel/Special Need Assistants, to

Non Teaching Staff (NTS) Payroll,
Payroll Division,
Department of Education and Science,
Cornamaddy,
Athlone,
Co Westmeath.

13. Queries

13.1 If you have any query in relation to this circular please e-mail your query to sna_pay@education.gov.ie or telephone 090 648 4136.

13.2 This circular should be retained for future reference in the school. It may also be accessed on the Department’s website www.education.ie under Education Personnel/Special Need Assistants.

DECLARATION TO BE COMPLETED BY A SPECIAL NEEDS ASSISTANT

Surname _____

Forename _____

PPS No. (*formerly known as RSI No.*) _____

Date of Birth _____

Place of Birth _____

Any other name previously known as: _____

I, the undersigned who has applied to work as a special assistant in _____

School, hereby authorise the Garda Síochána to furnish to the Chairperson a statement that there are no convictions recorded against me in the state or elsewhere which deems me unsuitable for a post that involves working with children.

Please return to the Chairperson of the Board of Management by _____

on or before 5.00 p.m.

I confirm that nothing within my personal or professional background deems me unsuitable for a post that involves working with children.

Signed _____

Date _____

CERTIFICATE OF FITNESS TO COMMENCE EMPLOYMENT AS A SPECIAL NEEDS ASSISTANT

To be completed by a Medical Practitioner nominated by the Board of Management

Surname _____

Forename _____

I certify that I have examined the above named and found that she/he is fit to undertake duties as a special needs assistant.

Signed _____

Date _____

STAMP OR SEAL

APPENDIX 26(B)

CONTRACT OF EMPLOYMENT FOR SPECIAL NEEDS ASSISTANTS

We are directed by the Minister for Education and Science to inform you that following discussions at national level, revised arrangements have now been agreed regarding the terms and conditions of Special Needs Assistants (SNAs) at primary level.

In that regard please find attached a revised contract of employment which should be offered to every special needs assistant employed by your school and whose post is funded by the Department of Education and Science. Further copies of the contract can be downloaded from this Department's website at www.education.ie under Education Personnel/Special Needs Assistants. The original signed contract should be retained in the school by the managerial authority, and a copy given to the special needs assistant.

New Appointments

The revised contract has regard to the fact that all newly approved special needs assistant posts are related to the special needs of one or more pupils in respect of whom the posts are sanctioned, and may be utilised by the school having regard to the needs of those pupils and the duties of the post. The practice of issuing child specific contracts should cease with immediate effect.

Existing Staff

Special Needs Assistants already in service on child specific contracts and whose employment is continuing for the next school year should be offered the option of transferring to the revised contract or remaining on their existing contract. The option of transferring to the revised contract is a once-off option and must be exercised on or before 30 September 2005. Those

Special Needs Assistants who exercise the option of transferring to the revised contract will have their approved service as a special needs assistant in the school reckoned for seniority purposes. Those Special Needs Assistants who do not exercise the option on or before 30 September 2005 will remain on their child specific contract and their future employment will continue to be dependent on the assessed needs of the child specified in the contract.

Review of allocation

The allocation of special needs assistant posts to your school will be reviewed on an annual basis. The employment of Special Needs Assistants may be reduced from full-time to part-time or terminated by way of redundancy where the allocation is reduced. The selection criteria for redundancy will be on a last-in first out (LIFO) basis in accordance with the agreement reached with the representatives of the grade concerned subject to the contractual arrangements already in place in the school. This means that, in the case of redundancy, unless the most junior SNA in the school has a written child specific contract that entitles her/him to remain in the school, her/his contract should be terminated on the basis that she/he is the most junior SNA in the school in terms of length of service.

Management authorities are requested to ensure that this circular letter is brought to the attention of all Special Needs Assistants including those on maternity leave, sick leave etc.

CONTRACT OF EMPLOYMENT

SPECIAL NEEDS ASSISTANTS (Primary)

1. Parties

1.1. This Contract of Employment is made the day of 200 between the following parties:

1.1.1. Employer: Board of Management _____ (hereinafter called 'the Board').

Address:

1.1.2. Employee: _____

2. Conditions of Service

2.1. The post is full time/part time and, subject to the clauses stated hereunder, your employment will commence on (date) _____ and will continue into the future unless and until terminated as hereinafter provided.

2.2. You will be on probation for six months with effect from _____. At the end of the said period your appointment may be confirmed, probation may be extended for a further period not exceeding twelve months or your employment may be terminated as the board of management may determine. In the event that your performance is unsatisfactory during the probationary or extended probationary period, your employment may be terminated by one week's notice.

2.3. The salary scale for the post shall be in conformity with the salary scale applicable to SNAs as determined by the Department of Education and Science from time to time. Increments will be awarded after each year of satisfactory service in an approved post as a special needs assistant in a recognised school.

2.4. Salary will be paid fortnightly in arrears.

2.5. You will be required to work normal classroom hours including class break periods and in addition to attend before and after school in order to help with the preparation and tidying up of classrooms, reception and dispersal of children etc. The hours of work will normally be from [] to [] daily during term time. Normal work break entitlements will apply in accordance with the provisions of the Organisation of Working Time Act 1997. The times at which these breaks are taken will be at the discretion of the principal.

2.6. The school premises will normally be the place of employment. However, there may be occasions when children with special needs are required to attend at another venue outside the school, and in such cases, you may be required to accompany them to and from such venue.

2.7. Confidentiality. You are expected to maintain and treat all matters relating to school business and your work in the school as an SNA, as strictly confidential. Any breach of this requirement will be treated as a serious matter of misconduct.

2.8. The nature of the work to be performed by you at the direction of the principal or other senior person acting on behalf of the Employer is as set out in Appendix 1 attached hereto.

2.9. The sick leave provisions pertaining to the post are as set out in Appendix 2 attached hereto.

2.10. The maternity leave arrangements pertaining to the post are as set out in Appendix 3 attached hereto.

You are required to comply with the terms of Circulars in relation to Special Needs Assistants which are issued by the Department of Education and Science from time to time.

2.11. Pension arrangements shall be in accordance with the rules and regulations of the Department of Education and Science in relation to pensions for Special Need Assistants as determined from time to

time. The terms of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 shall apply in relation to retirement age.

- 2.12. Holiday periods will normally be those which apply to the schools to which the Special Needs Assistants have been assigned. In addition you are required to be available for a couple of days at the start and finish of each school term. These days (12 in total) may be combined at the discretion of school management to be utilised flexibly throughout the year for work appropriate to the grade including training. These days will not exceed five consecutive days and will immediately follow or precede school terms or occur within a couple of days thereof.

3. Grievance and Disciplinary Procedures

3.1. Grievance Procedure

You shall be entitled to invoke grievance procedures as are collectively agreed from time to time.

Disciplinary Procedure

Your employer shall have the power to suspend, to impose disciplinary sanctions and terminate your appointment in accordance with such disciplinary/dismissal procedures as are collectively agreed from time to time

You may be dismissed from _____ school for:

- 3.1.1.1. Incompetence or poor performance;
- 3.1.1.2. Misconduct (serious or persistent);
- 3.1.1.3. Incapacity;
- 3.1.1.4. Failure to carry out reasonable instructions;
- 3.1.1.5. Any breach of trust; and
- 3.1.1.6. Some other substantial reason.

4. Notice of Termination

- 4.1. Except in circumstances justifying immediate termination of your employment by the Board you will receive the appropriate period of notice set out in the Minimum Notice and Terms of Employment Acts 1973–1991 as appropriate. Your employment may be terminated by way of redundancy. In such circumstances the terms of any collective agreement regarding redundancy will apply.
- 4.2. Your employment may be terminated without notice for serious misconduct.
- 4.3. When terminating your employment you are required to give four weeks notice.
- 4.4. Nothing in this agreement shall prevent the giving of a lesser period of notice by either party where it is mutually agreed.
- 4.5. At the discretion of the Board salary may be paid in lieu of notice.

5. Agreement

- 5.1. I accept and agree to all of the above terms and conditions of my employment:

Signed: _____

Special Needs Assistant

Dated: _____

Signed: _____

Chairperson, Board of Management

Dated: _____

APPENDIX 1

Special Needs Assistants are recruited specifically to assist schools in providing the necessary non-teaching services to pupils with assessed educational needs. Their duties are assigned by the principal acting on behalf of the board of management. Their work is supervised either by the principal or another teacher as determined by the principal. Those duties involve tasks of a non-teaching nature such as:

1. Preparation and tidying up of classrooms.
2. Assisting school children to board and alight from school buses. Where necessary travel as escort during school hours on school buses may be required.
3. Special assistance as necessary for children with particular difficulties e.g. helping special needs pupils with typing or writing or computers or other use of equipment.
4. Assistance with clothing, feeding, toileting and general hygiene and being mindful of health and safety needs of the pupil.
5. Assisting on out-of-school visits, walks, examinations and similar activities.
6. Assisting the teachers in the supervision of pupils during assembly, recreation and dispersal from the classroom for one reason or another.
7. Accompanying individuals or small groups who may have to be withdrawn temporarily from the classroom for one reason or another.
8. General assistance to the class teachers, under the direction of the principal, with duties of a non-teaching nature. (Special Needs Assistants may not act as either substitute or temporary teachers. In no circumstances may they be left in sole charge of a class or group of children).
9. Participation with school development planning, where appropriate, and cooperation with any such changes with policies and practices arising from the school development process.
10. Engagement with parents of special needs pupils in both formal and informal structures as required and directed by school management.
11. Other duties appropriate to the grade as may be determined by the needs of the pupils and the school from time to time. Special Needs Assistants may be re-assigned to other work appropriate to the grade when special needs pupils are absent or when particular urgent work demands arise.

APPENDIX 2 – SICK LEAVE PROVISIONS FOR SPECIAL NEEDS ASSISTANTS

1. No sick pay will be allowed during the first three months' service. Subsequently full pay may be allowed during sick absence up to the following limits:
 - (a) After three months' continuous service, sick pay at full rate for up to six weeks in any period of twelve months' service;
 - (b) after six months' continuous service, sick pay at full rate for up to nine weeks in any period of twelve months' service;
 - (c) after twelve months' continuous service, sick pay at full rate for up to thirteen weeks in any period of twelve months' service.
2. Medical certificates must be furnished to the board of management in all cases of continuous absence by the third day of absence at the latest. As a general rule, sick leave will not be allowed for a longer period than one week on any one certificate. Where sick absence extends from Friday to Monday inclusive, a medical certificate must be furnished.
3. Special Needs Assistants on probation are reminded that when they are being considered for confirmation of appointment, full account will be taken of their health and of the extent and pattern of their sick absence. If any of these aspects is unsatisfactory, the special needs assistant concerned cannot be accepted as suitable.
4. The grant of sick leave will be subject to the following conditions in particular:
 - (a) that the absence is properly certified;
 - (b) that there is no evidence of permanent disability for service.
5. Once sick pay has ceased owing to the expiration of the maximum limit, it cannot be resumed during the same absence.
6. Unpaid sick leave does not count as service qualifying for further paid sick leave.
7. Uncertified Sick Leave: Sick leave for single or two-day absences, not exceeding seven days in total in any period of twelve months, may be granted without medical certificate. However, should the number of days' absence without medical certificate in any period of twelve months, reckoning backwards from the date of the latest absence, exceed seven in the aggregate, any subsequent absence must be certified until the balance is restored.

Payment during sick leave will be full salary provided that the following procedure is adhered to:

If a special needs assistant is absent on sick leave for more than three consecutive days, she/he must immediately complete a form for Disability Benefit (available from their general practitioner (GP)). This should be forwarded to SNA Payroll Section,

Department of Education & Science, Athlone, Co. Westmeath, who then forward it to the Department of Social and Family Affairs (DSFA). The claim must be submitted by SNA Payroll Section to reach the DSFA within seven days of the start of the illness hence there is an urgency to submit the claim form to ensure continued payment of full salary.

APPENDIX 3

Circular SNA 13/05 – Maternity/Adoptive and Paternity Leave for Special Needs Assistants Refers – (File Format Word 163KB) .

Circular SNA 13/05 may be accessed on the Department of Education and Science website at www.education.ie under Education Personnel/Special Needs Assistants.

**CERTIFICATE OF FITNESS TO COMMENCE EMPLOYMENT
AS A SPECIAL NEEDS ASSISTANT**

To be completed by a Medical Practitioner nominated by the Board of Management

Surname _____

Forename _____

I certify that I have examined the above named and found that she/he is fit to undertake duties as a Special Needs Assistant.

Signed _____

Date _____

STAMP OR SEAL

APPENDIX 26(C)

SENIORITY OF SPECIAL NEEDS ASSISTANTS

1. Introduction

- 1.1 The Minister for Education and Science wishes to advise boards of management and Vocational Education Committees of the factors that should be considered in determining the seniority of special needs assistants employed in Primary and Second Level Schools.

2. Importance of Seniority:

- 2.1 The sequence in which special needs assistants are appointed to Primary, Secondary, Community and Comprehensive schools or Vocational Education Committees determines their seniority. The seniority is important in determining which special needs assistant(s) should be offered reduced hours or have their employment terminated when the allocation of the school is reduced. The seniority listing will be used in determining last in first out for the purpose of redundancy.

3. Responsibility of board of management/VEC:

- 3.1 The board of management/VEC determines the seniority, based on the special needs assistant's date of commencement of duty as an SNA in a school/VEC.
- 3.2 Each board of management/VEC should ensure that the seniority listing of special needs assistants employed is made available to them.

4. Rules for Determining Seniority:

- 4.1 A special needs assistant's ranking for seniority purposes will only commence from the date that she/he commences duty as an SNA in the school/VEC.
- 4.2 If two or more special needs assistants commence duty on the same day, the board of management/VEC should establish the order of seniority based on the order that the special needs assistants were listed as a result of an interview process i.e. the SNA who was ranked highest following the interview process should be given the higher seniority rating.

In the event that the special needs assistants were appointed prior to the issue of Circular Letter SNA 03/03 in August, 2003 and there was no

interview process, any qualifications held by the SNA which are deemed appropriate and relevant to the future needs of the school/VEC may be considered by the board of management/VEC in determining seniority.

The employment of a special needs assistant with a child specific contract will continue to be dependent on the assessed needs of the child specified in the contract irrespective of the seniority position that she/he holds in the school.

- 4.3 If a special needs assistant leaves a post in a school either voluntarily or arising from the termination of his/her employment and is subsequently reappointed to the school following a break in service then his/her seniority will only commence from the date of the most recent appointment.
- 4.4 Job sharing service is reckoned as full service for the purpose of seniority. Authorised absences e.g. maternity leave, adoptive leave, parental leave, paternity leave, paid sick leave and career break do not affect the seniority of a special needs assistant.
- 4.5 A special needs assistant employed in a regular part-time capacity shall not be treated less favourably in determining their seniority on account of their status as a part-time employee. The seniority of a special needs assistant employed for a regular number of hours each week is the same as that of a full time special needs assistant employed for the same period.
- 4.6 Service given in any type of community employment scheme in which the person worked in a school prior to appointment as a special needs assistant should not be reckoned in determining seniority.
- 4.7 In the case of an amalgamated school, where a special needs assistant has given unbroken service continuously in one or more of the schools being amalgamated, the aggregate of that service will be reckoned in determining seniority.

5. Dissemination of Information

- 5.1 Vocational Education Committees and management authorities are requested to bring the contents of this Circular to the attention of all special needs assistants in their schools, including those on maternity leave, sick leave etc. and also to the attention of the members of the boards of management.

6. Queries on this Circular

- 6.1 If you have any query in relation to this circular please contact the SNA Payroll Section, Payroll Division at 090 648 4136 or e-mail your query to sna_pay@education.gov.ie.

An Irish version of this circular is available, on request.

APPENDIX 26(D)

REDUNDANCY ARRANGEMENTS FOR SPECIAL NEEDS ASSISTANTS

1. Introduction

- 1.1 The Minister for Education and Science wishes to advise boards of management of the arrangements which have been agreed at national level in relation to redundancy compensation for special needs assistants employed in primary and second-level schools. The arrangements were agreed at the Labour Relations Commission.

2. Terms of the Redundancy Agreement at the Labour Relations Commission:

- 2.1 The arrangements agreed provided for redundancy compensation of twice the statutory terms to be applied to full-time special needs assistants employed in primary and second-level schools in approved posts with more than one year's continuous service.
- 2.2 The arrangement also provided for compensation to those losing full-time status and associated benefits to be applied on a pro-rata basis.
- 2.3 Under the Redundancy Payments Act 2003 an eligible employee is entitled to two weeks statutory redundancy payment for every year of service, plus a bonus week.
- 2.4 The agreement referred to at Para.1 provides that full-time special needs assistants with more than one year's continuous service whose posts are surplus to the approved allocation to the school shall be entitled to four weeks redundancy payment for every year of service, plus a bonus week, with part-time special needs assistants with more than one year's continuous service having a pro-rata entitlement.

Where a redundancy situation arises due to a reduction in hours as provided for in section 4.2 below, redundancy compensation will again be on a pro rata basis.

3. Review of the Special Needs Assistant Posts Allocation in Schools:

- 3.1 The allocation of special needs assistant posts to your school will be reviewed on an annual basis. The employment of special needs assistants may be reduced from full-time to part-time or terminated by way of redundancy where the approved allocation to the school is reduced and it is necessary to compulsorily cease the employment of special needs assistants. A redundancy situation arises where the post ceases to exist and the special needs assistant is not replaced. Thus a special needs assistant who is dismissed for any reason other than redundancy (e.g. misconduct, inefficiency) or who voluntarily leaves the employment is not entitled to a redundancy payment.
- 3.2 A redundancy situation may also arise in cases where the services of a special needs assistant(s) is no longer required in your school e.g. where a special needs child terminates her/his attendance at your school for whatever reason and there are no other vacancies in the school.

4. Selection Criteria for Redundancy:

- 4.1 Termination of special needs assistant posts

The selection criteria for redundancy will be on a last in first out (LIFO) basis subject to the contractual arrangements already in place. This means that, in the case of redundancy, unless the most junior special needs assistant in the school has a written child specific contract that entitles her/him to remain in the school, her/his contract should be terminated on the basis that she/he is the most junior special needs assistant in the school in terms of length of service (Circular Letters SNA 12/05 and 15/05 on contracts of employment refer).

- 4.2 Reduction of one full-time special needs assistant post to a part-time post
5. **Service Reckonable in the Calculation of Seniority and Redundancy:**
- 5.1 The period of a special needs assistant's absence on maternity leave, additional maternity leave, parental leave, paternity leave and force majeure leave is reckonable.
- 5.2 Absences on sick leave in excess of 26 weeks in the three year period prior to the date of the redundancy arising are not reckonable in the calculation of reckonable service for redundancy. Absences on sick leave up to 52 weeks are reckonable, if the absence is due to occupational accident or disease.
- 5.3 The arrangements that apply regarding the calculation of adoptive leave and carers leave are outlined in the 'Guide to the Redundancy Payments Scheme' booklet issued by the Department of Enterprise, Trade and Employment.
- 5.4 In the event that a special needs assistant was job-sharing the job-sharing rate of pay is the rate used for redundancy calculation purposes.
- 5.5 Where a special needs assistant receives a redundancy lump sum payment, his/her continuity of employment is broken. The period of service reckonable for redundancy payment purposes will only consist of the period of the special needs assistant's continuous service in the school in which she/he was last employed.
- 5.6 Please refer to Circular 0059/2006 for further information on determining the seniority of special needs assistants.
6. **Termination of Contract of Employment:**
- 6.1 In terminating a special needs assistant's contract of employment, the provisions of the Minimum Notice and Terms of Employment Act 1973 to 2001 should be applied. Adequate notice should be given in accordance with the terms of that Act as follows:-
- an SNA who is in service for a period of between thirteen weeks and two years should be given a minimum of one week's notice;
 - an SNA who has been in continuous service for more than two years but less than five years should be given two weeks' notice;
 - an SNA who has been in continuous service for five years but less than ten years should be given four weeks' notice;
 - an SNA who has been in continuous service for ten years but less than fifteen years should be given six weeks' notice;
- an SNA who has been in continuous service for more than fifteen years should be given eight weeks notice.
7. **Applications for Payment of Redundancy:**
- 7.1 There is a standard application form for payment of redundancy (Form RP50) which is attached as Appendix 1. An example of Form RP50 containing the information which must be completed, initially by school management and subsequently by the special needs assistant, is attached at Appendix 2.
- Details on the completion of the form are also outlined in the 'Guide to the Redundancy Payments Scheme' booklet issued by the Department of Enterprise, Trade and Employment.
- 7.2 The time limit for submitting an application for payment of redundancy is 52 weeks after the date of termination of the contract of employment.
- 7.3 Form RP50 should be completed by school management in the first instance and then submitted to the SNA Payroll Section, Payroll Division, Department of Education and Science, Athlone, Co. Westmeath for payment. The special needs assistant should be given a copy at that stage for her/his information.
- 7.4 Where the Department deems that the special needs assistant is entitled to a redundancy payment, this payment together with the original Form RP50 will issue directly to the special needs assistant concerned. The special needs assistant must confirm on the original Form RP50 that payment has been received and she/he must return this form to the Department.
8. **Implications of Redundancy Payment on Unemployment Benefit:**
- 8.1 A person under 55, who receives a redundancy payment in excess of €19,046.07, may be disqualified from receiving Unemployment Benefit for a period of up to nine weeks. The disqualification is applied on a sliding scale, depending on the amount of redundancy received. Further information on the implications of redundancy payment on Unemployment Benefit is available directly from your local Department of Social, Community and Family Affairs Office.
9. **Appeal Procedures:**
- 9.1 In the event of a dispute arising between this Department and the special needs assistant concerning her/his right to a lump sum, the special needs assistant may decide to bring the matter to the Employment Appeals Tribunal (EAT) for adjudication. The Tribunal has its

headquarters at Davitt House, Adelaide Road, Dublin 2 and further information on its role is available on the Department of Enterprise, Trade & Employment website <http://www.entemp.ie>

10. Further Information on Redundancy:

- 10.1 Further information regarding redundancy payments is available from the Employment Rights Information Section, Department of Enterprise, Trade & Employment, Davitt House, Adelaide Road, Dublin 2. Tel (01) 6313131.

Lo-call (if outside 01 area) 1890 220222
Website <http://www.entemp.ie>

11. Dissemination of Information

- 11.1 Management authorities are requested to bring the contents of this Circular to the attention of all special needs assistants in their schools, including those on maternity leave, sick leave etc. and also to the attention of the members of the boards of management.

12. Queries on this Circular

- 12.1 If you have any query in relation to this circular please contact the SNA Payroll Section, Payroll Division at 090 648 4136 or e-mail your query to sna_pay@education.gov.ie. An Irish version of this circular is available, on request.

APPENDIX 27

APPLICATIONS FOR POSTS OF RESOURCE TEACHER FOR CHILDREN OF THE TRAVELLING COMMUNITY

(Circular 7/99)

1. Introduction

Following a review, the Department of Education and Science has decided to introduce new procedures for appointing resource teachers for children of the travelling community. The revised procedures take effect from the date of this Circular.

The Department's policy in relation to the education of traveller children is that they should be taught in an integrated setting. In order to assist with the integration of the traveller children, a resource teacher for Travellers (RTT) post is allocated to primary schools to cater for the educational needs of traveller children of primary school-going age.

The RTT post is allocated on the basis that the traveller children are taught either within their classroom with the RTT working in partnership with their classroom teacher or withdrawn in groups for intensive tuition according to their ages and perceived needs by the resource teacher for Travellers.

1.1 Pupil/Teacher Ratio

The pupil teacher ratio applicable for resource teachers for children of the travelling community is 14:1.

2. New Procedures

The chairperson of the board of management of a school wishing to appoint a resource teacher for children of the travelling community should write to the Inspector stating that the school is seeking the appointment of a Resource Teacher for Travellers (RTT) and requesting that the Inspector visit the school to review the case for such an appointment.

Applications for a Resource Teacher for Travellers may be sought on a shared basis between a number of schools.

3. Information required by the Inspector

- The school must have the following information available to the Inspector when she/he calls:
- Name and date of birth of each child;
- Pupil's current class level;
- Confirmation that the school has received parental agreement regarding acceptance of the services of a resource teacher in respect of each child;

- Confirmation that suitable accommodation is available.

4. Criteria for appointment

Initial criteria to appoint an RTT include:

- A sufficient number of eligible children;
- Availability of suitable accommodation;
- Distance from home to school for the children concerned is reasonable for commuting purposes;
- Whether other suitable provision is available for the children in question.

5. Notification to schools

The Inspector will evaluate the information made available and subsequently notify schools if she/he intends to forward the application to a relevant senior Inspector for further consideration. This should not be construed that the applications have been approved. Alternatively, the Inspector will notify the school concerned that the application has failed to meet the initial criteria for an RTT appointment.

School Authorities may appeal such a decision to the Special Education Section of the Department.

The Department will notify schools when the appointment has been sanctioned. Schools should allow a minimum of two months' processing time after the Inspector has advised the school that the application has been forwarded to the relevant senior Inspector. Schools which have not heard from the Department within this time should contact the Special Education Section at the Department of Education.

6. Appointment of a permanent teacher

All posts are sanctioned on a temporary basis initially. Posts are sanctioned on a permanent basis when the relevant pupil/teacher ratio has been met for two consecutive quarters for a permanent RTT appointment. The relevant quarterly enrolment dates are the end of March, June, September and December.

The chairperson of a school seeking a permanent appointment should write accordingly to the School Inspector giving details of the relevant enrolments.

APPENDIX 28

PANEL ARRANGEMENTS

(See Rule 97 of Rules for National Schools for fuller treatment and also the booklet 'Panel Rights for Teachers' from the Department of Education and Science, May 2005)

1. Teachers whose posts are to be discontinued at the end of the school year may opt to have their names placed on the appropriate Panel but they will not be obliged to transfer to another school, before 1 September of the relevant year.
2. Teachers whose posts were discontinued at the end of the previous school year and whose names are still on the Panel must accept any post offered to them before the end of the current school year irrespective of whether they have been offered a post by a board of management for the next school year.
3. The Department will notify the board of management of each school in which posts are to be discontinued, and will also notify the teachers concerned.
4. Panel lists compiled in accordance with the terms of Rule 97 will be issued to Patrons, Management representatives and recognised teachers' representatives.
5. Boards of management having fillable vacancies from September, should arrange for the filling of these posts from the appropriate Panels as soon as possible. In any event, boards of management should endeavour to have such vacancies filled from the Panels by 14 June of the relevant year.
6. Teachers whose names have been placed on a Panel will not be obliged to accept offers made to them before 7 May. From that date, however, a Panel teacher must accept the first offer which she/he receives, unless an exemption has been granted (see paragraphs 9 and 10). Failure to do so will result in the teacher's name being removed from the Panel and withdrawal of salary.
7. When making a Panel appointment, a board of management may select any teacher listed on the Panel, and make him/her a firm offer, in writing, of the post. If, in the period up to 7 May, the teacher refuses the post, or does not reply within such period as the Board may specify, the Board may make an offer to another teacher on the panel. With regard to offers made on or after 7 May, if the teacher refuses the post, or does not reply within seven days, the Department should be advised immediately. No further action should be taken by the board of management pending contact from the Department.

General Provisions regarding the Operation of the Panel System

8. Boards of management should note that all vacancies for permanent positions fall to be filled from the appropriate Panel. There should be no delay in filling such vacancies. Temporary appointments cannot be sanctioned pending the making of a Panel appointment. Where a Board advertises a post before the Panel is cleared, it will be necessary to re-advertise the post. Copies of the current appropriate Panel list can be obtained from the Department or from the school patron, who is custodian of the Panel.
9. Teachers are advised that, subject to the provisions in paragraph 6, they are required to accept the first post offered to them, unless the distance between the school and the school they are serving in is more than 45 km. Distance between the teacher's residence and school will not apply. When exemption is claimed on grounds of distance, the Department will verify the distance and decide whether the exemption is warranted. It is not open to boards of management to refuse to offer a post to a teacher on grounds of distance. All teachers on the Panel, irrespective of distance, must be offered the post.
10. Teachers may be granted exemption from the requirements of the Panel on grounds of maternity. Claims for exemption should be made to the Department, in writing. A teacher may be exempted from the Panel for a period of six months before and nine months after the birth of her child. Where exemption is granted, the teacher's name remains on the Panel but school authorities are not obliged to offer a post to the teacher during the period in question. In the absence of an application for exemption, such teacher will be regarded as being subject to the Panel Rule.
11. Exemptions from the requirements of the Panel Rule on medical grounds are not allowed.
12. A teacher who opts to defer his/her Panel rights to take or continue on a career break must notify the board of management of the school in which they are employed by 1 June of the relevant year.
13. The address on the Panel form is the address through which a board of management will communicate the offer of a post. Teachers should

ensure that during the summer vacation period they can be contacted at that address. Teachers are reminded that in opting to avail of their Panel rights by signing the Panel form, they are also giving a written undertaking to comply with their responsibilities under the Panel Rule. Rule 97 (8) provides for salary to be withdrawn from any teacher who fails to comply with the requirements of the Rule.

14. A board of management must notify the Department immediately when a Panel teacher has accepted a post in its school, so that the teacher's name may be officially removed from the Panel. Failure to notify the Department will

hinder the efficient operation of the Panel and cause unnecessary difficulties for other boards of management.

15. Where a teacher whose name is on the Panel has not been redeployed by 1 September of the relevant year and resumes teaching in her/his school from that date, the principal teacher, when assigning classes and teaching duties, should take into account that the teacher may be redeployed to another school at short notice during the school year.

Note: Religious appointed under Appendix D (7) have access to a Congregational Panel.

SPECIAL NATIONAL PANEL

1. The Minister for Education wishes to advise boards of management and teachers of the establishment of a Special National Panel for teachers recognised as qualified to teach in Special National Schools but not in mainstream National Schools and whose posts are discontinued due to a decline in pupil enrolments.
2. All relevant conditions of the Diocesan Panel arrangements will apply (Rule 97 of the Rules for National Schools, as amended, refers), except as provided hereunder. Rule 97 (9) is hereby revoked and, for the purposes of that rule, the Special National Panel is deemed to be an approved Panel.
3. The Special National Panel will apply to teachers with restricted qualification in special schools and special classes. Such teachers, whose posts are discontinued, will have the option of having their name placed on the Special Panel for redeployment in another Special School. A teacher whose name is placed on the Special Panel will continue to serve in his/her current post pending redeployment.
4. The Department will notify the board of management of each school in which posts are to be discontinued, and will also notify the teachers concerned.
5. The maximum period a teacher can remain on the Panel will be three years, after which the exemption referred to at 6 (a) hereunder will be waived.
6. A teacher on the special Panel is advised that she/he is required to accept the first post offered unless she/he can claim exemption for any of the following reasons:
 - (a) **Distance**
The distance between the school offering the post and the school in which the teacher is serving is greater than 45 km.
 - (b) **Maternity**
A teacher may be exempted from the Panel for a period of six months before and nine months after the birth of her child. Claims for exemption should be made in writing to the Special Education Section, Department of Education, Athlone. Where an exemption is granted, the teacher's name will remain on the Panel but school authorities will not be obliged to offer a post to the teacher during the period in question. In the absence of a written application for exemption, the teacher will be regarded as being subject to the Panel Rule.
7. Teachers who have been placed on the Special Panel and who are subsequently granted a career break will have their Panel rights deferred for the duration of the career break.
8. Vacancies occurring in Special Schools should in the first instance be offered to teachers on the Special Panel. In the event of the Special Panel being cleared, or a teacher remaining on it refusing the job offer due to distance or maternity, the vacancy should be filled from the appropriate Diocesan or other approved Panel. Temporary appointments cannot be sanctioned pending the making of a Special Panel appointment.
9. In the event of the Diocesan or other approved Panel being cleared, vacancies will be filled in the normal way. In this connection, it is intended that, from 1 September 1992 onwards, only teachers

who are eligible to teach in mainstream National Schools, or montessori teachers whose qualifications are recognised by the Department, may be appointed to posts in Special Schools.

10. Teachers should ensure that, during the summer vacation period, they can be contacted at the address given on the Panel form. Teachers are reminded that, in opting to avail of their Panel rights by signing the Panel form, they are also giving an undertaking to comply with their responsibilities under the Panel Rule. Rule 97 (8)

provides for salary to be withdrawn from any teacher who fails to comply with the requirements of the Rule.

11. A board of management must notify the Department as soon as a teacher on the Special Panel has accepted a post in its school. All enquiries regarding teachers available for redeployment should be directed to Special Education Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath.

PANEL RIGHTS FOR TEMPORARY TEACHERS

(See also *Panel Rights for Teachers from the Department of Education and Science*)

The Minister for Education is pleased to advise boards of management and teachers in Primary Schools of a modification of Rule 97 (1) of the Rules for National Schools. The modification is necessary to allow certain temporary teachers gain access to Panels.

1. REVISED ARRANGEMENTS

Under the modified arrangements, two separate Panel systems will operate as follows:

1.1 The Main Panel

The Main Panel will consist of permanent teachers whose posts have been suppressed; and temporary teachers who satisfy the qualifying criteria outlined below (2.1, 2.2 and 2.3); and who have given a minimum of five years' recognised teaching service in a temporary capacity in Primary Schools in the Republic of Ireland.

1.2 The Supplementary Panel

The Supplementary Panel will be made up of temporary teachers who satisfy the qualifying criteria outlined below (2.1, 2.2 and 2.3); and who have given a minimum of three years and less than five years recognised teaching service in a temporary capacity in Primary Schools in the Republic of Ireland.

- 1.3 boards of management with fillable vacancies from the start of a new school year may offer permanent posts to, and appoint teachers from, the Main Panel from the date of publication of the Panel.

By contrast, Boards can only offer permanent posts to, and appoint teachers from, the Supplementary Panel following clearance of the Main Panel.

2. QUALIFYING CRITERIA

A temporary teacher **must** satisfy the following conditions in order to qualify for Panel rights:

- 2.1 Have obtained the recognised qualifications to teach in ordinary Primary Schools.
- 2.2 Be probated in accordance with the terms of Rule 95 of the Rules for National Schools as amended by Circular 18/83.

- 2.3 Be serving in a recognised primary school in the Republic of Ireland in a temporary capacity for the school year in which Panel rights are claimed.

Temporary teachers, who have had previous permanent appointment(s), should note that for the purpose of awarding Panel rights only temporary service given following resignation from the most recent permanent post is reckonable.

3. PROCEDURES FOR GRANT OF PANEL RIGHTS

- 3.1 A Panel application form will be issued to each temporary teacher identified as being eligible for the award of Panel rights.

The completed application, signed by both the teacher and the chairperson of the board of management, should be returned to the Department to ensure that the teacher's name is included on the relevant Panel (i.e. Main Panel or Supplementary).

- 3.2 The temporary teacher will be placed on the Panel appropriate to the school that she/he is serving in the school year in which Panel rights are granted.

4. DEFERRAL OF PANEL RIGHTS

- 4.1 A temporary teacher, who has been granted Panel rights, may defer her/his Panel rights for the purposes of taking another temporary post. Panel rights may be deferred annually but on no account will a temporary teacher be allowed to defer Panel rights for more than three years.
- 4.2 A temporary teacher who wishes to defer her/his Panel rights must notify the Department in writing before 1 June.

5. GENERAL PROVISIONS REGARDING THE OPERATION OF THE PANEL SYSTEM

- 5.1 The general provisions regarding the operation of the Panel system as outlined in Rule 97 of the Rules for National Schools and amended annually by Circular will apply.

- 5.2 The name of the teacher will be placed on the Panel appropriate to the school that the teacher is serving in at the time that Panel rights are granted.
- 5.3 A temporary teacher, whose name appears on the Main Panel, and who has opted to defer her/his Panel rights to take a temporary post, either within her/his own school or in another school **within the same diocese**, may be appointed to a permanent post arising in the school in which she/he is serving.
- 5.4 A temporary teacher, whose name appears on the Supplementary Panel, and who has opted to defer her/his Panel rights to take a temporary post either

in her/his own school, or in another school **within the same diocese**, may be appointed to a permanent post arising in the school in which she/he is serving. **Such appointment, however, may be made only if the Main Panel is clear.**

6. PAYMENT OF SALARY

- 6.1 A temporary teacher will not have any entitlement to pay by virtue of being placed on a Panel unless she/he holds a temporary post approved by the Department.

APPENDIX 29 RETIREMENT

Teachers who were in the service on 31 August 1979 and whose 65th birthday falls in July or August, may continue teaching up to the end of the school year following their 65th birthday.

Teachers who joined the service later than 31 August 1979 are required to retire on 31 August following their 65th birthday.

Teachers may retire on reaching their 55th birthday and will be given a pension and lump sum on condition they have completed at least 35 years' teaching service.

Teachers who retire because of illness or disability may be awarded a pension under a Disability Scheme.

Teachers who have at least 5 years' pensionable service may leave teaching at any stage and preserve their pension rights. Pension, based on years of service, will become payable when the teacher reaches his/her 60th birthday.

An early retirement scheme, on certain conditions, is available to a limited number of teachers each year. Details are available from the Department of Education.

APPENDIX 29(A) EARLY RETIREMENT SCHEME FOR TEACHERS (Circular 14/02)

1. Objective

In order to promote greater efficiency and effectiveness within schools, a voluntary early retirement scheme is available to teachers. The scheme was introduced on a pilot basis pending review in the light of the report of the Commission on Public Service Pensions. The Commission, in its final report of November 2000, recommended that the pilot scheme be continued for a further 5 years (i.e. to the end of the 2005/2006 school year) and that a further review be carried out at that time.

2. Structure of the Scheme

The scheme will consist of three strands

- Strand 1 relates to teachers who are consistently experiencing professional difficulties in their teaching duties.
- Strand 2 relates to teachers whose retirement will provide their school with an opportunity

to enhance the education service provided through facilitating change.

- Strand 3 relates to teachers who are in posts which are surplus to requirements.

3. General Eligibility

- 3.1 The scheme is available to applicants who are currently in permanent teaching service. It is also available to applicants under Strands 1 or 2 who are on a career break but are due to return to permanent teaching service from the beginning of the 2003/2004 school year.
- 3.2 With regard to applications under Strand 3, it should be noted that teachers on career breaks are not eligible for early retirement under this Strand. It should also be noted that the post of principal or deputy principal in a school cannot be surplus to the requirements of the school unless there are most exceptional circumstances. (For example,

applications from principals and deputy principals for early retirement under Strand 3 will be considered where the school is being closed down or amalgamated with another school with effect from the beginning of the 2003/2004 year.)

- 3.3 Where a minimum period of service is specified for eligibility of an application this refers to actual service. A year of job-sharing will also, for eligibility purposes, be regarded as a full year of service; for pension benefit purposes it will, as usual, be treated as a portion of a year.
- 3.4 Other eligibility requirements, which are particular to each Strand, are included in the details of each Strand which follow.

Ill Health

Intending applicants should note that there are long-standing provisions for teachers to retire on grounds of ill health. Where it is considered that ill health may be a factor, the applicant may be advised that it would be more appropriate for him/her to apply in the first instance for early retirement on grounds of ill health.

4. Details of Strand 1

- 4.1 Permanent teachers with not less than 15 years whole-time or actual pensionable service and who are not consistently experiencing professional difficulties in their teaching duties are eligible to apply under this Strand.
- 4.2 This strand will operate in the context of existing arrangements whereby individual teachers may raise with the principal, and individual principals may raise with the chairperson of the board of management/CEO (VEC) as appropriate, the issue of professional difficulties which they may be experiencing and request the provision of support services.
- 4.3 In accordance with existing procedures, CEOs/principals may raise the issue of professional difficulties with teachers and the need for professional or other support. Where the teacher involved is a principal the issue may be raised by the chairperson of the board of management or by the CEO (VEC) following consultation with the Inspector as appropriate.
- 4.4 A decision by a teacher experiencing professional difficulties to apply for early retirement will be voluntary. A teacher's attention could be drawn to the early retirement option by the managerial authorities of a school or other persons or parties concerned with the teacher's welfare.

Support Services

- 4.5 Where relevant, the principal/CEO/chairperson of the board of management, as appropriate, and the teacher concerned, should agree on remedial/support action necessary to deal with difficulties which are informally noted by the CEO/chairperson. In the case of principal, the CEO/chairperson and the Inspector, where relevant, should agree with the principal on remedial/support action necessary to deal with the difficulties identified.
- 4.6 The school will arrange for appropriate available in-career support in consultation with the Inspector, where necessary, or for other appropriate professional/welfare support.
- 4.7 The support services will provide a report to the school and to the teacher on the outcomes of the services provided.

Eligibility for Early Retirement under Strand 1

- 4.8 A permanent teacher who has not less than 15 years' whole-time or actual pensionable service, may apply for early retirement under this Strand in the following circumstances:
 - (a) when the managerial authorities of the school and the teacher are agreed that the teacher is experiencing professional difficulties, and
 - (b) when it is agreed between the parties concerned (i.e. as mentioned in Paragraph 4.8(a) above) that the support services needed to deal with the difficulties identified are not available, or
 - (c) when such support services, if provided, have not proved successful,
 - (d) when a Department Inspector concurs in the shared view of the managerial authorities and the teacher concern that such services are available would not be successful in dealing with the difficulties identified.

Superannuation Entitlements under Strand 1

- 4.9 In the case of a teacher whose actual pensionable service is equal to or in excess of 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service.
- 4.10 In the case of a teacher whose actual pensionable service is less than 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service, together with added years at the rate of 25 per cent of actual

pensionable service. The grant of added years will also be subject to the following restrictions:

- 1 the amount of added years granted in any case will not exceed:
 - (a) 5 years, or
 - (b) potential service to compulsory retirement age, whichever is the less amount;
- 2 provided that the aggregate of
 - (a) actual pensionable service and
 - (b) added years will not in any case exceed 35 years.

4.11 Application procedures are outlined in paragraph 7 below.

5. Details of Strand 2

- 5.1 Permanent teachers who are fifty-five years of age or more and have a minimum of twenty years wholetime or actual pensionable service are eligible to apply under this Strand.
- 5.2. School managerial authorities will be required to verify that the retirement of a teacher under this Strand will provide an opportunity to enhance the education service provided by the school by facilitating change such as the introduction of new skills and curriculum review.

Superannuation Entitlements under Strand 2

- 5.3 In the case of a teacher whose actual pensionable service is equal to or in excess of 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service.
- 5.4 In the case of a teacher whose actual pensionable service is less than 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service, together with a maximum of two added years. The grant of added years will also be subject to the following restrictions:
 - 1 the amount of added years granted in any case will not exceed potential service to compulsory retirement age and
 - 2 the aggregate of actual pensionable service and added years will not in any case 35 years.
- 5.5 Application procedures are outlined at paragraph 7 below.

6. Details of Strand 3

- 6.1 Strand 3 is open to permanent teachers with a

minimum of 5 years of wholetime or actual pensionable service and who are in posts:

- 1 which are surplus to requirements and
- 2 from which they may not be redeployed readily and
- 3 which will not be filled should they leave the posts.

Eligibility for Early Retirement under Strand 3

6.2 Offers of early retirement under Strand 3 may be made where it is confirmed that a teacher in a school holds a post which meets the conditions defined in 6.1 above. The offer may be confined to teachers who meet certain age requirements. The offer will be made in the following sequence.

- (a) In the first instance, an offer may be made to the teacher who actually holds the surplus post; or
- (b) Where the teacher actually holding the surplus post does not wish to retire or does not meet the age requirement, an offer may be made in the second instance to a colleague in the same school who has applied under the terms of the scheme and who occupies a post to which the teacher holding the surplus post could and would be assigned; or
- (c) Where neither the teacher holding the surplus post nor a colleague in the same school wish to avail of an early retirement offer, then an offer of early retirement under this Strand may be made in the third instance to a teacher in another school who occupies a post to which the teacher in the surplus post could and would be redeployed. In these circumstances the teacher actually holding the surplus post will be transferred to fill the consequential vacancy in the other school, under the relevant redeployment panel arrangements.

Superannuation Entitlements under Strand 3

6.3 On the basis that applicants under this Strand have a minimum of 5 years of actual pensionable service, the early retirement terms are as follows:

Option 1

Immediate pension and lump sum based on actual pensionable service and any purchased notional service, together with the award of added years at the rate of 35 per cent of actual pensionable service. The grant of added years will also be subject to the following restrictions:

- (a) added years will not in any case exceed
 - i. 7 years, or
 - ii. potential service to compulsory retirement age, whichever is the lesser;
- (b) total service for pension and lump sum purposes will be limited to the standard maximum of 40 years; or

Option 2

Immediate pension and lump sum based on actual pensionable service and any purchased notional service, subject to the standard 40 year limit, with no added years award, but with a severance gratuity at the rate of 3 weeks pay per year of potential service to age 65, subject to a ceiling of 27 weeks pay.

The severance gratuity will be free of income tax deductions except to the extent, if any, that it exceeds the threshold specified by the Revenue Commissioners for such payments. The relevant threshold is, currently, €10,160 together with €765 for each year of actual pensionable service. For example, the threshold in the case of a teacher with 10 years' service would be €17,810 (i.e. €10,160 + €7,650).

7. Application Procedures

- 7.1 A teacher may apply to retire under one or more Strands.

Separate application forms have been designed to suit the particular requirements of each Strand and, in the case of Strand 3, to suit the particular requirements of each sector, (primary, vocational, secondary + community + comprehensive). Attached for the information of management and interested teachers is a copy of each of the forms in question. Copies of the forms, and of the circular, may also be obtained through accessing the Department's website at the following address: www.education.ie.

Eligible teachers who require additional forms may obtain them by writing to the following address

Pensions Section (Early Retirement),
Department of Education and Science,
Athlone, Co. Westmeath.

The request for application forms should state the Strand or Strands required, (e.g. Strand 1, Strand 2 or both). The request for application forms for Strand 3 should state the type of school in which the teacher is employed.

- 7.2 Eligible teachers are asked to submit completed applications together with any relevant supporting documentation to the managerial authorities of their school as soon as possible.

Applications should be forwarded, to the address given above, by school management or by the CEO of the relevant VEC, accompanied by a recommendation and relevant supporting documentation.

Note that only applications which have been fully completed by all parties can be considered. School authorities are requested not to forward applications to the Department which are not supported by the school authorities.

- 7.3 The latest date for receipt of completed applications under Strand 1 and/or Strand 2, together with any necessary supporting documentation, is Thursday 12 December 2002.

The latest date for receipt of completed applications under Strand 3, together with any necessary supporting documentation, is Friday 24 January 2003.

Unless there are *most exceptional circumstances* applications received after the relevant closing date will not be considered.

- 7.4 Where a teacher applies for retirement under both Strands 1 and 2, the Early Retirement Advisory Committee will consider both applications and will then make a recommendation to the Minister as to the Strand, if any, under which an offer of early retirement would be appropriate.

- 7.5 A teacher who has applied to retire under Strands 1 or 2 (or both) may also apply to retire under Strand 3. An applicant who meets the criteria for early retirement under both Strand 3 and either Strand 1 or Strand 2 will be given two offers of early Retirement.

- 7.6 Decisions on applications under Strands 1 and 2 will be notified to applicants and school authorities in March 2003.

Note that a teacher who has applied to retire under one of the Strands in question and is unsuccessful will not in any circumstance be eligible to apply at the stage under the other Strand. A teacher who considers that he or she may be eligible for early retirement under both Strand 1 and Strand 2 must apply under both Strands not later than 12 December 2002.

- 7.7 A teacher who has applied under Strand 3 may accept an offer of early retirement under Strand 1

or 2 without prejudice to his/her application under Strand 3.

7.8 It is planned to issue decisions on applications from post-primary teachers under Strand 3 towards the end of April 2003.

7.9 In the case of primary teachers, it will not be possible to issue decisions on applications under Strand 3 until Autumn 2003, when primary redeployment panels have been worked out. A primary teacher may therefore accept retirement under either Strand 1 or 2 without prejudice to any application that may have been made under Strand 3.

7.10 With the exception of applicants from primary schools under Strand 3, successful applicants will be expected to retire on the last day of the 2002/2003 school year. Pension will be payable to successful applicants with effect from the first day of the following year, i.e. from 1 September 2003.

The retirement of applicants from primary schools who are successful under Strand 3 may, depending on the working-out of primary redeployment panels, be later than 31 August 2003.

8. Processing of Applications

Strands 1 and 2

Early Retirement Advisory Committee (ERAC)

8.1 Applications under Strands 1 and 2 will be submitted, in the first instance, to an Early Retirement Advisory Committee (ERAC).

ERAC will consist of one nominee of the teacher's union, one nominee of the school management bodies and one nominee of the Ministers for Education and Finance. The Committee will have an independent chairperson appointed by the Ministers.

8.2 ERAC will process applications in accordance with guidelines and principles adopted by the Early Retirement Consultative Council (ERCC), including guidelines on professional difficulties. ERAC may have available to it the views of the appropriate Inspector in regard to individual applications. An Inspector's report will normally be required in relation to all Strand 1 Primary applications. The ERAC will make a recommendation, citing reasons, to the Minister for Education and Science for decision.

8.3 The Minister's decision will be conveyed to the ERAC, to the teacher and to the management. If the decision is positive, the teacher will have two

weeks within which to accept the offer of early retirement. As already stated, an offer of early retirement under Strand 1 or Strand 2 may be accepted without prejudice to any application that may have been made under Strand 3.

Early Retirement Consultative Council (ERCC)

8.4 The function of ERCC will be to review the policy guidelines of ERAC and the operation of the early retirement procedures and to propose changes where they are deemed necessary. ERCC will agree criteria for the identification of professional difficulties for the purposes of Strand 1 and will issue appropriate guidelines for ERAC.

8.5 ERCC will be representative of each of the teacher unions and school management bodies as well as the Departments of Education and Science and Finance. The Chairperson of ERAC will also chair the Council meetings.

8.6 ERAC will be obliged to consult with ERCC on an annual basis or more frequently if necessary.

Strand 3

8.7 Pending agreement on procedures, provision for early retirement under Strand 3 will be made by the Department on an ad hoc basis..

Applications for early retirement under Strand 3 will be considered by the Department and submitted to the Minister for decision. The Minister's decision will be conveyed to the teacher and to management. If the decision is positive, the teacher will have two weeks within which to accept the offer of early retirement.

9. General Provisions of the Early Retirement Scheme – Quotas

9.1 Retirements under Strand 1 and Strand 3 will be subject to an overall quota, in aggregate, of 150 per year.

9.2 Retirements under Strand 2 will be subject to an overall quota of 250 per year.

9.3 Priority will be given to older teachers under all three strands where the number of applications exceeds the quota.

10. General Provisions of the Early Retirement Scheme – Future Employment

10.1 Acceptance by a teacher of early retirement under Strands 1 and 2 of this scheme will be subject to his/her agreement that she/he will not be eligible for future employment in any capacity as a teacher/lecturer in any school or college recognised and funded directed or

indirectly by the Department of Education and Science.

- 10.2 A teacher who retires under Strand 3 shall not be debarred from employment as a teacher/lecturer in any school or college recognised and funded directly or indirectly by the Department of Education and Science. Payment of the early retirement pension may be continued during such employment or resumed following such employment, subject to the following provisions:
- (a) the employment is as a substitute or part-time teacher and is undertaken on an intermittent or casual basis;
 - (b) if the rate of remuneration for any period equals or exceeds the rate of remuneration on which the pension is based, the pension shall not be payable for any period for which the remuneration is payable;
 - (c) if the sum of pension and remuneration exceeds the remuneration on which the pension is based, the pension shall be reduced by the amount of the excess for the period for which remuneration is payable.

Note that a period of employment which extends over more than 3 months cannot be regarded as casual. Furthermore, periods of employment which, in aggregate, extend over more than 50 per cent of the school year cannot be regarded as casual or intermittent.

- 10.3 A teacher who retires under Strand 2 or Strand 3 may, without affecting payment of his or her early retirement pension, undertake work as an examiner or superintendent in connection with the Certificate Examinations of this Department.
- 10.4 With the exception of the situations set out in paragraphs 10.2 and 10.3 above, and with those exceptions only, if a teacher accepts early retirement under Strands 1, 2 or 3 of this scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under the scheme will immediately cease. Pension payments will, however, be resumed on the cesser of such employment or on the person's 60th birthday, whichever is the later, but on resumption, the pension will be based on the person's actual reckonable service as a teacher

(i.e. the added years previously granted will not be taken into account in the calculation of the pension payment).

11. Relationship with other procedures

Where an application is unsuccessful or an offer not accepted statements made for a teacher in support of an application for early retirement may not subsequently be used by management against the teacher in the pursuance of formal professional evaluation, discipline or grievance procedures.

12. Enquiries

Enquiries regarding pension entitlements or retirements, including requests for application forms for early retirement, should if at all possible be addressed to the Department in writing. As already stated, copies of the forms, and the circular, may also be obtained through accessing the Department's website.

Enquiries by phone, where required, should be made in the case of POST-PRIMARY TEACHERS

- between the hours of 10 a.m. and 12 noon each day,

and in the case of PRIMARY TEACHERS

- between the hours of 2.30 p.m. and 4.30 p.m. each day.

Phone calls should be made to 0902-74621 or 01-8734700:

- extensions 3659, 3660 and 3661 for post-primary teachers
- extensions 3637 and 3638 for primary teachers.

The Department requests the cooperation of teachers in restricting enquiries by phone to the hours specified.

13. Circulation

The contents of this circular should be brought to the attention of all permanent teachers including those on career breaks and other approved leave of absence.

APPENDIX 30

TERMINATION OF THE EMPLOYMENT OF TEACHERS

1. A board of management is forbidden to dismiss a teacher or to give notice of dismissal until the matter has been referred to the patron, so that the teacher, if she/he wishes, may make an appeal to the patron in his/her defence (Maynooth Statute 262:4).
2. Teachers whose work does not reach a satisfactory standard may have recognition withdrawn from them or be dealt with otherwise as the Minister may determine.
3. Recognition is not withdrawn from a teacher before she/he has had ample opportunity of remedying the defects in her/his teaching.
4. Recognition is not withdrawn from a teacher on the reports of one Inspector only; before recognition is finally withdrawn, her/his work in all the standards for which she/he is responsible is inspected by the Divisional Inspector or by one of the Assistant Chief Inspectors or by the Chief Inspector.
5. Should it appear necessary to withdraw recognition from a teacher, a formal statement of the grounds on which it is proposed to take such action is furnished direct to the teacher. Any

representations or explanations which she/he may submit in his/her own behalf are carefully considered by the Minister before final action is taken (Rule 106).

Maynooth Statute

Teachers in schools which are under Catholic management and patronage are entitled to the protection of the Maynooth Statute No. 262:4:

To avoid prejudice against the managership of schools, a clerical manager is forbidden to appoint any teacher or assistant, male or female, in National Schools until he shall have consulted, and obtained the approval of the Bishop: likewise a clerical manager shall not dismiss any teacher or assistant, male or female, or give notice of dismissal, until the Bishop be notified, so that the teacher, if he will, may be heard in his own defence by the Bishop.

Unfair Dismissals Act 1977

The board of management should get advice on the terms of the Unfair Dismissals Act 1977, before proceeding to the termination of the employment of a teacher or other employee of the Board.

APPENDIX 31

IMPROVEMENTS TO THE ANCILLARY SERVICES GRANT (SECRETARIAL AND CARETAKING SERVICES)

1. Introduction

The purpose of this circular is to outline the increased grant levels that apply, with effect from 1 January 2007, in relation to the scheme of additional capitation grants for secretarial and caretaking services.

2. Secretarial and Caretaking (Ancillary Services) Grant for Primary schools

The Minister has increased the grant rates applicable under this scheme, effective from 1 January 2007, from €139 per pupil to €145.50 per pupil. The effect of this is that the minimum grant that will apply for the calendar year 2007 has been increased from €8,340 to €8,730 while the maximum grant increased from €69,500 to €72,750.

The grant due, based on the school's enrolment figure on 30 September 2006 was lodged to your school's bank account in March 2007.

3. Position of schools who already have secretarial or caretaking services under 1978/1979 schemes

The grant, referred to in paragraph 2 above, is intended to assist those schools that have not been provided with secretarial or caretaking assistance under the 1978/1979 schemes, under which certain schools receive the benefit of a full-time secretary or caretaker whose salary is fully funded by the Department.

Where schools are already benefiting from the services of a full-time secretary and/or caretaker under the 1978/1979 schemes, they will not be entitled to receive grant assistance under the Ancillary Services Grant scheme in respect of that service.

However, if a school has a full-time secretary under the 1978/1979 schemes, but has no caretaker under those schemes (or vice versa), the school is entitled to receive additional grant assistance in respect of caretaking or

secretarial services only as appropriate. The schools concerned received a payment of €72.75 per pupil (the corresponding minimum grant being €4,365 and the maximum being €36,375) in March 2007.

4. Employment Issues

As outlined in Circular 21/01, the Ancillary Services grant programme provides grants to schools that are not directly linked to any objective pay scales. Therefore the level and extent of services provided is a matter for the school authorities who, through the discretion afforded by the scheme, apply diverse arrangements for secretarial and caretaking services as resources permit. As the secretaries and caretakers are employees of individual schools, this Department does not have any role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities.

Any queries that a school may have in relation to employment legislation should be addressed to the Department of Enterprise, Trade and Employment at 01-6312121 (Lo call 1890 220222) or www.entemp.ie.

Furthermore, the Department does not stipulate any rules concerning how secretarial or caretaking services are to be obtained by the school. It is a matter for the individual school to decide how best to apply the funding to suit the school's particular needs. In this regard it should be noted that the grant aid may be used by a school to provide both secretarial and caretaking services or, if a school so wishes, it may decide to use the grant aid in its entirety in respect of one service only.

5. Tax and Social Welfare position of school employees

Schools are reminded that it is a matter for the schools themselves to ensure that they are registered with the

Revenue Commissioners as employers and that appropriate deductions are made with regard to Tax and PRSI for those people employed by them to carry out secretarial or caretaking duties.

A Revenue Guide to PAYE/PRSI for Small Employers is available from the Revenue Commissioners and can be obtained by phoning the Revenue Forms and Leaflets Service at Lo call 1890 306706, from any tax office or from Revenue's Internet site at www.revenue.ie. However it is recommended that contact should also be made with your local tax office.

6. Clustering of schools

In certain areas it may be that schools would wish to cluster with other schools in their locality and use the grant money received by all those schools to employ a person or persons who could undertake secretarial, caretaking or other ancillary work on behalf of all schools in the cluster. The Department would have no difficulty with schools adopting such an approach and it is a matter for schools, in consultation with neighbouring schools, to decide if such a policy is feasible in their own particular circumstances.

7. Queries

Any queries in connection with this circular should be directed to Primary Administration Section 1, Department of Education and Science, Athlone, Co. Westmeath (Phone 09064 83726).

The Circular is also available on the Department of Education & Science website at www.education.ie.

Please provide a copy of this circular to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

APPENDIX 32

CARETAKERS' DUTIES AND CONDITIONS OF SERVICE

The Department has not laid down specific duties and conditions of service for caretakers. These are a matter for the board of management in each individual case. Nevertheless the Department does have views – albeit unwritten ones – as to how the scheme should operate at school level.

The duties expected of caretakers should be in relation to the maintenance and upkeep of the school, rather than of the 'security man' type, where his physical presence would be the main thing required. They would expect routine maintenance and repair work to be carried out, of the type that does not require that a tradesman or specialist be called in. Other duties such as painting, grass-cutting, opening and closing the school and heavier cleaning work are among those required of

caretakers by boards of management. As already indicated, however, the Department is not in a position to be any more specific than this about duties. It is worth noting, however, that the Labour Court took account in 1984 of the conditions of service of two caretakers in Dublin in deciding to award parity of these staff with their counterparts in community and comprehensive schools, so it could be said that these represent in general terms, suitable conditions for caretaker posts.

As regards sick leave, the Department is prepared to pay caretakers on the same basis as applies to clerk-typists, i.e. up to a maximum of 13 weeks' certified absence over a period of 12 months. A medical certificate must be produced for any absence of more than two days. Clerk-

typist Circular 19/78 contains full details of what is allowed, though it would be open to schools to impose *stricter* conditions if they wished. The Department would not wish to see more lenient ones in force, however. In any case where a caretaker, on foot of his/her PRSI contributions, claims Sickness Benefit from the Department of Social Welfare, the next grant payable should be reduced by the amount involved.

Annual leave may also be allowed by schools on a similar basis to that applying to clerk-typists, i.e. an

annual maximum of 19 working-days, after 5 years' service plus one privilege day at Easter and another at Christmas. Legally, employees must have a least 15 days' paid holidays annually. The Department would not object to schools allowing caretakers slightly more than the clerk-typists' entitlement, but on no account should a caretaker be allowed holidays and days off on the same basis as the teachers.

N.B. Updated legislation regarding holiday entitlements should be adverted to.

APPENDIX 33

WORK APPROPRIATE TO POSITION OF CLERK-TYPIST

Such duties as are appropriate to the position as may be assigned from time to time by the employing authority and will include:

Checking and examining documents

Checking or analysing fairly straightforward documents, accounts, application forms, claims etc. for accuracy and consistency and to ensure conformity to regulations, contract terms and conditions of a straightforward nature.

Drafting, correspondence etc.

Drafting straightforward minutes, letters, memos etc. which follow well-established practice and which seek or give factual information.

Completing and issuing standard forms, minutes, letters, queries etc. which seek or give straight-forward factual information.

Analysing and/or making précis of straightforward material.

Preparing orders, requisitions etc. for signature at a higher level.

Accounts work including salary, wages compilation, payment of wages and salaries and cash handling

Making and/or checking arithmetical calculations in accordance with clear-cut instructions, codes and formulae, including cases where the instructions etc., although clear and precise, cover more complicated situations of a broadly repetitive nature.

Reconciling and balancing straightforward accounts in accordance with defined procedures, e.g. cash books.

Acceptance of cash, issue of change and acknowledgement of receipt, and recording and balancing cash received in the case of minor transactions, e.g. incidental expenses.

Paying out of wages in cash or by cheque.

Preparation of cheques from directions to pay, ledgers etc.

Statistics

Compiling statistics including less straightforward work of this nature.

Personal contacts

Contacts (including telephone contacts) with members of the public.

Abstracting information

Abstracting and summarising information in accordance with straightforward and well-established procedures, e.g. the preparation of estimates of cost and returns.

Typing

Typing as required.

General

Opening and distributing post, maintaining stocks of office stationery etc.

Operating office machines

Operating office machines, including adding machines, calculators, electro-mechanical accounting machines and copying machines.

Other clerical duties

Recording and filing and maintaining inventory of school property.

These duties are to be performed in accordance with duly conveyed instructions. Other duties of similar quality are not excluded.

Sick leave regulations

Full pay (less appropriate deductions in respect of social welfare benefits) may be allowed during sick absence up to the following limits in any period of twelve months' service:

- (a) after 3 months' continuous service, sick pay at full rate for up to 6 weeks in any period of 12 months' service;
- (b) after 6 months' continuous service, sick pay at full rate for up to 9 weeks in any period of 12 months' service;
- (c) after 12 months' continuous service, sick pay at full rate for up to 13 weeks in any period of 12 months' service. No sick pay will be allowed during the first three months' service.

Medical certificates must in all cases of continuous absence be furnished on the third day at the latest to the employing authority. As a general rule, sick leave will not be allowed for a longer period than one week on any one certificate. Where, in the case of clerk typists on a Monday–Friday week, sick absence extends from Friday to Monday inclusive, a medical certificate must be furnished.

Clerk-typists are reminded that when they are being considered for confirmation of appointment (if they are on probation), full account will be taken of their health and of the extent and pattern of sick absence. If any of these aspects is unsatisfactory the clerk-typist concerned cannot be accepted as suitable.

The grant of sick leave will be subject to the following conditions in particular

- (i) that the absence is properly certified;
- (ii) that there is no evidence of permanent disability for service.

When sick pay has once ceased owing to the expiration of the maximum limit, it cannot be resumed during the same absence. Unpaid sick leave does not count as service qualifying for further paid sick leave.

Uncertified sick leave

Sick leave for single or two-day absences in total not exceeding seven days in any period of twelve months may be granted without medical certificate. If the number of days' absence without medical certificate in any period of twelve months, reckoning backwards from the date of the latest absence, exceeds seven in the aggregate, the excess shall be deducted from the annual leave allowance of the clerk-typist for the current leave year and, if that allowance has been exhausted, from the annual leave allowance of the next succeeding year.

Maternity leave arrangements for clerk-typists

- (a) Maternity leave will consist of 14 consecutive weeks on full pay.
- (b) Maternity leave will be granted irrespective of a clerk-typist's sick-leave record and will not reckon as sick-leave.
- (c) A clerk-typist who intends going on maternity leave should submit, through the management authority of her school, a medical certificate confirming pregnancy and stating the expected week of confinement.
- (d) A minimum period of maternity leave must be taken, beginning not later than 4 weeks before the end of the expected week of confinement, and ending not earlier than 4 weeks after the end of the expected week of confinement.
- (e) Subject to the normal regulations, sick-leave may be allowed during pregnancy.

APPENDIX 34

SCHEME OF CAREER BREAKS FOR CLERK TYPISTS AND CARETAKERS IN NATIONAL AND SECONDARY SCHOOLS

Duration and Purpose

1. A career-break shall consist of special leave without pay for a period of not less than 1 year and not more than 5 years. A clerk-typist or caretaker may apply to have a career-break extended, provided the period of special leave without pay does not exceed 5 years in all.

A career-break may be allowed for most purposes, including further education, domestic responsibilities, starting a business or a stay abroad. However, a career-break may not be allowed for the purpose of taking up alternative employment in Ireland.

Eligibility for Career-Breaks

2. Permanent staff who have completed their probation or 1 year's satisfactory service and who have not reached minimum retiring age (60 years of age) may apply for a career-break. The duration of the career-break may not extend beyond minimum retiring age. The needs of the work may require that some applications will have to be refused but staff should be facilitated as far as possible.

Applications

3. Applications for career-breaks should be made to the employing-authority of the clerk-typist or caretaker, at least one month prior to the date on which the clerk-typist or caretaker proposes to take the career-break. The application should state the purpose of the career-break and the period of time for which it is sought.

Replacement Costs

4. Vacancies arising when clerk-typists or caretakers avail of career-breaks will not be filled. However, in cases where the post vacated as a consequence of a career-break is a 'key post' or where the enrolment of the school fulfils the criteria for the programme of financial assistance for the provision of caretaking and clerical services under the Programme for Economic and Social Progress, a grant will be paid to the school at a rate of £15 per pupil towards the provision of the particular service on the strict condition that no new permanent post will be created on foot of the incumbent taking a career-break.

Non-Reckonability

5. Special leave without pay for a career-break will not count as service and will not reckon for superannuation purposes, towards qualifying for leave or for incremental purposes.

Return to Duty

6. A clerk-typist or caretaker may resume duty at his/her post at the conclusion of the approved period of the career-break.

A clerk-typist or caretaker who wishes to have a career-break extended should make application to the employing authority at least 1 month prior to the expiration of the initial career-break.

A clerk-typist or caretaker on a career-break who intends to resign from his/her post shall give the employing authority notice in writing in accordance with the terms of his/her conditions of service.

Social Welfare Arrangements

7. The Department of Social Welfare should be notified of the RSI number of each clerk-typist or caretaker going on a career-break so that the Department may consider the continued eligibility of the member of staff for Social Welfare benefits. Clerk-typists or caretakers going on career-breaks should be advised of the desirability of maintaining entitlement to Social Welfare benefits by payment of voluntary contributions to the Department of Social Welfare. Enquiries may be made to the Voluntary Contribution Section of that Department (Telephone 01-704 3767).

General

8. The employing authority and the Department should keep details of the purpose and duration of each career-break which has been granted; such information should be supplied by the school to the Department in respect of each career-break which has been granted.

APPENDIX 35

GUIDELINES BASED ON THE WORKER PROTECTION (REGULAR PART-TIME EMPLOYEES) ACT 1991 AND THE ORGANISATION OF WORKING TIME ACT 1997

Who is covered by the Act?

A REGULAR PART-TIME EMPLOYEE is a person who

- (a) is normally expected to work not less than 8 hours per week, *and*
- (b) has 13 weeks' continuous service with the same employer.

If you have a secretary, caretaker or any other employee fulfilling the above criteria (a) and (b), then she/he is a REGULAR PART-TIME WORKER.

Terms and Conditions

A regular part-time employee should be given a written statement of conditions of employment as follows:

- date of commencement of work
- details/frequency of pay
- hours of attendance
- leave entitlements
- description of duties
- any arrangements about absences, lay-off, sick pay etc.

Holidays

The Organisation of Working Time Act 1997 now provides minimum legally enforceable entitlements for all employees to holidays and public holidays. There is now no qualifying period for holidays and all employees, regardless of status or service, qualify for paid holidays. Employees, other than part-time/casual, have an immediate entitlement to public holiday benefits. Part-time/casual employees must have worked at least 40 hours in the 5 weeks ending on the day before the public holiday to qualify for public holiday benefit.

A regular part-time employee is entitled to the following Public holidays:

Christmas Day, St Stephen's Day, 1 January, 17 March, Easter Monday, First Monday in May, First Monday in June, First Monday in August, Last Monday in October.

Holiday pay is earned against time worked. All employees, full-time, part-time, temporary or casual, earn holiday entitlements from the time work is commenced.

Depending on time worked, employees' holiday

entitlements should be calculated by one of the following methods:

- (a) 4 working weeks in a leave year in which the employee works at least 1,365 hours (unless it is a leave year in which she/he changes employment).
- (b) 1/3 of a working week per calendar month that the employee works at least 117 hours.
- (c) 8 per cent of the hours an employee works in a leave year (but subject to a maximum of 4 working weeks).

Rest

From 1 March 1998, every employee has a general entitlement to:

- 11 hours daily rest per 24 hour period
- one period of 24 hours rest per week preceded by a daily rest period (11 hours)
- Rest breaks – 15 minutes where up to 4¹/₂ hours have been worked; 30 minutes where up to 6 hours have been worked, which may include the first break.

These rest breaks and intervals may be varied if there is a collective agreement in place approved by the Labour Court or if a regulation has been made for your sector. If there are variations in rest times and rest intervals under agreements or in the permitted sectors, equivalent compensatory rest must be available to the employee.

Working time is net working time i.e. exclusive of breaks, on call or stand-by time.

Exceptional or Unforeseeable Circumstances

The Act permits exemption from the rest provisions if there are exceptional, unusual and unforeseeable circumstances. Equivalent compensatory rest must be taken within a reasonable period of time.

PRSI Contributions

Most part-time employees make an 'A' contribution to PRSI. Because circumstances can vary, however, you are advised to check the appropriate PRSI contribution with your local Social Welfare Office.

Maternity Leave

A regular part-time employee is entitled to 14 weeks' maternity leave with the option of extending this by an additional 4 weeks' unpaid leave.

Payment of maternity benefits is made by the Department of Social Welfare. The school has no obligation.

Notice

A regular part-time employee is entitled to notice of termination of employment as follows:

- 13 weeks to 2 years' service: 1 week's notice
- 2 years to 5 years: 2 weeks' notice
- 5 years to 10 years: 4 weeks' notice
- 10 years to 15 years: 6 weeks' notice
- More than 15 years: 8 weeks' notice

Failure to give minimum notice in writing may result in payments in lieu of notice.

A board of management may terminate a contract without notice due to the misconduct of the employee.

Unfair Dismissals Act

An employee who has worked 13 weeks but less than 1 year will be deemed to be unfairly dismissed if the dismissal is on grounds of:

- (a) pregnancy
- (b) the exercise of rights under the Maternity Protection Act
- (c) Trade union membership/activity.

Once the employee has completed one year's service, the full protection of the Unfair Dismissals Act is available to him/her.

Redundancy

Regular part-time employees are entitled to a redundancy lump sum based on service provided they have a minimum of 104 weeks' continuous service. The initial 13 weeks' qualification period is counted in calculating overall service.

Records

Employers are obliged to keep records of holidays and public holidays for a period of 3 years. These records must be available for inspection by Labour Inspectors of the Department of Enterprise, Trade and Employment. Records should also be maintained to show as evidence in the event of a Rights Commissioner or Labour Court investigation of an employee's complaint.

APPENDIX 36 SAFETY, HEALTH & WELFARE AT WORK ACT 1989

The fundamental aim of the Safety, Health and Welfare at Work Act 1989 is the prevention of accidents and ill-health at the place of work. The Act, which applies to all employers, employees and the self-employed, sets out general 'duties of care' for each of these parties.

The Act provides for consultation between employers and employees to help ensure cooperation in the prevention of accidents and ill-health. This is one of the key provisions of the Act and a central part of the new system of promoting safety and health at work.

General Duties of Employers under the Safety, Health & Welfare Act 1989

1. To ensure, so far as is reasonably practicable, the safety, health and welfare at work of all their employees. This duty includes:
 - the provision of a safe place of work having regard to its design and maintenance;
 - the provision of safe means of access and egress;
 - the provision of safe systems of work (planned and organised).

2. The employer will also have to provide information, instruction, training and supervision, to ensure safety and health of employees.
- N.B. Where employers do not possess the necessary expertise to ensure the safety, health and welfare of employees they must obtain the service of 'a competent person' for this purpose.
3. Every employer must prepare a **written safety statement** in which they:
 - identify the hazards in the workplace;
 - assess the risks involved in the workplace;
 - set out the arrangements made to safeguard safety and health together with the cooperation required from employees;
 - set out the names of those given safety and health responsibilities;
 - consult their employees regarding safety and health matters;
 - safeguard persons who are non-employees (e.g. pupils, parents or other members of the public), who may be affected by the work activities.

Safety Statements

What is a Safety Statement?

A Safety Statement is management's programme, in writing, for safeguarding safety and health in the workplace. It represents management's commitment to safety and health, and specifies the manner, the organisation and the resources necessary for maintaining and reviewing safety and health standards.

Why write a Safety Statement?

Writing a Safety Statement will not in itself prevent accidents and ill-health at work. But by making a commitment to promoting safety and health in the workplace and specifying the arrangements and resources to be made available, the Safety Statement plays a vital part in the implementation of the policies it contains.

The Safety Statement is required by law and there are penalties for failure to have one. When enforcing the Act, the Health and Safety Authority will place great emphasis on ensuring that all employers draw up and act on their Safety Statement.

Section 12 (1) and (7) of the Act

Who has to have a Safety Statement?

Every employer and every self-employed person must have a Safety Statement covering their place or places of work.

Section 12 (3) and (4)

What is covered by a Safety Statement?

The areas to be covered by the Safety Statement are quite specific. The document must:

- identify the hazards in the workplace;
- assess the risks arising from these hazards;
- specify the manner in which safety, health and welfare are to be secured;
- give details of the arrangements made and resources provided for securing safety, health and welfare, including fire precautions;
- specify the cooperation required from employees in safety and health matters;
- include the names and job titles of people responsible for safety and health in the organisation;
- contain the arrangements for consultation with employees on safety and health matters;
- include details of information available to employees on safety and health.

The Safety Statement should take account of all statutory provisions made under safety and health legislation which apply to the workplace.

Section 12 (1) and (7)

Who is responsible for preparing the Safety Statement?

The Act requires every employer and self-employed person to prepare a Safety Statement. Consultation

should take place as necessary in accordance with the general requirements to cooperate effectively in developing and promoting safety and health.

Section 12 (8)

Who has access to the Safety Statement?

All employees of the employer, including the Safety Representative, should be made aware of the Safety Statement and have access to it. The Safety Statement must also be brought to the attention of any other persons in the workplace who may be affected by risks to safety and health and who therefore need to be aware of necessary safety precautions. This could include the employees of another employer, self-employed persons etc.

Employers should ensure that the Safety Statement is brought to the attention of employees at least annually, and whenever it is revised. There is also an ongoing responsibility to ensure that employees are aware of the Safety Statement and appreciate its terms. A campaign to discharge this responsibility could include a combination of the following:

- distributing the Safety Statement to employees;
- verbal communication of the terms of the Safety Statement.

Health and Safety Consultation

Section 13 (1)

Employers must consult their employees in establishing arrangements for securing cooperation in the workplace on safety, health and welfare. These arrangements will allow employees to be consulted on the steps taken to safeguard their safety, health and welfare, and on measures to check how effective the safeguards have been.

Section 13 (2)

Equally, employees have a right to consult their employers and to make representations to them on issues of safety, health and welfare in the place of work. As far as is reasonably practicable, the employer must take account of such representations. For example, if it is not practicable to put suggestions made into effect, the employer should explain the reasons.

Safety Representatives

Section 13 (3)

Appointment

The employees at a place of work are entitled to select and appoint one of their number to act as a Safety Representative.

Section 13 (6) and (7)

Overall Function

A Safety Representative may consult with, and make representations to, the employer on safety, health and welfare matters relating to the employees in the place of work. The employer must consider these

representations, and act on them if necessary. The intention of these consultations is to prevent accidents and ill-health, to highlight problems, and identify means of overcoming them. Consultation would be particularly important when changes are taking place, e.g. when drawing up a safety plan, or introducing new technology or work processes. They also have a part to play in long-established work practices and hazards.

Section 13 (6) (b)

Investigations

A Safety Representative may investigate accidents and dangerous occurrences in the place of work to find out the causes and help to identify any remedial or preventive measures necessary. However, a Safety Representative must not interfere with anything at the scene of the incident, nor can the Safety Representative obstruct any person with statutory obligations from doing anything required of them under occupational safety and health legislation.

Section 13 (6) (a) and (c)

Consulting with Inspectors

A Safety Representative is entitled to consult a Health and Safety Inspector, either orally or in writing, about any aspect of safety, health and welfare at work. The Representative may receive advice and information from the Inspector on such matters.

Section 13 (6) (e)

Carrying out Inspections

A Safety Representative may carry out inspections in the place of work to identify hazards and risks to safety and health. However, the employer must be notified before such inspections take place.

Duties of Employees under the Safety, Health and Welfare at Work Act 1989

1. Employees must take reasonable care for their own safety, health and welfare at work and for that of any other person who may be affected by their acts or omissions while at work;
2. Employees must cooperate with their employers and others in meeting the requirements of the Safety, Health and Welfare at Work Act;
3. Employees must report to the employer or immediate supervisor, without reasonable delay, any defects in plant, equipment, place of work or system of work which might endanger safety, health or welfare of which he becomes aware;
4. Employees must use, in such manner as to provide the protection intended, any suitable appliance, protective clothing, equipment or other thing or means provided for securing his/her safety, health and welfare at work;
5. It is an offence under the Act to interfere with or misuse anything provided to protect safety, health or welfare at work.

Guidelines and further information may be obtained from your nearest Health and Safety Authority Office.

The Report of the Advisory Committee on Health & Safety in Schools contains a recommended format for a Safety Statement for Schools. Copies of the Report are available from the Health & Safety Authority, 10 Hogan Place, Dublin 2.

APPENDIX 37

NOTIFICATION OF ACCIDENTS AT WORK

The Notification of Accidents at Work Regulations (1993) which supplement the Safety, Health and Welfare at Work Act 1989 require that all accidents at work must be notified to the Health & Safety Authority (HSA) on the approved form. The form is printed on the following page and should be photocopied and used when appropriate. The details must include what occurred, how it occurred and the type of injury caused.

The Authority must be notified about:

- A work accident causing the death of any employed person.
- A work accident that prevents any employed person from working more than 3 days.
- An accident caused by work activity which causes the death of or requires medical treatment to, a person not at work – e.g. a passer-by or a pupil.

‘Medical treatment’ is defined as treatment by a registered medical practitioner or hospitalisation.

A fine of £1,000 can be imposed for non-reporting of an accident at work.

The reasons why reporting of work accidents is now required by law would include the following:

- The HSA may investigate the circumstances of the accident so as to learn from the incident and take steps to avoid a recurrence.
- The HSA compiles statistics about the number and nature of accidents at work.
- If a particular pattern of causes of accidents emerges, the HSA can press for measures to eliminate those causes.
- Statistics of accidents at work can be useful to the HSA in pressing for additional resources to reduce/eliminate such accidents.
- Safety Representatives and Solicitors can enquire from HSA to ascertain if a particular accident has been reported to the HSA. They would be given a yes/no answer.

Any information sent to HSA regarding details of an accident at work will be confidential to the HSA.

Please note carefully that the report of an accident at work to be sent to the HSA is **in addition** to the report which should be sent to the Insurance Company.

APPENDIX 38

FORM OF NOTICE OF ACCIDENT

APPROVED UNDER THE SAFETY, HEALTH AND WELFARE AT WORK (GENERAL APPLICATION) REGULATIONS, 1993

(Before completing this form, please see INSTRUCTIONS overleaf)

S.I. No.44 of 1993

DETAILS OF INJURED PERSON				Is the injured person:		
Name:	Date of birth:	Sex:		<input type="checkbox"/> Employed Full Time <input type="checkbox"/> Employed Part Time <input type="checkbox"/> Self-employed <input type="checkbox"/> A Trainee <input type="checkbox"/> A Family Member <input type="checkbox"/> A Member of Public		
Address:	Nationality:	Length of Service	Years			Months
	RSI Number:	Date of Accident:	Time of Accident			
Occupation:	Time of starting work:		Normal time of finishing work:			

EMPLOYER/SELF-EMPLOYED INFORMATION

Name of business or company name:	Phone Number: (2)		
Address of Head Office: (1)	Nature of Business:		
Address of establishment where injured person was based if different from (1) above:	Approximate no. employed at establishment:	Approximate total no. employed by business	
If accident did not occur at the establishment. address state where			

TYPE OF WORK AND WORK ENVIRONMENT

What type of work was the injured person doing at the time of the accident? (e.g. Iron founding, harvesting, word-processing):
Where was the injured person at the time of the accident? (e.g. inside buildings, underground, field, public road, shop etc.):

CIRCUMSTANCES OF THE ACCIDENT (An 'agent' may be another person, an animal, a substance, equipment or other item)

Briefly describe what the injured person was doing at the time of the accident identifying the agent involved:
Briefly describe the departure from normal, including the agent involved:
Briefly describe the action leading to the injury including the agent which actually caused the injury:

DETAILS OF THE INJURY

Indicate type of Injury (tick one box only) Indicate part of the body most seriously injured (tick one box only)

<input type="checkbox"/> Bruising, contusion	<input type="checkbox"/> Suffocation, asphyxiation	<input type="checkbox"/> Head, except eyes	<input type="checkbox"/> Hip joint, thigh, knee cap
<input type="checkbox"/> Concussion	<input type="checkbox"/> Gassing	<input type="checkbox"/> Eyes	<input type="checkbox"/> Knee joint, lower leg, ankle area
<input type="checkbox"/> Internal injuries	<input type="checkbox"/> Drowning	<input type="checkbox"/> Neck	<input type="checkbox"/> Foot
<input type="checkbox"/> Open wound	<input type="checkbox"/> Poisoning	<input type="checkbox"/> Back, spine	<input type="checkbox"/> Toes, one or more
<input type="checkbox"/> Abrasion, graze	<input type="checkbox"/> Infection	<input type="checkbox"/> Chest	<input type="checkbox"/> Extensive parts of the body
<input type="checkbox"/> Amputation	<input type="checkbox"/> Burns, scalds, frostbite	<input type="checkbox"/> Abdomen	<input type="checkbox"/> Multiple injuries
<input type="checkbox"/> Open fracture (i.e. bone exposed)	<input type="checkbox"/> Effects of radiation	<input type="checkbox"/> Shoulder, upper arm, elbow	<input type="checkbox"/> Other
<input type="checkbox"/> Closed Fracture	<input type="checkbox"/> Electrical injury	<input type="checkbox"/> Lower arm, wrist	
<input type="checkbox"/> Dislocation	<input type="checkbox"/> Injury not ascertained	<input type="checkbox"/> Hand	
<input type="checkbox"/> Sprain, torn ligaments	<input type="checkbox"/> Other	<input type="checkbox"/> Fingers, one or more	

CONSEQUENCES OF THE ACCIDENT

Fatal <input type="checkbox"/>	Date of resumption	Year	Month	Day	Anticipated absence	<input type="checkbox"/> 4-7 days	<input type="checkbox"/> 8-14 days	<input type="checkbox"/> More than 14 days
Non Fatal <input type="checkbox"/>	of work if back				if not back			

DETAILS OF NOTIFIER

Notifier: <input type="checkbox"/> Employer/Self Employed <input type="checkbox"/> Person in control of workplace <input type="checkbox"/> Person Providing Training <input type="checkbox"/> Other Date: _____
Address and telephone number for acknowledgement/clarification if different from (1) & (2) above:
Signature: _____ Position: _____

INSTRUCTIONS

1. DETAILS, AS PRESCRIBED OVERLEAF, MUST BE REPORTED TO THE HEALTH AND SAFETY AUTHORITY IN RESPECT OF THE FOLLOWING TYPES OF INCIDENT:

- (a) an accident causing loss of life to any employed or self-employed person if sustained in the course of their employment,
- (b) an accident sustained in the course of their employment which prevents any employed or self-employed person from performing the normal duties of their employment for more than 3 calendar days not including the date of the accident,
- (c) an accident to any person not at work caused by a work activity which causes loss of life or requires medical treatment,

2. THE FOLLOWING CATEGORIES OF PERSON ARE RESPONSIBLE FOR REPORTING ACCIDENTS:-

- (a) employers in the case of the death or injury of employees at work,
- (b) persons providing training in the case of the death or injury of a person receiving training for employment,
- (c) self-employed persons in relation to accidents to themselves,
- (d) persons in control of places of work in relation to:
 - (i) the work-related death or injury of a person not at work,
 - (ii) the death of a self-employed person,
- (e) the next of kin in the event of the death of a self-employed person at a place of work under that person's control.

3. HOW TO COMPLETE THE FORM

The person reporting the accident must only tick one space in each section where option boxes are provided.

Date of Birth:

If date of birth of injured person is not available please enter approximate age.

Employment Status:

Indicate 'Part-Time' if average hours worked are less than 120 per calendar month, enter 'Full-Time' if they exceed this.

Occupation:

If the injured person is an employee please give sufficient detail to differentiate for example between electricians and fitters or between a nurse or nurse's aide.

Economic Activity:

The main economic activity being undertaken, e.g. manufacture of computers, road haulage, joinery installation, take away restaurant.

Work Process and Work Environment:

This space should indicate the work process carried out by the injured person at the time of the accident and where the injured person was when he/she was injured. Below, two examples are given of how to answer.

- 1. Harvesting Field
- 2. Welding Workshop inside building

Circumstances of the Accident

A precise description of the event is to be given under the following three headings:

- (a) What the injured person was doing at the time of the accident and for example what person was being attended to, what animal, substance or item was involved or what tool or machine was being used.
- (b) What went wrong at the time of the accident. Describe what happened identifying any person, animal, equipment, substance or item involved.
- (c) How the person was injured and the person, animal, equipment, substance or item causing the injury.

Below, two examples are given of the minimum contents of answers.

Details of the injury

- Example 1
- 1. The injured person was walking on a floor.
 - 2. He/She tripped over a hose-pipe.
 - 3. He/She struck his/her head against a table.

- Example 2
- 1. The injured person assisted a patient on the way to the bathroom.
 - 2. The patient stumbled.
 - 3. While supporting the patient to prevent a fall the injured person's back was strained.

'Open Wound' includes cuts, lacerations, severed tendons, nerves and blood vessels. 'Burns' includes chemical burns. 'Effects of radiation' includes effects of X-rays, ultraviolet, welding light etc. Forms of injury which are not closely defined such as shock, heatstroke, cardiac arrest should be classified 'other'. 'Electrical Injury' includes any injury or condition directly due to electric shock.

Consequences of the Accident

If injured worker has not yet resumed work please indicate anticipated duration of absence.

*INQUIRIES CONCERNING THIS FORM CAN BE MADE TO THE HEALTH AND SAFETY AUTHORITY
(TEL. (01) 662 0400) FROM WHICH DETAILED GUIDELINES ARE AVAILABLE.*

APPENDIX 38(A)

SAFETY, HEALTH AND WELFARE AT WORK ACT 2005

The Safety, Health and Welfare at Work Act 2005 came into force on 1 September 2005. In this article we highlight some of the more significant changes that have been incorporated in the new Act.

While the basic principals of health and safety law are unchanged following the implementation of the new Act, the Safety, Health and Welfare at Work Act 2005 includes many new and more detailed and stringent provisions than the 1989 Act, which it replaces. The 2005 Act is longer than the 1989 Act, with 89 Sections as opposed to 61, seven Schedules as opposed to five, 91 pages rather than 56.

The more significant provisions of the Safety, Health and Welfare at Work Act 2005 are:

- (a) Fines of up to 3m and/or up to two years in jail for serious breaches of health and safety regulations.
- (b) Under the 1989 Act the preparation of a Safety Statement was required, irrespective of the number of employees. Under the 2005 Act a Safety Statement will still be required where a School has more than three employees. However, a School which has three or less employees need not have a Safety Statement and will be deemed to be compliant with the new Act provided:
 - (i) There is code of practice that covers the work activity carried on in the School;
 - (ii) The School observes the code of practice.

Under the Act an **Employee** is defined as

‘a person who has entered into or works under a contract of employment and included a fixed-term employee and a temporary employee. Persons training for employment or receiving work experience (other than present at a study course in a university, school or college) shall be deemed to be employees’

- (c) The introduction of an on-the-spot fines system for certain safety offences, which will be specified in further regulations.
- (d) Drug and alcohol testing for employees, the procedures for which will be specified in future regulations.

Note: While from 1 September employees will be under a duty not to be under the influence of any intoxicant to the extent that they endanger their own or others health and safety, testing for being under the influence of intoxicants will not come into force until regulations are introduced. Similarly, regulations prescribing the rules on medical fitness assessment and

on-the-spot fines will have to be made before these provisions become effective.

In addition to these new provisions, the Act imposes a range of significant duties on employers, employees and others (manufacturers, designers, suppliers, property owners), whose activities may impact on or influence workplace health and safety. Some of these duties are entirely new, others explicitly state what was implied under the 1989 Act, while yet more specify more detailed obligations than those which were specified in the old Act.

(A) Employers

The significant duties imposed on employers are to:

- Manage health and safety;
- Ensure, in so far as is reasonable practicable, the prevention of risk to employees, health from exposure to noise, vibration or ionising or other radiation or any physical agent;
- Provide employees with training, information and supervision in a form, manner and, as appropriate, a language that is reasonable likely to be understood;
- Provide training on the commencement of employment, in the event of a transfer or change of task, or the introduction of new systems of work or technology;
- Inform employees of emergencies and serious, imminent or unavoidable dangers and to take action and instruct employees to stop work and/or leave the place of work and proceed to a safe place;
- When appointing competent person(s), to ensure the number appointed and the time available to them is adequate – having regard to the size of the workplace, the risks to which employees are exposed and the distribution of those risks in the place of work – and to provide the competent person(s) with information on the factors that affect health and safety;
- Review risk assessment and safety statements when there has been a significant change or there is any reason to believe the risk assessment is no longer valid and, following the review, to implement amendments as appropriate;
- Bring safety statements to employees’ attention on commencement of employment and annually thereafter and have the safety statements, or a relevant extract from it, available in every workplace;

- Require employers from whom they contract services to have an up-to-date safety statement;
- Cooperate with other employers where workplaces are shared.

(b) Employees

The new duties imposed on employees are:

- Not to be under the influence of any intoxicant to the extent that they endanger their own or other persons' safety;
- To submit to tests for intoxicants, if reasonably required, with the tests carried out by or under the supervision of a registered medical practitioner, who is a competent person (this provision will come into effect after regulations specifying testing procedures are adopted);
- To attend training;
- If they are suffering from a disease or illness that adds to risks, to tell the employer;
- Significant amongst the many definitions in the Act are the definitions of 'Reasonably Practicable' and 'Competent Person'.

(A) Competent Person

A person is deemed to be competent where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possess sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken. Account shall be taken, as appropriate of the framework of qualifications referred to in the Qualifications (Education and Training) Act 1999.

(B) Reasonably Practicable

Reasonably practicable means, in relation to the duties of an employer, that an employer has exercised all due care by putting in place the necessary protective and preventative measures having identified the hazards and assessed the risks to safety and health likely to result in accidents or injury to health at the place of any further measures is grossly disproportionate, having regard to the usual, unforeseeable and exceptional nature of any circumstance or occurrence that may result in an accident at work or injury to health at the place of work.

The Act also specifies the role and functions of the Health and Safety Authority and details the Authority's enforcement powers. It categorises health and safety offences into two categories, serious and less serious, and sets out the penalties for breaches of health and safety legislation.

The foregoing is a brief summary of more significant changes which have been implemented under the auspices of the new Safety, Health and Welfare at Work Act 2005. You should refer to the Act for precise details of all applicable terms, conditions and provisions.

General Principles of Prevention

1. The avoidance of risk.
2. Assess unavoidable risks.
3. Tackle risks at source.
4. Make sure that work suits each individual, especially as regards the design of workplaces and the choice of work equipment. Always try to alleviate monotonous work and work at a predetermined rate and always assess the effects of this work on health.
5. The adaption of the place of work to technical progress.
6. The replacement of dangerous articles, substances or systems of work with safe or less dangerous ones.
7. The prioritisation of collective protective measures over individual protective measures.
8. The development of an adequate prevention policy in relation to safety, health and welfare at work, which takes account of technology, organisation of work, working conditions, social factors and the influence of factors related to the working environment.
9. The giving of appropriate training and instructions to employees.

Increased Penalties for Health and Safety Breaches

The Health and Safety Authority wants to work in partnership with employers and employees to improve health and safety standards. However where our inspectors encounter serious breaches of the law we won't hesitate to prosecute wrongdoers. The new law will allow for:

A company convicted in the District Court for a relatively minor offence will face a maximum fine of €3,000 or a six month prison sentence.

Serious offences, with a conviction on indictment, can incur a fine of up to €3m and/or imprisonment for up to two years.

In addition, the Health and Safety Authority can apply directly to the High Court to close down a business where they believe there is an imminent danger to health and safety.

The new Act also gives Health and Safety Authority inspectors the power to issue on-the-spot signs for some

infringements of the law. These fines will not exceed €1,000 and Minister Tony Killeen will make regulations in the near future detailing the offences for which on-the-spot fines can be levied.

The message is clear: flouting health and safety legislation can result in a criminal conviction, a hefty fine and damage a company's reputation. Do not expose yourself to this risk. Start taking health and safety seriously today.

I'm an Employer – What are my responsibilities?

All employers are required by law to protect the safety, health and welfare of their employees. Among the main responsibilities of employers are to:

- Provide and maintain a workplace that is safe and do likewise for all machinery and equipment etc.
- Manage work activities to ensure the safety, health and welfare of employees.
- Ensure that risks are assessed and a safety statement is prepared and updated.
- Provide and maintain decent welfare facilities for employees.
- Prepare and update procedures to deal with an emergency situation.
- Provide training and information to workers in a format and language that is appropriate.
- Report serious accidents to the Health and Safety Authority.

I'm a worker – What do I have to do?

Health and Safety is everyone's business. As a worker you have legal duties designed to protect you and those you work with. You have to obey the following rules:

- Cooperate with an employer or other people to ensure that health and safety law is implemented.
- Don't engage in improper conduct that will endanger you or anyone else.
- Attend health and safety training and correctly use any equipment at work.
- Use protective clothing and equipment provided.

- Report any dangerous practices or situation that you are aware of to an appropriate person.
- Don't interfere or misuse any safety equipment at your workplace.

Getting the Message Out

Employers are required to bring the safety statement to the attention of their employees (and to other persons at the place of work who might be exposed to the specific risks outlined in the safety statement).

When bringing the Safety Statement to the attention of employees it must be in a form, manner and, if necessary, in a language that can be understood by employees.

This should be done at least annually, on recruitment and when there is a change made to the safety statement.

This safety statement must be reviewed and, if necessary, amended when there has been a significant change in work practices (for example, the introduction of new equipment or substances) or when there is a reason to believe that it is no longer valid (an accident, dangerous occurrence or a 'near miss' may prompt such a review).

The Safety Statement must also be revised, within 30 days, if directed by a Health and Safety authority Inspector.

Safety Statements

The new law places 'safety statements' at the heart of a proper health and safety management system. Under the new Act, every employer must prepare a safety statement which:

- Identifies hazards in a workplace, as well as the level of risk and identifies the measures to eliminate or control those risks;
- Outlines the procedures that exist to deal with an emergency situation;
- Highlights the duty of employees to cooperate with health and safety practices in the workplace;
- Is updated regularly to take account of changing circumstances.

APPENDIX 38(B)

PROHIBITION ON SMOKING IN ALL WORKPLACES

The Minister for Education and Science wishes to advise managerial authorities of schools that by law all enclosed workplaces must be smoke-free with effect from 29 March 2004. The law applies to schools.

Enforcement of the ban will be carried out by Environmental Health Officers and by Inspectors of the Health and Safety Authority.

Management authorities are requested to ensure that the regulations are fully complied within their schools. In order to assist employers to comply with the law, employer guidance has been produced and is available in the dedicated website hosted by the Department of

Health and Children www.smokefreeatwork.ie and the website of the Office of Tobacco Control, www.otc.ie. Your attention is drawn to the fact that it is obligatory from 29 March for employers to display 'No Smoking' signage in a conspicuous position on the premises. A model form of signage is contained on the websites listed. The employer guidance specifies that it is advisable for employers to communicate and consult with employees in regard to the implementation of the written smoke-free workplace policy. To assist in this, model forms of workplace smoke-free policy is contained in the guidance documents

APPENDIX 38(C)

MOBILE PHONES

It is recognised that mobile phones can be intrusive and distracting in all situations and particularly in schools.

In addition to the inconvenience, the debate still goes on about the possible harmful effects of the frequent use of mobile phones.

Children could be particularly vulnerable in this issue.

Boards of management should ensure that there is a policy in the school forbidding the pupils to use mobile phones in the school. A notice to that effect should be displayed in a prominent position in the school.

The use of mobile phones by staff for essential calls should be kept to the minimum and should be taken/made if possible in an open area or in an area where pupils are not present.

APPENDIX 39

Board of Management attention is drawn to the Education Act 1998 and Education Welfare Act 2000

ADMISSION OF PUPILS

Attendance at school is compulsory from 6 to 16 years of age.

A child may not be allowed to attend or be enrolled in a National School before the fourth anniversary of his/her birth (Rule 64.1).

No child may be refused admission to a National School on account of the social position of his/her parents, nor may any pupils be kept apart from the other pupils on the ground of social distinction (Rule 10).

Transfer to other Primary Schools

At any time of the year a parent may transfer his/her child from one National School to another,

either with the consent of the Minister

or

when the transfer is made because of a change of the ordinary residence of the child.

When an application is made in respect of pupils between the ages of 4 and 6 years, the principal teacher shall ascertain from the parent whether the pupil was previously enrolled in another National School and, if so, he should request the parent to obtain a certificate to

that effect from the principal teacher of the school which the pupil previously attended. This certificate should be retained in the roll book of the particular class in which the pupil is enrolled.

If there is a vacancy, a principal teacher must admit and enrol a child who is transferred at any time of the year either with the Minister's consent or because of change of address, whether or not the child has a certificate from his previous principal teacher.

The principal teacher of the school from which the child is removed must give the parent on demand the certificate prescribed.

Amended 1997

64 (2) (c) A child removed from the rolls in accordance with the terms of this Rule, shall at any time after she/he was so removed and at the request of his/her parents or guardian be re-enrolled in the school, notwithstanding any alteration to the enrolment policy in the school which may have occurred during the period when the child was not on the rolls, and subject only to there being a place available in the school (c.f. Education Welfare Act 2000 Section).

APPENDIX 39(A)

ENROLMENT/ADMISSION POLICY GUIDELINES

In response to many requests, we offer the following Guidelines to Boards of Management to assist them in drawing up their Enrolment policy. These guidelines have emerged from discussions between the INTO, CPSMA and the Church of Ireland Board of Education. Supplementary guidelines will be issued by the Patrons of the schools in some instances.

The Guidelines published here have been examined by our Legal Advisers. The Education Act specifies that the school's policy is subject to 'any directions which may be issued from time to time by the Minister'. The Education partners have been invited to discussions on this point over the next few months. We will keep schools informed of any development from those discussions.

Introduction

The following guidelines have been agreed between INTO, CPSMA and the Church of Ireland Board of Education to assist schools in drafting an enrolment/admission policy as provided for by the Education Act (1998). These guidelines set out:

- a summary of the key provisions from the Education Act (1998) which relate to enrolment;
- guidelines in relation to drafting any enrolment/admissions policy.

The Education Act

In summary, Section 15, subsection (2) of the Education Act states that:

A Board shall ... publish, in such a manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participating in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs ... and ensure ... that ... the right of parents to send their children to a school of the parent's choice are respected.

The key principles outlined in the Education Act which should underpin any enrolment policy are:

- Inclusiveness, particularly with reference to the enrolment of children with a disability or other special educational needs;
- Equality with respect to maximum access and participation in the school;
- Parental Choice in relation to choice of school having regard to the characteristic spirit of the school (Section 15/d); and
- Respect, for the diversity of values, beliefs, traditions, languages and ways of life in society.

In drafting the school's enrolment policy, Section 15 of the Act, also requires the board of management to:

- uphold ... the characteristic spirit of the school as determined by the cultural, education, moral, religious, social, linguistic and spiritual values and traditions which ... are characteristic of the ... school;
- consult with and keep the patron informed of decisions and proposals of the board of management;
- have regard to the efficient use of resources, the public interest in the affairs of the school and accountability; and
- use the resources provided ... to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.

Guidelines towards drafting an Enrolment/ Admissions Policy

CPSMA, Church of Ireland and INTO have agreed the following guidelines which we hope will be of assistance to schools in complying with the Education Act. The guidelines are subject to any specific directions of the patron of the school and to 'such directions as may be made from time to time by the Minister' (Education Act 1998/15d).

The guidelines recommend that the school's enrolment/admissions policy should contain two sections, namely:

- A: General Information; and
- B: The specific procedures for enrolment

However, it is a matter for each school to draft its own enrolment policy based on the specific circumstances applicable in the school.

A. General Information

General Introduction

In introducing its enrolment/admissions policy, the board of management should state that it is setting its policy in accordance with the provisions of the Education Act 1998, that the board of management trusts that by so doing parents will be assisted in relation to enrolment matters and that furthermore, the chairperson of the board of management, (insert name and address) and the principal teacher, (insert name and school contact details) will be happy to clarify any further matters arising from the policy.

The policy should then proceed to detail some general information about the school which should include:

- the school's name, address and contact details;
- the school's denominational character and the name of the patron;
- the total number of teachers in the school, specifying that the number includes the principal teacher, the number of class teachers and whether there are any additional support teachers to cater, for example, for pupils with special needs or other, such as remedial or home/school liaison;
- the range of classes taught including any special classes, whether the school is a junior/senior school or whether the full range of classes are taught and whether the school is single sex or mixed;
- a statement that the school depends on the grants and teacher resources provided by the Department of Education and Science and that it operates within the regulations laid down, from time to time, by the Department. The statement should make it clear that school policy must have regard to the resources and funding available;
- a statement that the school follows the curricular programmes prescribed by the Department of Education and Science, which may be amended from time to time, in accordance with Sections 9 and 30 of the Education Act (1998);
- a statement which could clarify that within the context and parameters of Department

regulations and programmes, the rights of the patron as set out in the Education Act, and the funding and resources available, the school supports the principles of:

- inclusiveness, particularly with reference to the enrolment of children with a disability or other special educational need;
 - equality of access and participation in the school;
 - parental choice in relation to enrolment;
 - respect for the diversity of values, beliefs, traditions, languages and ways of life in society.
- any other relevant general information pertaining to the school, such as the opening hours etc.

B. The Procedures

CPSMA, Church of Ireland Board of Education and the INTO recommendation that the board of management's enrolment/admission policy should outline the school's procedure for the purposes of enrolment and keep those procedures under regular review.

These procedures should address the following:

1. Application Procedures

The board of management should indicate whether parents who wish to enroll pupils in junior infants will be required to come to a central venue, such as the school, or whether the enrolment process is by way of written application only. The Board may also specify a particular time of year for enrolment, e.g. second/third term etc. The Board should specify that it will communicate generally to the school community through appropriate channels, for example, newsletter, parish bulletin, other appropriate media, outlining the application for enrolment procedures.

2. Provision of Key Information by Parents

The Board should indicate that certain information will be required when children are being enrolled. A specific enrolment application form may also be provided by the Board for this purpose. Such information may include:

- pupil's name, age and address;
- names and addresses of pupil's parents/guardians;
- contact telephone numbers;
- contact telephone numbers in case of emergency;
- details of any medical conditions which the school should be aware of;
- religion;
- previous schools attended, if any, and reasons for transfer, if applicable;

- any other relevant information (including any such other information as may be prescribed under the Education Welfare Act 2000).

3. Decision-Making

The school's enrolment policy should make it clear that decisions in relation to applications for enrolment are made by the board of management of the school in accordance with school policy. (The Education Welfare Act 2000 specifies that when the Act becomes operational, the board of management will be required under the terms of the Act to notify parents of their decision within 21 days of receiving such information as will be prescribed by the Minister under the Act).

The board of management should indicate that as a general principle, and in so far as practicable having regard to the school's enrolment policy, that children will be enrolled on application, provided that there is space available. Accordingly, the Board should outline its processes for decision making in the event that applications for enrolment exceed/is expected to exceed the number of places available. The Board should also have regard for any relevant DES guidelines in relation to class size or staffing provisions and/or any other relevant requirements concerning accommodation, such as physical space or the health and welfare of children.

The board of management should also clarify that it is bound by the Department of Education and Science's Rules for National Schools which provides that pupils may only be enrolled from the age of 4 years and upwards, though compulsory attendance does not apply until the age of 6 years.

The Board's policy should outline its criteria for decision making and the Board shall exercise its discretion in the application of the criteria. The criteria may include any of the following though not necessarily in this order:

- whether there are siblings of the proposed new entrant already attending the school;
- ages of the children;
- parish boundaries/diocesan policies;
- first come, first served;
- children of staff members;
- lottery;
- any specific provisions for children of ethnic minorities, including travellers, refugees, asylum seekers etc.;
- ethos considerations (Equal Status Act/Section 7)
- any other.

4. Admission Day/Date

The board of management may specify that junior infants may only be admitted to the school on 1 September, or the Board may indicate that its policy is more flexible and that, for example, pupils may be enrolled at any time.

5. Enrolment of Children with Special Needs

In relation to applications for the enrolment of children with special needs, it is open to the board of management to request a copy of the child's medical and/or psychological report or where such a report is not available, to request that the child be assessed immediately. The purpose of the assessment report is to assist the school in establishing the educational and training needs of the child relevant to his/her disability or special needs and to profile the support services required.

Following receipt of the report, the Board should assess how the school could meet the needs specified in the report. Where the Board deems that further resources are required, it should, prior to enrolment, request the Department of Education and Science to provide the resources required to meet the needs of the child as outlined in the psychological or medical report. These resources may include, for example, access to or the provision of any or a combination of the following: visiting teacher service, resource teacher for special needs, special needs assistant, specialised equipment or furniture, transport services or other.

The school should meet with the parents of the child to discuss the child's needs and the school's suitability or capability in meeting those needs. If necessary, a full case conference involving all parties should be held,

which may include parents, principal, class teacher, remedial teacher, special class teacher, resource teacher for special need or psychologist as appropriate.

It may be necessary for boards of management to decide to defer enrolment of a particular child, pending:

- the receipt of an assessment report; and/or
- the provision of appropriate resources by the Department of Education and Science to meet the needs specified in the Psychological and/or medical report.

6. Pupils Transferring

The board of management should specify that pupils may transfer to the school at any time, subject to school policy, available space and in some cases the approval of the Department of Education and Science.

The Education Welfare Act 2000 contains some specific new provisions in relation to the transfer of pupils including the requirement that information concerning attendance and the child's educational progress should be communicated between schools. The Act will be implemented over the period 2000–2002.

7. Code of Behaviour

The school should append its Code of Behaviour to the school's enrolment policy (pending the implementation of the Education Welfare Act 2000 and the issue of appropriate guidelines by the National Education Welfare Board).

NB: Boards of management must refer to Section 29 of the 1998 Education Act.

APPENDIX 39(B)

RETENTION OF PUPILS IN SAME GRADE IN PRIMARY SCHOOLS

1. Introduction

1.1 This Circular amends Primary Circular 11/01 regarding the regulations governing the retention of pupils in Primary Schools.

2. Current Policy on Retention

2.1 The primary school curriculum is designed as an eight-year course, including a two-year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. The primary curriculum is flexible and child-centred, and can be adapted to meet children's needs.

2.2 The Department is providing considerable support for pupils with learning difficulties in schools. Learning support teachers, resource teachers, special needs assistants and a wide range of resources under the various schemes for schools in areas designated as disadvantaged are among the forms of provision allocated to schools for these pupils. The level of provision available should enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school along with their peers.

2.3 Under the Department's policy, children should only be allowed to repeat a year for educational reasons and in exceptional circumstances. An additional grade level should not operate through the retention of all or a substantial number of pupils at a grade level.

2.4 In such exceptional circumstances a principal teacher, following consultation with the learning support teacher/resource teacher and class teacher and parent(s) may conclude that a pupil would benefit educationally by repeating a grade level. A record outlining the educational basis for the decision to retain a child should be kept for any

pupil so retained. In addition, there should be a clear programme outlined for such a pupil that records precisely what new approach will be used for her/him and what its expected benefit will be. These records should be retained within the school and should be brought to the Inspector's attention by the principal when she/he visits the school. No pupil should repeat a grade more than once in a primary school.

2.5 In all cases where the proposed retention of pupils has staffing implications the Primary Payments Section of the Department of Education & Science should be notified.

3 Transfer of Pupils to another primary school to Repeat Sixth Class

3.1 Pupils who have completed sixth class must not transfer to another primary school to repeat sixth class. In the event that a school were to enrol pupils from another school to repeat sixth class the pupils shall not be included as eligible pupils for staffing and other purposes. Capitation and other grants in respect of such pupils shall not be paid.

4. Elimination of Nine-Year Cycle

4.1 Since the issue of Primary Circular 11/01 in March 2001 a school must not operate a middle infants class or a repeat sixth class/seventh class. In the event that a school continues the practice of enrolling pupils in a middle infant or a repeat class the Department will discount the pupils in such classes for the purpose of determining the valid enrolment of the school. Capitation and other grants in respect of such pupils shall not be paid.

This circular may also be accessed on the Department of Education & Science website at www.education.ie.

APPENDIX 40

CANVASSING OF PUPILS

Amendment of Rule 65 (5) of the Rules for National Schools Circular 8/94

The Minister for Education wishes to bring to the attention of the school authorities Rule 65 (5) of the Rules for National Schools concerning the canvassing of pupils.

In the interest of impartiality in the enrolment of pupils the Minister feels that an amendment to the Rule is now necessary.

The Rule is amended as follows:

‘Where the Minister is satisfied that a teacher or any member of a board of management has obtained or endeavoured to obtain, either by his/her own act, or through another person or persons (i.e. by canvassing, or giving inducement to, or bringing pressure or undue influence to bear on a parent, guardian or child),

- (a) with the object indicated in the preceding section (4),
 - (i) the transfer or removal from one school to another and/or the attendance of any child coming under that section, *or*

- (ii) the attendance of any child ineligible for enrolment under the rules made by the Minister; *or*

- (b) with the object of altering the figures of enrolment or attendance at any school and of thereby affecting the payment of state grants, the transfer, removal or absence of a child, eligible for enrolment, from any school;

the Board and/or teacher will be deemed to be in direct contravention of the Rules for National Schools and will be dealt with as the Minister may determine.’

In this context the Minister wishes to draw the attention of school authorities to the provision under Rule 65 (4) of the Rules for National Schools whereby certain enrolments and attendances may be disallowed.

APPENDIX 41

EXEMPTION FROM THE STUDY OF IRISH

Circular 12/96

1. It is a fundamental principle of the primary school curriculum that due allowance should be made for individual pupil differences in ability, interests and circumstances. In accordance with this principle, the primary school programme in Irish is designed to meet the learning needs of a wide variety of pupils. It is taught in a stimulating and activity-centred fashion and the main emphasis is on oral learning and interaction. The question of the need to grant exemption from the learning of Irish should arise only in rare and exceptional circumstances.

The Minister for Education has reviewed the circumstances in which exemption from the study of Irish may be granted to pupils in National Schools and has revised Circular 18/79 to read as follows:

Pupils in the following circumstances may be allowed exemption from the study of Irish in National Schools:

- (a) Pupils whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland, provided that the parent or guardian who had custody of the pupil was permanently resident in Northern Ireland or outside Ireland during the pupil’s period of education up to that age;
- (b) Pupils who were previously enrolled as recognised pupils in National Schools who are being re-enrolled after a period spent abroad, provided that at least three years have elapsed since the previous enrolment in the state and the pupil is at least 11 years of age on re-enrolment;
- (c) Pupils
 - (i) who function intellectually at average or above average level but have a Specific Learning Disability

of such a degree of severity that they fail to achieve expected levels of attainment in basic language skills in the mother tongue; *or*

- (ii) who have been assessed as having a general learning disability due to serious intellectual impairment (i.e. mental handicap); and are also failing to attain adequate levels in basic language skills in the mother tongue; *or*
- (iii) who have been assessed as having a general learning disability due to serious sensory impairment, and are also failing to attain adequate levels in basic language skills in the mother tongue.

The evidence of such a disability must be furnished by a qualified psychologist, supported in the case of (iii) by a report from an appropriate medical specialist. In addition, a full report on the pupil must be furnished by the school.

- (d) Pupils from abroad, who have no understanding of English when enrolled, who would be required to study one language only, Irish or English;
- (e) Children of foreigners who are diplomatic or consular representatives in Ireland;
- (f) Children from other countries in whose case the Minister is satisfied that they are resident in this country as political refugees.

Pupils from the above categories may be allowed to remain in the class during the Irish lesson so that they have an opportunity to gain a knowledge of spoken Irish and to participate in the learning activities. Alternatively, other suitable arrangements may be made such as allocating school work in other subject areas.

- 2. This revision will apply with effect from the beginning of the school year 1996/1997. It will apply to students currently enrolled in National Schools as well as to students who will enrol in National Schools in the future. An exemption granted to a student will be operative throughout his/her stay at National School.

Exemption may continue to be granted under the terms of Circular Letter M10/94 for second-level schools.

- 3. The term Specific Learning Disability does not include disabilities due to poor general intellectual functioning. Account must be taken

of the following criteria in determining whether a Specific Learning Disability exists:

- assessed intellectual functioning at average level or above;
- marked failure to achieve expected levels of attainment in basic skills such as reading and writing;
- a history of such failure not related directly to factors such as poor attendance, poor motivation or problems in social interaction which may affect attainment.

- 4. School managements will be required to observe the following prescribed procedures:

- A written application for exemption will be made by a parent or guardian to the principal teacher of the school. This application will specify the grounds on which the exemption is sought. It will be accompanied by documentary evidence of age and previous schooling as appropriate to the grounds cited;
- The school authorities will satisfy themselves as to the documentary evidence submitted;
- The school authorities will prepare a full report on the student in consultation with relevant teachers;
- Where exemption is being sought under sub-paragraph 1 (c) above, the parent or guardian will be required to furnish reports from a qualified psychologist and appropriate medical specialist as appropriate;
- A decision to grant exemption will be conveyed to the parent or guardian by way of a written certificate, signed by the principal teacher, that the exemption has been given in accordance with this Circular. The certificate will also cite the name, address and type of school, the student's name and date of birth, the sub-paragraph under which the exemption is being granted and the specific grounds for exemption. Where the exemption is being granted under sub-paragraph 1 (c), the name and address of the qualified psychologist and the date of the psychologist's report and the name of the medical specialist and date of report, if applicable, will be included;
- The application, school report, psychologist's report, report of medical

specialist, copy of certificate of exemption and other relevant documents will be retained by the school and will be made available for inspection by authorised officers of the Department;

- A copy of the exemption certificate will be sent to the **Department of Education, Primary Administration Section 1, Cornamaddy, Athlone, Co. Westmeath** within 1 week of the granting of the exemption;
 - A copy of the exemption certification should be sent to the relevant second-level school when the pupil in question has completed her/his primary education.
5. The psychologist's report should be of a full psychological assessment carried out by a qualified psychologist not more than 2 years prior to the application for exemption.

The Department has prepared guidelines on the preparation of these reports which are available to psychologists.

6. The school report should include information on assessments carried out in the school **by remedial teachers or other teachers**. It should include, as well, the results of **tests**, reports from relevant teachers, information on the pupil's attendance, application to study and any remedial or other special help given. Samples of the pupil's unaided written expression should also be attached to the report.
7. The operation of the revised circular will be monitored regularly by the Department. The delegated authority to grant exemption may be rescinded in the case of individual schools where circumstances so warrant. The operation of the Circular will be formally reviewed at the end of the school year 1996/97.
8. An exemption certificate form is attached (overleaf).

APPENDIX 42

MEETING THE NEEDS OF PUPILS FOR WHOM ENGLISH IS A SECOND LANGUAGE

INTRODUCTION

The purpose of this Circular is to assist schools in providing an inclusive school environment to meet the needs of pupils for whom English is a second language and outline the resources that are available to assist schools in this task.

CREATING AN INCLUSIVE SCHOOL ENVIRONMENT

An inclusive school environment reflects values and affirms linguistic, ethnic and cultural diversity. It is important that schools have policies and procedures in place that promote and facilitate the inclusion of all children. The school's commitment to creating an inclusive school environment should be evident in the school plan, the promotion of parental involvement, the provision of equality of curriculum access, the facilitation of professional development opportunities and in whole school and classroom practice. Pupils should also be encouraged and facilitated in maintaining a connection with their own culture and language through curricular activities and displays.

THE ROLE OF THE LANGUAGE SUPPORT TEACHER

Language support teachers are appointed to assist schools in providing additional language support teaching for pupils. In collaboration with parents and class teachers, language support teachers identify pupils requiring additional support, administer the assessment

materials developed by Integrate Ireland Language and Training, devise appropriate language programmes, deliver the programmes and record and monitor pupils' progress. It is important that expertise is shared and good practice is communicated and disseminated in order to optimise the opportunities pupils have for developing their proficiency in English.

ASSESSMENT OF PUPILS' LEVELS OF LANGUAGE PROFICIENCY

In order to assist schools in assessing pupils' levels of language proficiency, the Department of Education and Science has commissioned assessment packs to assist in determining language proficiency of pupils and these will be distributed to all schools shortly. The tests of English language proficiency contained in this pack were compiled by Integrate Ireland Language and Training (IILT), which is a campus company of Trinity College, Dublin, funded by the Department of Education and Science. The tests have been designed for use at primary level. The tests are being adapted to make them more age appropriate for use in post-primary schools. However, the primary tests may be used by post-primary schools in the interim.

The tests of English language proficiency are based on IILT's English Language Proficiency Benchmarks (revised version, September 2003), and are structured with reference to three proficiency levels (1, 2 and 3) as set out in the table below.

Level 1	Level 2	Level 3
Very poor comprehension of English and very limited spoken English	Understands some English and can speak English sufficiently well for basic communication	Has competent communication skills in English

The English Language Proficiency Benchmarks specify what pupils should be able to achieve in English at each level and thus reflect the task-based approach to teaching and learning promoted by IILT. Tasks have been selected to reflect what pupils encounter daily in the classroom. Scoring procedures have been designed to achieve accurate results, provided the tests are administered strictly according to the instructions provided. All documentation in relation to the administration of tests must be retained by the school for audit/inspection purposes.

ALLOCATION OF ADDITIONAL TEACHER SUPPORT

The level of additional teacher support allocated to primary and post-primary schools will continue to be determined by the number of enrolled pupils for whom English is a second language and the associated assessed levels of pupils' language proficiency.

It is necessary for schools to apply for the additional allocation certifying the number of such pupils enrolled on form NN1 for primary schools and form NN 07/08

for post-primary schools as already notified to all schools.

The table under sets out the resources that can be accessed to cater for such pupils where the number of pupils in the school is 14 or more:

Number of pupils	Posts	Number of pupils	Posts	Number of pupils	Posts
14 to 27	1	42 to 64	3	91 to 120	5
28 to 41	2	65 to 90	4	121 or more	6

Schools with less than 14 pupils will have their needs addressed as outlined in previous circulars.

It is a matter for the school authority to deploy this teacher allocation having regard to the proficiency levels of individual pupils involved and in line with their evolving needs.

The allocation of additional language support teachers is based on allowing schools flexibility in the deployment of support. It is recommended that pupils receive additional language support teaching in the classroom or in small withdrawal groups in addition to the support they receive from the class teacher. It is intended that this revised allocation facilitates and provides for a high level of flexibility and will enable schools to successfully meet the needs of pupils who require additional language support teaching.

A defined whole-school policy in relation to the identification of pupils requiring support, assessment of pupils' levels of language proficiency, programme planning, recording and monitoring of pupils' progress and communication with parents are key features of effective language support provision. While duties and responsibilities vary in every school context, it is important that the roles of all school personnel in relation to meeting the needs of pupils for whom English is a second language are clearly defined and understood by all. It is important that expertise is shared and good practice is communicated and disseminated in order to optimise the opportunities pupils have for developing their proficiency in English.

Additional teaching hours are made available for schools catering for pupils with significant English language deficits assessed as having a language proficiency of either level 1 or 2. Should these extra resources be required for individual pupils for longer than two years, details of the assessed level of language competence and specific details of how the school has addressed the needs of these pupils in the previous two years must be outlined. Details must also be outlined of how it is proposed to optimise the opportunities of the pupils for whom an additional year is being sought.

The allocation is subject to confirmation by the school authority of actual attendance by the pupils through their inclusion in the school's certified October Returns.

Schools must retain a copy of all relevant documentation for audit purposes.

USEFUL MATERIALS AND RESOURCES

A wide range of materials and resources has been developed to assist schools in meeting the needs of pupils for whom English is a second language. The following is a list of materials that schools may find useful in responding to linguistic, cultural and ethnic diversity.

Department of Education and Science (DES) (2003) *Looking at our School: An Aid to Self-Evaluation in Primary Schools*, Dublin: DES.

Development and Intercultural Education (2005) *Global and Justice Perspectives in Education: A Literature Review*, Dublin: Church of Ireland College.

Irish National Teachers Organisation (INTO) (2005) *Intercultural Education in the Primary School*, Dublin: INTO.

Irish National Teachers Organisation (INTO) (2002) *INTO Intercultural Guidelines for Schools*, Dublin: INTO.

National Council for Curriculum and Assessment (NCCA) (2005) *Intercultural Education in the Primary School*, NCCA: Dublin.

National Council for Curriculum and Assessment (NCCA) (2005) *English as An Additional Language in Irish Primary Schools*, NCCA: Dublin.

As part of its continuing commitment to assisting teachers in creating inclusive school environments, the Department of Education and Science is currently involved in a North-South project with the Southern Education and Library Board and Integrate Ireland Language and Training to develop a practical toolkit for primary schools. The aim of the toolkit will be to support the inclusion of pupils for whom English is a second language in primary schools through incorporating best practice and providing suggestions, concrete ideas, exemplars and materials for use by all school staff. It is proposed to distribute this toolkit to all primary schools, both North and South, in the 2007/8 school year.

AVAILABILITY OF SUPPORT

The Regional Office Service of the Department of Education and Science will assist schools in relation to implementation of this circular.

Integrate Ireland Language and Training (IILT) provides training and materials to assist schools in meeting the needs of pupils for whom English is a second language. A wide range of teaching resources has been developed by IILT and is available at www.iilt.ie. IILT may be contacted directly at 126 Pembroke Street, Ballsbridge, Dublin 4; Telephone: 01 6677232/6677295; Fax: 01 6643726; E-mail: info@iilt.ie.

Chairpersons of boards of management and Principals should bring this circular to the attention of members of the Board and teachers and should retain a copy for future reference.

Transfer of Pupils

The position in relation to the transfer of pupils from one school to another is outlined in Section 20 of the Education Welfare Act. It outlines the steps which must be taken by the principal teachers concerned, i.e. that where a student leaves one school to go to another, the principal of the first school must provide a report to the new principal of any school attendance problems the child has experienced or other matters relating to the child's educational progress as he or she considers appropriate.

Expulsion of students

Section 24 of the Education Welfare Act states:

'(1) Where the board of management of a recognised school or a person acting on its behalf is of the opinion that a student should be expelled from that school it shall, before so expelling the student, notify the educational welfare officer to whom functions under this Act have been assigned, in writing, of its opinion and reasons therefore.

Guidelines have issued to schools from the National Educational Welfare Board (NEWB) giving additional detail on the responsibilities of the Board in this regard.'

Educational provision for non-English speaking pupils

The Department provides resources for such pupils as follows:

1. Primary schools which have fourteen or more non-national pupils with significant English language deficits will be automatically entitled to an additional temporary teacher for a period of up to two years. Schools with 28 or more such pupils will be entitled to two temporary teachers. Where two schools operate on one campus and have fourteen or more non-English speaking non-national pupils, such pupils will be entitled to temporary language support teacher on a shared basis. Schools eligible for additional teacher(s) will also receive a once-off grant of €634.87
2. Primary schools in which between three and thirteen (inclusive) non-English speaking non-National pupils are enrolled will receive grant assistance for a period of up to two years. Schools with between three and eight such pupils will receive grant assistance in the amount of €6348.69 while schools with between nine and thirteen will receive grant assistance in the amount of €9523.04. This grant aid is intended to enable schools to take appropriate measures to improve the standard of English of non-national pupils falling outside the pupil number parameters for grant purposes during a school year in respect of which a grant has been paid, the school may be requested to refund that portion of the grant which should remain unspent at the time, e.g. should pupil numbers fall to two in November two-thirds of the grant would stand to be recouped. **Schools with less than three such pupils would be expected to provide for the educational provisions of those pupils from their existing resources.**

In order to apply for appropriate assistance please complete, as fully and accurately as possible, the form attached. If you are applying for assistance under (1) above, please return the completed form to Primary Payments Section at the above address. If you are applying for assistance under (2) above, please return the completed form to Primary Administration Section at the above address. Please note that resources will not be allocated in respect of pupils who have competent communication skills in English. It should also be noted that resources are only provided under 1 or 2 above.

In order to facilitate a speedy administrative process, it is important to return the attached form to correct section and your cooperation in this regard is appreciated.

APPENDIX 43

NON-ENGLISH SPEAKING PUPILS IN PRIMARY SCHOOLS

(From 2000)

1. Primary schools which have fifteen or more non-national pupils with significant English language deficits will be automatically entitled to an additional temporary teacher for a period of up to two years. This additional temporary teacher would have specific responsibility for the English language needs of these pupils, many of whom are presenting to primary schools with no English language capability.

2. Primary schools in which between four and fourteen (inclusive) non-English speaking non-Nationals are enrolled will be grant aided. This grant aid will enable such schools, who would not require the services of a full-time temporary teacher, to acquire the services of a suitably qualified person to teach English to

the non-English speaking pupils. Schools with three or fewer such pupils would be expected to provide for the educational provisions of those pupils from within their existing resources.

While the primary objective of the new measures is to enhance the educational provision for non-English speaking pupils, the improved levels of comprehension and literacy that will result will have a direct positive effect on the social participation of these children in our country.

It will also lead to positive ongoing educational benefits and will prepare these pupils for integration into second-level education.

APPENDIX 44

HEALTH SERVICES FOR CHILDREN

Health Boards provide free of charge:

- a health examination service for pre-school children and pupils of National Schools;
- all necessary follow-up services for defects discovered at such examinations;
- a national screening service for scoliosis from Our Lady's Hospital, Crumlin, Dublin;
- dental, optical and aural treatment and appliances for defects noticed at the school examinations;

- hospital in-patient and out-patient services are provided without charge for all children under 16 who are suffering from any of the following conditions:

mental handicap; mental illness;
phenylketonuria; cystic fibrosis;
spina bifida; hydrocephalus;
haemophilia and cerebral palsy.

Further information concerning child and family support services in your area can be obtained from your local Health Board office.

APPENDIX 45

TEACHERS AND ADMINISTRATION OF MEDICINES IN SCHOOLS

1. No teacher can be required to administer medicine or drugs to a pupil.
 2. Any teacher who is willing to administer medicines should only do so under strictly controlled guidelines, fully confident that the administration will be safe. It is wise to limit this willingness to emergency situations only. A teacher who does take responsibility for administering medicines takes on a heavy legal duty of care to discharge the responsibility correctly. Every reasonable precaution must be taken. Clear instructions about medicines requiring regular administration must be obtained and strictly followed. The INTO/CPSMA advise that:
 - (a) the parent(s) of the pupil concerned should write to the board of management requesting the Board to authorise a member of the teaching staff to administer the medication;
 - (b) the request should also contain written instructions of the procedure to be followed in administering the medication;
 - (c) the board of management, having considered the matter, may authorise a teacher to administer medication to a pupil. If the teacher is so authorised she/he should be properly instructed by the board of management;
 - (d) a teacher should not administer medication without the specific authorisation of the Board;
 - (e) in administering medication to pupils, teachers should exercise the standard of care of a reasonable and prudent parent;
 - (f) the board of management should inform the school's insurers accordingly;
 - (g) the board of management should seek an indemnity from the parent(s) in respect of any liability that may arise regarding the administration of the medication.
- Arrangements should also be made by the board of management for the safe storage of medication and procedures for the administration of medication in the event of the authorised teacher's absence. It is the parent's responsibility to check each morning whether or not the authorised teacher is in school unless an alternative arrangement is made locally.
3. In emergencies teachers should do no more than is obviously necessary and appropriate to relieve extreme distress or prevent further and otherwise irreparable harm. Qualified medical treatment should be secured in emergencies at the earliest opportunity.
- Where possible schools should request that medical practitioners would arrange times for medication so that they don't coincide with school time.
- It is important that boards of management request parents to ensure that teachers be made aware in writing of any medical condition suffered by any children in their class. Children who are epileptics or diabetics or who are prone to anaphylactic shock syndrome may have an attack at any time and it is vital, therefore, to identify the symptoms in order that treatment can be given by an appropriate person if necessary.

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Guidance for Teachers, published by INTO*

IN WITNESS whereof the parties hereto have hereunto set their hands and affixed their seals the day and year first herein WRITTEN.

SIGNED AND SEALED by the parents in the presence of:

SIGNED AND SEALED by the said in the presence of:

APPENDIX 47

SUPERVISION FOR MID MORNING AND LUNCHTIME BREAKS

1. Introduction

The Minister for Education and Science wishes to advise boards of management, principal teachers and teachers in primary schools of the arrangements regarding payment of supervision monies to primary school teachers.

2. Duty of Care

Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the children in the school in which they teach, including periods of supervision, is not changed.

The overall responsibility for the day-to-day management of school supervision will continue to rest with the principal teacher. The terms of Circular 16/73 will continue to apply i.e. 'the principal teacher should organise supervision for the order and general behaviour of the pupils during school hours. In particular, she/he should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal'.

2. Maximum number of hours supervision due to a school

2.1 A school is entitled to 37 hours supervision per annum for each full-time teaching post (including temporary full-time teaching posts), or to a minimum of 122 hours per school, whichever is the greater.

This figure takes account of

- the nature of supervision at primary level;
- the age range of pupils; and
- guarantees the current levels of care and supervision provided to all primary pupils.

N.B. A full-time temporary teaching post refers to a temporary teaching post sanctioned for a full school year.

2.2 The number of full-time teaching posts allocated to a school on 30th September in a school year

determines the number of hours supervision due to a school in that year. Example: If a school has ten full-time teaching posts on 30 September, a maximum of ten supervision payments of 37 hours each will be made to the school for the school year.

2.3 **There are no circumstances where additional supervision monies can be paid to a school over and above the staffing allocation on 30 September.**

2.4 Where there is a shared teaching post, this post is counted in the base school when calculating entitlement to supervision allocation.

3. Contract to undertake supervision

3.1 A teacher undertaking supervision duties must sign a letter of contract with the board of management. Sample attached at Appendix A. The letter of contract must be certified by the chairperson, board of management and retained in the school for at least six years.

* Sample A: relates to teachers committing to undertake supervision duties of 37 hours per annum on an on-going pensionable basis to retirement.

* Sample B: relates to teachers committing to provide 37 hours supervision for a full school year, but deferring decision regarding pensionability until 1 September, 2004.

* Sample C: relates to newly appointed teachers opting to provide 37 hours supervision but deferring decision on pensionability for 1 year from the date of their first appointment.

4. Roster for Supervision

4.1 The principal teacher should prepare the roster for supervision and, where possible, this should normally be drawn up before the start of the school year.

4.2 The roster should include arrangements for providing supervision for short-term absences of 28 days or less i.e. for teachers to swap days they are due to do supervision duties. It should be submitted to the board of management for approval and should be retained in the school for inspection by Department officials.

4.3 The roster should be posted in a prominent position within the school so that all teaching staff have access to it.

5. Eligibility of Teachers to Undertake Supervision Duties and Receive Payment of Monies

- 5.1 A permanent or long-term temporary teacher who undertakes supervision duties in a primary school *must* opt to provide a minimum of 37 hours supervision per school year in order to receive payment with salary from the Department. (For the purpose of this circular a long-term temporary teacher is a teacher employed under contract with a board of management for a full school year).
- 5.2 The Department will issue a grant to the board of management to facilitate payment to a teacher who opts to do less than 37 hours supervision per annum.
- 5.3 Job-sharing teachers may undertake supervision duties on their rostered teaching days and will receive annual payment with salary for a maximum of 18.5 hours supervision in a school year.
- 5.4 Permanent/temporary teachers in shared posts are paid for undertaking supervision duties. Local arrangements for carrying out the 37 hours supervision duties by the shared teacher should be made between the boards of management concerned. Supervision payment will issue with salary to the teacher at the base school.
- 5.5 A replacement teacher appointed in a permanent or long-term temporary capacity that commences or ceases employment with a board of management during the school year will receive payment with salary on a pro-rata basis for the period for which supervision was undertaken in the school.
- 5.6 If a teacher moves to a permanent post in another school she/he must sign a supervision contract with the new board of management in order to undertake supervision duties and to be eligible to receive payment of supervision monies at the new school. However, such an arrangement can only be entered into if the teacher is filling an existing vacancy in the school. Any additional posts allocated to a school after 30 September cannot be counted for supervision payments.
- 5.7 If a teacher is absent from a school on special leave under Rule 116 (Study Leave) a grant for supervision duties will be paid to the board of management for the period of the absence. It is a matter for the board of management to arrange payment for the person who undertakes supervision duties for the absent teacher.
- 5.8 The nature of certain teaching posts in primary schools, i.e. visiting teachers/teachers on

secondment, does not allow for their availability to undertake supervision duties in the school. Consequently, no payments for supervision can issue to such teachers.

Short-term absence: (28 days or less)

- 5.9 Short-term absences (28 days or less) should be covered by local arrangements e.g. colleagues covering for each other, and boards of management should have a policy in relation to supervision for such absences. Where a temporary or substitute teacher employed to cover an absence of 28 days or less undertakes supervision duties payment for these duties will be made via a grant to the school. In the event that a substitute or temporary teacher is employed for a number of absences of four weeks or less, the substitute/temporary teacher cannot combine such separate days worked in order to receive supervision payment.

Long-term absence:

- 5.10 A permanent or long-term temporary teacher absent in excess of 28 consecutive days on any type of leave during the school year, including absences before and after a holiday period, e.g. mid-term breaks, Christmas and Easter breaks (the holiday period is included when counting towards the absence), will be paid supervision monies on a pro-rata basis i.e. they will not receive supervision monies for this absence. However, if the board of management certifies that full supervision duties were carried out in the school year by the absent teacher (i.e. 37 hours) then payment can be made. Examples of instances where such an absent teacher can fulfil the full 37 hours supervision include:

- If another teacher in the school has opted out of supervision and there are hours available. In such an instance the grant due to issue to the school will be reduced accordingly; or
- If a colleague covers for the absent teacher and the absent teacher then covers for the colleague on his/her return.

In the latter instance, the temporary or substitute teacher employed to cover the absence in excess of 28 days should not be called to do supervision to replace the absent teacher and there are no circumstances in which a payment for supervision will be made for this substitute/temporary teacher.

- 5.11 If a short-term temporary teacher employed for a period in excess of 28 consecutive days or a substitute teacher employed in excess of 4 consecutive weeks is called upon to do

supervision duties, the payment for the absent teacher will be reduced accordingly and payment will issue with salary on a pro-rata basis to the short-term temporary teacher/substitute teacher.

6. Payment of Grants to Schools

6.1 Schools where all teachers do not opt to undertake supervision duties

In schools where a teacher(s) opts not to undertake supervision duties, the Department will issue a grant (equivalent to 37 hours for each teacher who opts out plus an additional payment of 10.75 per cent to cover the employers rate of PRSI) to boards of management. This will enable Boards to pay other teachers in the school who undertake supervision duties in excess of 37 hours annually or to employ external supervisors (i.e. non teaching staff). Section 5.6 also refers.

6.2 1-, 2- and 3-teacher schools

In the case of 1-, 2- and 3-teacher schools the standard payment (37 hours) will be made to each teacher undertaking supervision duties. A further grant will be payable to the board of management by the Department to facilitate the cost of external supervisors or any additional payments due to teaching staff as a consequence of working in excess of 37 hours supervision.

Based on an minimum entitlement of 122 supervision hours per school, grants will range as follows:

- 1-teacher school – 85 hours;
- 2-teacher school – 48 or 20 hours (see paragraph below in relation to 2 teacher schools) and
- 3-teacher school – 11 hours

One teacher schools:

In 1-teacher schools the board of management may employ an external supervisor(s) to undertake supervision duties. This is to enable the principal teacher to comply with the terms of 12.1 of the Organisation of Working Time Act (1997).

2-teacher schools:

Each 2-teacher school is entitled to 122 hours supervision.

Under present arrangements, the second teacher in a two teacher school who is in receipt of the Special Duties Allowance as per Primary Circular 7/03 must undertake 28 hours of this supervision and is receiving payment for this in the special duties allowance. Consequently, the balance of

supervision hours payable for such schools under the terms of this circular is 94 hours. If the second teacher in a 2-teacher school is a Privileged Assistant or is in receipt of an allowance on a personal basis or is not in receipt of the special duties allowance, such teachers are not obliged to undertake supervision duties as per the terms of Primary Circular 27/02 (i.e. undertake 28 hours supervision).

3-teacher schools:

Each teacher in a 3-teacher school, who opts to do supervision duties will receive payment with salary for the 37 hours undertaken. A grant will issue to the board of management for the balance of supervision, i.e. 11 hours, if all 3 teachers have undertaken the duties.

6.3 External Supervisors

If the process of seeking volunteers from the teaching staff of the school to undertake supervision duties does not produce enough school based volunteers to cover the school supervision needs, the board of management may source and recruit personnel to provide supervision services, e.g non-teaching staff or external supervisors. Please see Primary Circular 18/03 in relation to the employment of such personnel.

The board of management will make payment for supervision duties undertaken by such personnel from grants provided by the Department which will be based on the balance or proportion of the balance of the schools' non-committed supervision hours.

6.4 Statutory Deductions

Where a board of management makes payments to teachers/external personnel, responsibility for statutory deductions (tax, PRSI) should be dealt with directly by the board of management with the relevant statutory bodies.

7. Pensionability of Monies paid to Teachers for Supervision

7.1 Teachers, who are in pensionable service and who opt in to supervision duties under a 37-hour per annum contract on an on-going basis to retirement, will have the supervision payment made pensionable, subject to the payment of contributions and the rules of the Superannuation Scheme.

7.2 In order for serving teachers to qualify for pensionability of supervision monies, they must opt in to supervision duties on or before the 1 September 2004. Teachers who are on authorised

- leave of absence (eg. career break, secondment) and who are not in service in September 2004 will be given an option to opt in to supervision on a pensionable basis on their return.
- 7.3 Since the start of the 2002/2003 school year, newly qualified teachers in their first appointment, in order to qualify for pensionability, must opt in to supervision duties within twelve months of first appointment.
- 7.4 A teacher, who has opted to partake in the supervision duties, but later opts out, will forfeit pensionability (for supervision monies) and will not be allowed under any circumstances to re-enter such a commitment. The teacher will not, in such circumstances, be entitled to a refund of superannuation contributions paid in respect of supervision payments. The teacher must advise the board of management of his/her decision on or before the 30 June prior to the commencement of the next school year. The teacher may continue to provide supervision duties on a volunteer basis and receive grant payment from the board of management.
- 7.5 Where teachers make an ongoing commitment to supervise, the commencement date for pensionability shall be the 1 September 2001 in the case of serving teachers who delivered the appropriate supervision in each year since that date or the date of appointment in the case of new teachers who delivered appropriate service from that date. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates. Pension contributions effective from 1 September 2001 will be deducted from any supervision payment due to a teacher opting in to pensionability. Pension deductions will be made from the supervision payments for the 2003/2004 school year.
- 7.6 Any supervision duties undertaken for less than 37 hours duration or less than 18.5 hours in the case of job sharing teachers (other than where a teacher has been available throughout the school year to provide 37 hours supervision but where a board of management does not call on delivery of all the committed hours) or duties undertaken in excess of 37 hours in a school year are not pensionable.
- 8. Payment for the 2003/2004 school year**
- 8.1 Arrangements will be made to include payments with teachers' salary at the end of the current school year, pending receipt of certification of supervision duties undertaken from boards of management.**
- 8.2 Payments to substitute teachers will issue as soon as possible thereafter.**
- 8.3 In an effort to assist schools with the costs arising from the employment of external supervisors, arrangements will be made to pay grants to schools as soon as possible in 2004. However, in order for such arrangements to be put in place, schools must complete the enclosed form Supervision – 2003/2004 (Teachers Who Have Opted Out Of Supervision Duties) and return it to the Department by Friday 12 December 2003.**

This circular may be accessed on the Department of Education & Science website at www.education.ie. (Access through Education Personnel/Primary/Circulars & information booklets).

CONTRACT FOR SUPERVISION DUTIES

(primary school teachers)

A

I _____ hereby give a commitment to undertake supervision duties on a pensionable basis under a 37 hour per annum contract on an ongoing basis to retirement in accordance with the terms of Primary Circular 18/03. I understand that, should I cease to meet this commitment, pensionability will be forfeited and I will not be allowed to re-enter such a commitment.

Or

B

I _____ hereby give a commitment to undertake supervision duties under a 37 hour contract for the school year 2003 / 2004 in accordance with the terms of Primary Circular 18/03 but wish to defer a decision on pensionability until on or before 1 September 2004.

Or

C

I _____, have commenced teaching on _____ and hereby give a commitment to undertake 37 hours supervision duties per annum in accordance with the terms of Primary Circular 18/03. I wish to defer decision on pensionability for 1 year.

Signed _____
(Teacher)

Date _____

Signed _____
(chairperson, board of management)

Date _____

Please retain with school records for a period of six years. This document should not be sent to the Department.

APPENDIX 48

ACCIDENT REPORT FORM

The following particulars of ALL accidents must immediately be reported to the
Chairperson of the Board of Management

Query

Reply

- | | |
|--|-----------|
| 1. Place where accident occurred: | <hr/> |
| 2. Date and time of accident: | <hr/> |
| 3. State cause of accident: | <hr/> |
| 4. Give detailed account of accident stating as fully as possible the nature and result: | <hr/> |
| 5. Did the injured person cease class/work? | <hr/> |
| 6. Name and address of person injured: | <hr/> |
| 7. Name and address of witness of accident: | <hr/> |
| 8. Signature of person in charge at time when accident occurred: | <hr/> |
|
Signature of principal teacher: |
<hr/> |
| Date: | <hr/> |

The Insurance Company issues its own Report Form.

It is useful to have copies of the Form available to the principal teacher of the school.

APPENDIX 49

PARENTS AS PARTNERS IN EDUCATION

'The school is regarded as an extension of the home and an active partnership between parents and teachers makes this a reality, especially in the eyes of the young child, who is the central figure.'

Research shows that parental interests and attitudes to school, to books and to education are the single most important influence on a child's learning.'

Parents' Associations – Making Them Work, NPC-P

The relationship between parents and the school is outlined in several sections of the Education Act 1998. In particular, it should be noted that the school is required to:

School Programme (9d)

Promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school.

Access to Records (9g)

Ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in her/his education.

Appropriate Education (15(i))

Manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

School Policy (15(2)(d))

Publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy, principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with.

Certified Accounts (18)

Make available to the parents the annual certified accounts of monies received from the Oireachtas and the expenditure of same.

School Report (20)

A board shall establish procedures for informing the parents of students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff and a student council where one has been established of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the school plan provided for under *section 21*.

School Plan (21)

The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

A board shall make arrangements for the circulation of copies of the school plan to the patron, parents, teachers and other staff of the school.

Parents' Association (26)

The parents of students of a recognised school may establish, and maintain from among their number, a parents' association for that school and membership of that association shall be open to all parents of students of that school.

A parents' association shall promote the interests of the students in a school in cooperation with the board, principal, teachers and students of a school and for that purpose may:

- (a) advise the principal or the board on any matter relating to the school and the principal or board, as the case may be, shall have regard to any such advice and;
- (b) adopt a programme of activities which will promote the involvement of parents, in consultation with the principal, in the operation of the school.

The board shall promote contact between the school, parents of students in that school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents' association and

to a parents' association when it is established.

A parents' association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs.

Where a parents' association is affiliated to a national association of parents, the rules referred to in paragraph (a) shall be in accordance with guidelines issued by that national association of parents with the concurrence of the Minister.

Complaints Procedure (28)

A Board shall adopt procedures for processing complaints from parents. Parents may also appeal certain issues to the Department of Education and Science. See also page 21/22 of this Handbook.

Guidelines for Parents' Associations are available from the National Parents' Council – Primary, at 12 Marlborough Court, Dublin 1. Tel: 01-874 4185

COPIES OF CIRCULARS TO BE GIVEN TO PARENTS

As part of the ongoing process of providing all the partners in the field of education with as much information as possible on the education system and the changes taking place within it, the Department is seeking the cooperation of all School Principals/Management Authorities in making available to parents and teachers routine circulars that issue from the Department.

The Minister wishes that the circulars would be available to individual parents and teachers for their information. This could be achieved by giving copies of all circulars to the parents'/teachers' representatives on the board of

management, where such exists, or to the parents association/National Parents' Council representatives or other appropriate representatives of the parents/teachers for transmission to individual parents and teachers, or by indicating their availability.

The Department would be happy to provide additional copies of circulars as necessary for either the school or parents.

The Department would appreciate the cooperation of school Principals/Management Authorities in this matter.

APPENDIX 49(A)

THE SCHOOL'S OBLIGATION TO PARENTS

CPSMA had an increasing number of queries from schools about their obligations to parents in certain circumstances. CPSMA sets out here the advice received from legal sources on a number of questions raised. Clearly, there can be nuances in individual situations which may require a school to seek specific advice in a particular case.

The relevant legal principles applicable when dealing with parents

The starting point in looking at this area of the law must be the provisions of the Constitution and the provisions of the Guardianship of Infants Act 1964 as amended which reflect the relevant constitutional provisions. The Constitution in Article 41 gives recognition to the family and guarantees to protect the family in its constitution and authority. Case law has established that such constitutional protection extends only to a family based on marriage. Article 42.1 acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty to parents to provide, according to their means, for the religious and moral, intellectual, physical and social welfare of their children. Article 42.5, however, recognises that in exceptional cases where parents for physical or moral reason fail in their duty towards their children the state shall by appropriate means endeavour to supply the place of the parents but always with due regard for the natural and imprescriptible rights of the child.

The Constitution therefore recognises and protects parental rights but also recognises and protects the rights of the child.

This balance is reflected in the provisions of the Guardianship of Infants Act 1964 as amended. The Act gives effect to two concepts – that of guardianship and of custody. Where parents are married, both of them are guardians of their children and this position is set out in Section 6 of the 1964 Act as amended which provides:

1. The father and mother of an infants shall be guardians of the child jointly.
2. On the death of the father of a child, the mother, if surviving, shall be guardian of the child, either alone or jointly, with any guardian appointed by the father or by the court.
3. On the death of the mother of a child the father, if surviving, shall be guardian of the child either alone or jointly with any guardian appointed by the mother or by the court.

4. Where the mother of a child has not married the child's father, she, while living, shall alone be the guardian of the child, unless a guardian has otherwise been appointed in accordance with this Act.

Section 10 provides that every guardian under the Act shall be a guardian of the person and of the estate of the child. The status of guardian carries with it the right to be consulted and to have an input in regard to important decisions which affect the child. The 1964 Act provides mechanism whereby guardians who cannot agree in regard to what should take place in respect of a child can apply to a court for a direction in regard to the matter in dispute. An obvious example of where this procedure comes into play is when parents separate and there is a dispute as to which of them should have custody of the child or children and the court is asked to give a direction in regard to this issue. It is important to bear in mind that if one spouse is given custody of a child this does not deprive the other spouse of their status as a guardian of the child and of the rights which accrue from that status. Therefore if spouses have separated and one of them has obtained an order for custody but both of them remain guardians, then both of them are entitled to be consulted and informed in regard to important decisions which affect the child.

It is almost impossible to set out hard and fast rules as to how a school should respond in particular circumstances. The appropriate reaction must have regard to the particular circumstances of each case and the school authorities must attempt to apply the general principles set out above in a sensible and practical way, having regard to the rights of the various parties while viewing the welfare of the child as the first and paramount consideration.

Query 1: Where parents are separated, is a school obliged to notify parents separately? In many schools, notices to parents are sent home with the pupils. Is notification by post appropriate for a parent who does not have de facto custody?

Query 2: What type of notices would the school reasonably be expected to send to a parent without custody?

It would be going too far to establish a hard and fast rule that a school is obliged in every case where married parents are separated to send all notices to each parent. However, the school should have regard to the fact that

both parents would remain as guardians of their children and therefore it would be prudent to ensure that notice is given to both parents in regard to any important matter that may affect the welfare of the child. An obvious example where notification should take place is if the child is accused of misbehaviour which may cause the school to expel him or her. An example which would possibly fall on the other side of the line and not require notification to both parents would be in regard to a relatively trivial matter such as perhaps that the school will open late on a particular day.

Query 3: Where meetings with the class teacher are required, is the school obliged to arrange separate meetings with each parent (this is often requested)?

If a person who is a guardian of the child requests a separate meeting, it would be appropriate to accede to such a request given that a guardian is entitled to be kept informed of the educational progress of the child. If no such request is made then one would have to consider that matter having regard to the particular facts, for example, the course of dealing with the parents may make it clear that no such separate meetings are required. Both parents may have attended together for such meetings without difficulty notwithstanding their separation.

Query 4: Are schools required to send duplications of school reports to each parent in separation situations or only to a parent who requests same?

If a request is made then it would be appropriate to comply with the request, and to supply copies of school reports to both guardians. Again, in the absence of a request, a school would have to consider the particular circumstances but, given that it would be likely that there would be relatively little expense and difficulty in arranging for copies of the reports to be sent to both guardians it would seem sensible to have a policy which provides for copies of reports to be sent to each guardian unless it is clear that there is no need in a particular case or that it would be impossible or unduly difficult to do so.

Query 5: Are schools required to get permission for school trips and school activities from both separated parents?

Again, it is difficult to set down a hard and fast rule in regard to this query. However, there is no doubt that if the school trip or activity in question requires the child to be taken outside the jurisdiction, then the permission of both parents, if they are guardians, should be obtained. Also it would be sensible to get the consent of both guardians, if the trip or activity in question would carry an appreciable degree of risk in regard to the

welfare of the child. To take an obvious example, if the school trip involved an inherently risky activity such as perhaps tuition in abseiling techniques then there would be no doubt that the consent of both guardians should be obtained and the exact nature of the activity contemplated should be made clear.

Query 6: Are schools required to get the standard indemnity for application of school medicines in emergencies from both separated parents?

Given that the giving of medicines to a child in a circumstance of emergency would in all likelihood be a serious matter involving some risk to the child, it would be appropriate to obtain the consent of both guardians to the giving of medicines in such circumstances.

Query 7: Are schools required to get written confirmation from both separated parents if a child is to be withdrawn from religious education?

The question of religious education is of sufficient importance that both guardians are entitled to be notified and consulted in regard to same. If the guardians cannot agree on a particular course of action then the school should invite them to bring an application pursuant to Section II of the Guardianship of Infants Act 1964 as amended to resolve the dispute.

Query 8: Where schools wish to meet with parents relating to a disciplinary problem with a pupil, are schools required to invite both parents to come to the school together?

If the disciplinary problem has the potential for serious implications for the child such as suspension or expulsion then it would be appropriate to inform and consult both guardians. This would not necessarily mean that they would have to come to the school together but rather that both would be informed of the problem and given an opportunity to have an input into the disciplinary process.

Query 9: When and in what circumstances is a school entitled to refuse to allow a parent to take a child from the school during the school day?

Query 13: If the school is informed that there is a danger of abduction what precautions, if any, would the school reasonably be expected to take to prevent abduction?

This is an area where hard and fast rules are likely to cause more difficulty than help. However, a school would not be obliged to allow a child to be removed where it had reasonable grounds to believe that the proposed course of action would put the child in danger or at risk. Therefore a school would be entitled in the particular circumstances set out at Query 13 to refuse to release the child to the parent, at least until they have

had an opportunity to consult with the other parent so that the rights of one or both parents, as guardians, could also be respected. In a sufficiently serious case, a school would be justified in contacting the Gardaí if this was the only way that the welfare of the child could be protected. In such a case it would probably also be prudent to inform the health board who have statutory responsibility for the protection of the welfare of the child in question.

Query 10: In what circumstances, if any, is a school required to allow a 'partner' of a separated parent to participate in discussions regarding a child's welfare?

Query 11: In what circumstances is a school entitled to allow a partner of a separated parent to collect a child from school? Should a school accept written notes, e.g. absences etc., from a partner? There have been circumstances where the separated parent sends a directive to the school that no communication is to be accepted from or sent to the partner.

A school is not 'required' to allow a partner of a separated parent to participate in discussion regarding the child's welfare but it may be that the school would as a matter of discretion allow a partner to be present when discussions with a parent are taking place. If, following a separation, a parent has re-married the new spouse should be considered to be in a stronger position than simply a partner. If a guardian of the child has indicated that communication should not be accepted from or sent to a partner this would considerably strengthen the case not to accept communications from the partner but ultimately a school might be well advised in such circumstances, if there was a real ongoing dispute, to invite the parents to bring an application seeking a direction in regard to the dispute pursuant to Section II of the 1964 Act as amended.

Query 12: How does a school reach a decision where there is a dispute between the parents as to which surname is to be given to the child? Suppose a birth certificate is not produced by either parent? What happens if a mother says that she has no contact with the father of the child but he turns up at the school, either seeking information or seeking access to remove his child?

The first approach by the school should be to attempt to ascertain whether both parents are guardians of the child. The question of the name by which the child is to be known is a matter in respect of which both guardians are entitled to have an input. A school could not be expected to resolve a dispute between two guardians in regard to what name is to be applied to the child. Rather such a dispute should be referred to a Court for direction under Section II of the Guardianship of

Infants Act 1964 as amended. Pending such an application, a school might be well advised to simply attempt to use the name of the child as per his or her birth certificate. If a parent shows that he is the guardian of the child, then he is entitled to exercise access without the consent of the other guardian during the school day or to remove the child from the school without the agreement of the other guardian. Again, the guiding principle for the school should be that the welfare of the child is the first and paramount consideration.

Query 15: If a child is living with his grandparents, does the school communicate with them instead of the parents? In these circumstances what happens if a parent objects to communications going to the grandparents, who appear to have de facto custody?

A school in these circumstances is faced with a particularly difficult and awkward situation. The best course of action would be to communicate with both the grandparents and the parents. However, if the guardians, or in the case of a single guardian, that guardian objects to such a course of action then the school is left in the dilemma in that it would obviously not be in the interests of the child that the persons who are actually looking after him or her should be excluded from receiving communications from the school. In such a case the school might be well advised to invite the guardians or guardian to obtain a direction from the court if they wish to prevent the school from communicating with the persons who are actually looking after the child.

Query 16: How should schools deal with circumstances where parents are giving conflicting reports re. school (e.g. mother says child loves school, father says he is being bullied)?

This is another circumstances where there is no satisfactory hard and fast answer. The school is obliged to listen to both guardians and to have regard to what they say. The school must then make its own judgement having regard to what is being said by all parties including the child. A school would be well advised in such a case to keep notes of what they are being told by each parent.

Query 17: What evidence of legal custody should a school see, e.g. extract from separation agreement, solicitor's letter, copy court order?

The school would be justified in seeking an extract from a separation agreement, if such exists. In regard to a court order there is a difficulty in that family law cases are heard in camera. However, in practice if both parties are agreeable that an extract from the order should be made available to the school, this should be satisfactory. If there is no agreement that the school can be given the

order or an extract from the order, then the school should request the parties or one or other of them to seek a direction from the court that a copy of the order

or of the relevant part of the order should be made available to the school.

APPENDIX 49 (B)

ARRANGEMENTS FOR PARENT/TEACHER AND STAFF MEETINGS IN 2004/2005

The Minister for Education and Science wishes to advise managerial authorities of primary schools of the commitments in relation to staff meetings agreed under the terms of the Social Partnership Agreement 2003 – 2005 Sustaining Progress and the agreement on Parent/Teacher meetings reached on foot of proposals from the Teachers Arbitration Board. These arrangements will apply in the 2004/2005 school year.

1. Staff Meetings

In respect of one staff meeting per term, all primary and post-primary schools will make provision to allocate from normal school time a period equivalent to the time given outside school.

(Example: a staff meeting of two hours duration which was normally held before school closing time should now take place one hour preceding and one hour following normal school closing time)

2. Parent/Teacher meetings

There are differences between the post-primary and primary sectors which make it appropriate to apply a different model in respect of parent/teacher meetings in the primary sector than that applicable in the post-primary sector. These factors include the age of the children, the pattern of attendance of parents at primary schools, and that children at primary level are taught by a single teacher.

Having regard to the overall circumstances of children at primary level:

1. The parties acknowledge and accept that a parent should be able to have a formal meeting with a teacher at a suitable and convenient time. If such a meeting cannot be facilitated at a formal parent/teacher meeting then the parent will be offered a suitable and convenient appointment for same.
2. In each school year there will be one formal parent/teacher meeting held in each primary school. This meeting will normally commence at 3.15 p.m. and will end at 5.45 p.m. unless otherwise agreed at local level between all relevant parties. In any event the parent/teacher meeting will not take place during the school tuition period. The school will close 15 minutes early on the day of the formal parent/teacher meeting.

Staff meetings and parent-teacher meetings should not be arranged for the day immediately preceding or immediately following the breaks set out in the Standardised School Year.

APPENDIX 50

COMPLAINTS PROCEDURE

Important note: Revised procedures for processing complaints by Parents will be prescribed for all schools under Section 28 of the Education Act 1998. When available, the revised procedures will be sent to each school and will replace the procedures printed here. Please ensure that the correct and up to date Procedures are used. At the time of going to print these procedures are still the only agreed procedures.

Introduction

Only those complaints about teachers which are written and signed by parents/guardians of pupils may be investigated formally by the board of management, except where those complaints are deemed by the Board to be:

- i. on matters of professional competence and which are to be referred to the Department of Education;
- ii. frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school;
- iii. complaints in which either party has recourse to law or to another existing procedure.

Unwritten complaints not in the above categories may be processed informally as set out in Stage 1 of this procedure.

Stage 1

- 1.1 A parent/guardian who wishes to make a complaint should, unless there are local arrangements to the contrary, approach the class teacher with a view to resolving the complaint.
- 1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the principal teacher with a view to resolving it.
- 1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the chairperson of the board of management with a view to resolving it.

Stage 2

- 2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the chairperson of the board of management.
- 2.2 The chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between

the parties within 5 days of receipt of the written complaint.

Stage 3

- 3.1 If the complaint is not resolved informally, the chairperson should, subject to the general authorisation of the Board and except in those cases where the chairperson deems the particular authorisation of the Board to be required:
 - (a) supply the teacher with a copy of the written complaint; *and*
 - (b) arrange a meeting with the teacher and, where applicable, the principal teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

Stage 4

- 4.1 If the complaint is still not resolved the chairperson should make a formal report to the Board within 10 days of the meeting referred to in 3.2 (b).
- 4.2 If the Board considers that the complaint is not substantiated the teacher and the complainant should be so informed within 3 days of the Board meeting.
- 4.3 If the Board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:
 - (a) The teacher should be informed that the investigation is proceeding to the next stage;
 - (b) The teacher should be supplied with a copy of any written evidence in support of the complaint;
 - (c) The teacher should be requested to supply a written statement to the Board in response to the complaint;
 - (d) The teacher should be afforded an opportunity to make a presentation of case

to the Board. The teacher would be entitled to be accompanied and assisted by a friend at any such meeting;

- (e) The Board may arrange a meeting with the complainant if it considers such to be required. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting;
- (f) The meeting of the board of management referred to in (d) and (e) will take place within 10 days of the meeting referred to in 3.1 (b).

Stage 5

- 5.1 When the Board has completed its investigation, the chairperson should convey the decision of the Board in writing to the teacher and the complainant within 5 days of the meeting of the Board.

5.2 The decision of the Board shall be final.

5.3 This Complaints Procedure shall be reviewed after three years;

5.4 CPSMA or INTO may withdraw from this agreement having given the other party 3 months' notice of intention to do so.

In this agreement 'days' means school days.

Cf. Section 29 of Education Act

APPENDIX 51 DELIVERING EQUALITY OF OPPORTUNITY IN SCHOOLS (DEIS)

The New Action Plan – Introduction

This new action plan will put in place an integrated strategic approach to addressing the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education (3 to 18 years). It will build on the success of existing measures for tackling educational disadvantage, while identifying and effectively addressing the issues that reduced their overall effectiveness in the past.

This plan is one element of a wider continuum of interventions to address disadvantage, which include second-chance education and training and access measures for adults to support increased participation by under-represented groups in further and higher education. A further element of this continuum is the ongoing development of provision for pupils with special educational needs in light of the enactment of the Education for Persons with Special Needs Act (2004) and the establishment of the National Council for Special Education.

Why do we need a new approach?

While considerable progress has been made through the implementation of a wide range of measures to address educational disadvantage, rates of educational under-achievement and early school leaving remain much higher for pupils from disadvantaged communities than for other pupils. This situation is a primary motivating factor for the action now being taken.

Particular priority must be given to addressing the following issues:

Strengthening Early Education supports

Investment in early education provision supporting the most vulnerable can be a powerful intervention yielding life-long educational benefits.

Improving Literacy and Numeracy standards

Research has shown that those with low levels of attainment in literacy and numeracy are significantly more likely to experience educational failure and to leave the education system without qualifications.

Placing a renewed emphasis on the involvement of parents, family members and the community in children's education.

Parental, family and community involvement, especially in areas of socio-economic deprivation, does not just benefit the children and the school – it is a crucial dimension of life-long learning.

Enhancing attendance, educational progression, retention and attainment

There is a clear link between pupils' attendance and their educational attainment.

Successful progression by pupils from primary to second-level is of particular importance.

Children and young people at risk of early school leaving can benefit from extra supports, both academic

and non-academic (including sporting and cultural activities), made available during and outside of school time.

Supporting recruitment and retention of principals and teaching staff

There is a need to ensure that schools serving disadvantaged communities can continue to attract and retain well-qualified personnel to positions of leadership and teaching on an ongoing basis.

Strengthening planning, target-setting and measurement of progress and outcomes

Planning co-ordination and processes for monitoring and evaluating progress need to be further developed at every level.

Strengthening professional development

Focused professional development supports need to be provided for principals and teaching staff working in schools serving disadvantaged communities.

Enhancing integration and co-ordination both within the education sector and cross sectorally

The education system operates in a context of broader social and economic circumstances and must work in partnership with others in the best interests of the children and young people it serves.

What are the main elements of the new Action Plan?

The plan's core elements comprise:

- A standardised system for identifying and regularly reviewing levels of disadvantage.
- A new integrated School Support Programme (SSP) which will bring together, and build upon, existing interventions for schools and school clusters/communities with a concentrated level of educational disadvantage. The difference between urban and rural disadvantage will be taken into account in targeting actions under the programme.

A broad indication of the number of schools which will be included in the SSP is as follows:

Primary	Second-Level
600 Schools Comprising - 300 urban/town - 300 rural	150 Schools

In addition, supports will continue to be provided for schools where the level of disadvantage is more dispersed.

The action plan will be implemented on a phased basis over five years and will involve an additional annual

investment of some €40m on full implementation. About 300 additional posts will also be created across the education system generally.

Existing measures will be streamlined and integrated. This plan will also complement and support provision for students with special educational needs, targeted supports for Traveller students and students from whom English or Gaelic is not their first language, and supports for second-chance education and training

What are the key actions involved?

- A new initiative on early education;
- Additional financial support;
- Smaller class sizes in targeted urban/town primary schools and teacher co-ordinator support for rural primary school clusters;
- A reduction in thresholds for the appointment of administrative principals in targeted primary schools;
- Extended availability of Home/School/Community Liaison and School Completion Programme services;
- Measures to improve literacy and numeracy outcomes;
- Measures to enhance student attendance, educational progression, retention and attainment;
- Greater curricular choice and expansion of the role of information and communication technologies (ICTs);
- Promotion of increased access to third-level;
- A more developed planning process and an in-depth programme of research and evaluation;
- Enhanced professional development for principals and teachers and a new scheme of paid sabbatical leave;
- Increase integration of services and partnership working.

How will existing schemes and programmes be affected?

The following existing schemes and programmes will be integrated into the SSP on a phased basis over the five-year implementation period:

- *Early Start*
- *Giving Children and Even Break* (incorporating the primary Disadvantaged Areas Scheme and Breaking the Cycle)
- The Support Teacher Project (primary level)
- Aspects of the Early Literacy Initiative, including the Reading Recovery initiative and the Junior

Certificate School Programme Literacy Strategy and Demonstration Library Project

- The Home/School/Community Liaison Scheme
- The School Completion Programme (which is being funded under the National Development Plan with Assistance from the European Social Fund)
- The disadvantaged Area Scheme for second-level schools and related projects in second-level schools supporting access to third-level.

The primary and second-level School Books Grant Schemes will continue to operate as before but will take account of the identification process being introduced by this action plan.

How will individual schools and the communities they serve benefit from the School Support Programme when fully operational?

Supports to urban/town primary schools and school clusters/communities in SSP

- For the 150 primary schools serving communities with the highest concentrations of disadvantage:
 - Access to early education for children, aged from three up to school enrolment, who will subsequently attend these primary schools
 - Maximum class sizes of 20:1 in all junior classes (junior infants through 2nd class) and 24:1 in all senior classes (3rd class through 6th class).
- For all 300 urban/town primary schools participating in the SSP:
 - Allocation of administrative principal on lower enrolment and staffing figures than apply in primary schools generally
 - Additional non-pay/capitation allocation based on level of disadvantage
 - Additional funding under school books grant scheme
 - Access to the School Meals Programme
 - Access to a literacy/numeracy support service and to specific literacy/numeracy measures
 - Access to Home/School/community liaison Services
 - Access to a range of supports (both academic and non-academic, and including after-school and holiday-time supports) for young people, based on best practice identified through the School Completion Programme
 - Access to transfer programmes supporting progression from primary to second-level
 - Access to planning supports
 - Access to a range of professional development

supports

- Eligibility for teacher/principals to apply for sabbatical leave scheme.

Note: The following class size reductions provided to urban/town primary schools under previous schemes will continue in operation in the schools concerned:

- *Breaking the Cycle:* 32 schools benefit from maximum class sizes of 15:1 in junior classes and 27:1 in senior classes
- *Giving Children and Even Break:* 211 Schools benefit from maximum class sizes of 20:1 in junior classes and 27:1 in senior classes.

Supports to rural primary school and school clusters/communities in SSP

- Access to a teacher/co-ordinator, serving a cluster of schools or alternative additional financial supports to underpin the development of home, school and community linkages, the implementation of literacy and numeracy measures, planning supports etc.
- Additional non-pay/capitation allocation based on level of disadvantage
- Additional funding under school books grant scheme
- Access to after-school and holiday-time supports
- Access to transfer programmes supporting progression from primary to second-level
- Access to a range of professional development supports
- Eligibility for teacher/principals to apply for sabbatical leave scheme.

Supports to second-level schools and school clusters/communities in SSP

- For second-level schools with the highest concentration of disadvantage:
 - Enhanced guidance counselling provision
 - Provision for school library and librarian support (will be extended to the 50 SSP schools with the highest concentrations of disadvantage over 5 years)

For all 150 second-level schools participating in the SSP:

- Access Junior Certificate School Programme (JCSP) and Leaving Certificate Applied (LCA)
- Additional non-pay/capitation allocation based on level of disadvantage
- Additional funding under school books grant scheme
- Access to the School Meals Programme, with co-ordination provided at cluster level
- Access to Home/School/Community Liaison services

- Access to a range of supports (both academic and non-academic, and including after school and holiday-time supports) for young people, based on the best practice identified through the School Completion Programme
- Access to transfer programmes supporting progression from primary to second-level
- Access to planning supports
- Access to a range of professional development supports
- Eligibility for teachers/principals to apply for sabbatical leave scheme

In addition to the above early education and school-based measures at primary and second-level a new Family Literacy Project will be implemented, targeting SSP school communities generally.

To find out more

The full version of DEIS (Delivering Equality Of Opportunity In Schools) – An Action Plan for Education Inclusion is available on the Department of Education and Science website at www.education.gov.ie.

Hard copies may be obtained by contacting:

The Social Inclusion Unit
 Department of Education and Science
 Marlborough Street, Dublin 1
 Tel: 01 704 3851

APPENDIX 51(A)

HOME/SCHOOL/COMMUNITY LIAISON SCHEME

The Home/School/Community Liaison Scheme was established in 1990 with the appointment of 30 teachers as liaison co-ordinators in 55 primary schools in large designated areas of urban disadvantage.

In 1991, the scheme was extended to 13 second-level schools which serve the children who already had the liaison service at primary level. Subsequent extensions to the scheme at both levels took place mainly on the basis of:

- offering the scheme to designated primary schools in urban areas with high concentrations of pupils from disadvantaged backgrounds; *and*
- offering inclusion in the scheme either simultaneously or subsequently to the second-level schools into which the primary schools in the scheme ‘feed’.

Extensions to the scheme up to September 1998 resulted in a total provision of 133 co-ordinators serving 225 schools at primary level and 84 co-ordinators serving 85 schools at second level. By September 2000, 313 primary schools and 211 post-primary schools will be included in the scheme.

AIMS

The aims of the liaison scheme are:

- (a) To maximise active participation of the children in the scheme schools in the learning process, in particular, those who might be at risk of failure.
- (b) To promote active cooperation between home, school and relevant community agencies in

promoting the educational interests of the children.

- (c) To raise awareness in parents of their own capacities to enhance their children’s educational progress and to assist them in developing relevant skills.
- (d) To enhance the children’s uptake from education, their retention in the educational system, their continuation to post-compulsory education and to third level, and their attitudes to life-long learning.
- (e) To disseminate the positive outcomes of the scheme throughout the school system generally.

The Home/School/Community Liaison Scheme is a preventative strategy which is targeted at pupils who are at risk of not reaching their potential in the educational system because of background characteristics which tend to affect adversely pupil attainment and school retention. The scheme is concerned with establishing partnership and collaboration between parents and teachers in the interests of children’s learning. It focuses directly on the salient adults in children’s educational lives and seeks indirect benefits for the children themselves.

BASIC PRINCIPLES

The Home/School/Community Liaison Scheme is based on the principle of partnership between homes, schools and communities. This partnership is characterised as ‘a working relationship that is characterised by a shared sense of purpose, mutual respect and the willingness to negotiate. This implies a sharing of information, responsibility, skills, decision-making and accountability’ (Pugh, 1989).

General principles govern the operation of the liaison scheme:

- The scheme consists of a partnership and collaboration of the complementary skills of parents and teachers.
- The scheme is unified and integrated at both primary and second levels.
- The thrust of the scheme is preventative rather than curative.
- The focus of the scheme is on the adults whose attitudes and behaviours impinge on the lives of children, namely parents and teachers.
- The basis of activities in the scheme is the identification of needs and having those needs met.
- The scheme develops teacher and staff attitudes in the areas of partnership and the 'whole-school' approach.
- The scheme promotes the fostering of self-help and independence.
- Home visitation is a crucial element in establishing bonds of trust with families.
- Networking with and promoting the co-ordination of the work of voluntary and statutory agencies increases effectiveness and obviates duplication.
- Home/School/Community liaison is a full-time undertaking.
- The liaison co-ordinator is an agent of change.
- Community 'ownership' of the scheme is promoted through the development of local committees.

NATIONAL CO-ORDINATORS

A National Co-ordinator and an Assistant National Co-ordinator advise on and support the development of the scheme, liaise with participants in the scheme at local level, and provide a link between local and national levels.

STRUCTURE OF THE SCHEME

- (a) The basic unit of the scheme is at local schools level where a full-time co-ordinator serves the liaison needs of one school, or of a number of schools in no more than two catchment areas.
- (b) 'Family clusters' of co-ordinators in primary and post-primary catchment areas serve the families which have children from pre-school years to Leaving Certificate level.
- (c) Co-ordinators in an area form clusters and meet regularly for mutual support and development.
- (d) Co-ordinators from numbers of clusters are brought together for in-career development on two occasions in each school year.

IN-CAREER DEVELOPMENT

A one-week induction course is provided for newly appointed co-ordinators.

A one-day information meeting is provided for principals of schools that are new to the scheme, and for newly appointed principals in schools that are already in the scheme.

A two-day module is provided for 'new' principals on the introduction of the scheme into their schools and its integration into the school structure.

Two modules, each of two or three days duration, are organised each school year for co-ordinators when their needs and the needs of the scheme are addressed.

Regional cluster meetings for school chairpersons, principals, co-ordinators and inspectors are held each Spring.

A number of co-ordinators have been trained in staff facilitation skills and they are available as a resource to schools within the scheme that wish to develop liaison policies and practices.

SCHEME RESOURCES

Personnel

Applications are sought from fully qualified primary permanent teachers on the staff(s) of the school(s) in which the co-ordinator(s) will serve. The successful applicant(s) must have an appropriate profile among staff members and parents for work in such a scheme and must be developed to full-time liaison duties. At primary level, the teacher deployed to liaison duties is replaced in the classroom through the appointment of a permanent teacher. At second level, the deployment is provided for through the use of half of the school's 'disadvantaged' post and the addition of a further half post by the Department.

FUNDING

Primary Level

A specific grant is paid per capita and is available for each co-ordinator for scheme activities.

SCHEME ACTIVITIES

Parents

While the primary purpose of the scheme is the promotion of partnership in the children's learning, parents frequently identify needs which are not directly concerned with their children's education. Meeting those identified needs is a critical factor in the development of parents' awareness of their capacities, and in fostering their self-confidence. Scheme activities which meet parents' needs include:

- home visitation with the objective of establishing bonds of trust with parents and families, and supporting parents in the identification of their developmental needs.

- provision of drop-in centres and parents' rooms in schools.
- provision of crèche facilities so that parents can attend scheme activities.
- courses and classes on:
 - (a) curricular areas so that parents can assist and support their children with their school work;
 - (b) personal development through parenting and assertiveness training;
 - (c) leisure activities;
 - (d) aspects of educational development which range from basic literacy to certificate examination subjects and diploma courses;
 - (e) the development of parents as home visitors, facilitators and classroom aides.

Teachers

Development for teachers in the liaison scheme is in the area of developing partnership and collaboration with parents in the interests of the children's education.

This development includes:

- (a) the promotion and establishment of a continuity in the children's transfer from home to school;
- (b) an understanding of partnership in the context of the parents' role as the primary educators of their children;
- (c) the development of attitudes and behaviours regarding the complementarity of parents' and teachers' skills, knowledge and experiences in the enhancement of children's learning;
- (d) joint policy making between parents and teachers on issues such as homework and discipline.

APPENDIX 52 BREAKING THE CYCLE

Breaking the Cycle was introduced in Autumn 1996 as a five-year pilot project. It is a targeted initiative which offers the support of an early intervention scheme at primary level to selected urban and rural schools whose pupils have been identified as experiencing particularly acute levels of educational disadvantage.

Broadly speaking, the aim of **Breaking the Cycle** is to effect improvements in attainment, attendance and participation in education for the pupils identified in the targeted schools. The overall aim of the project is to strengthen the ability of each participating school to provide quality education for all its pupils by supporting each school in developing improvement strategies which are designed to break the deterministic social mould which surrounds educational disadvantage.

Essentially, the scheme involves a multi-faceted approach to meeting the needs of socially and educationally disadvantaged children. In the urban dimension of the initiative, thirty-two schools currently enjoy a reduced pupil-teacher ratio of fifteen to one for the first four years of primary school, access to grant assistance for special projects and equipment, targeted in-career development and support with school development planning from the National Co-ordinator. Twenty-four of the schools are in Dublin, 5 are in Cork and 3 are in Limerick.

The rural dimension of **Breaking the Cycle** focuses on 122 schools in 25 cluster areas. Twenty-five especially appointed teacher co-ordinators work with families and children. Special grant aid and in-career support is also available in the rural dimension of the scheme.

The operation of the scheme is closely monitored by the Department and the scheme is being evaluated by the Education Research Centre. As a first step, the Research Centre carried out a programme of testing in English and Mathematics in third and sixth class in the school in 1997 to establish baselines against which future test results would be compared. Pupils' attainment has been assessed again in May 2000 and the initial impact of the initiative on pupil achievement will be measured in this context.

Because of the multi-faceted approach to addressing the complex issues in educational disadvantage, the project is designed to have an impact on school, teachers and pupils; consequently the evaluation will be wide-ranging in its focus. The future of the scheme as a model for addressing educational disadvantage in urban and rural settings will be considered in the light of the findings in the evaluation report.

APPENDIX 53

EARLY START PRE-SCHOOL PILOT PROJECT

The objective of the Early Start pre-school initiative is to expose young children to an educational programme which will enhance their overall development and lay a foundation for successful educational attainment in future years.

This pilot programme is a very significant development. All research evidence from experience in this country and abroad indicates that high quality pre-school education can play an important part in offsetting the effects of social disadvantage and in preventing educational disadvantage.

Eight centres of greatest disadvantage, one in Cork, one in Limerick and six in Dublin, were selected in October 1994 for the provision of this service on a pilot scheme basis. The areas in question were selected after detailed consideration of needs across the disadvantaged areas.

Each centre, set up in vacant classrooms in selected primary schools consists of a full unit or a half unit and caters for 60 or 30 pupils between 3 and 4 years of age. The centres operate a dual day that allows for pupils to be enrolled in the morning or afternoon session.

Each pre-school class is staffed by a fully qualified primary school teacher and a qualified childcare worker.

The minimum qualification for childcare workers is the full-time post Leaving Certificate Level 2 childcare qualification that is validated by the NCVA. The National Vocational Certificate: Community and Health Services – Childcare, Level 2 or recognised equivalent qualifications.

Full-time courses in childcare, pre-school care or social care, of longer duration, which are validated by the National Council for Vocational Award (NCVA) or the National Council for Educational Awards (NCEA) or equivalent qualifications are also acceptable.

The childcare workers are appointed by the relevant school's board of management.

The following grants are also provided:

- £4,500 per classroom 'start-up' grant for the purchase of a range of suitable equipment;
- £1,500 per centre per annum for the development of parental involvement;
- £75 per pupil annual capitation grant to the board of management, to be used as funding support for day-to-day running costs of the centre.

All teachers and childcare workers involved with the centres receive induction and annual in-career development. The first training and induction programme was held in early September 1994 and the centres commenced operation on 3 October 1994.

The first three years of the pilot project was evaluated by the Educational Research Centre and was closely monitored by the Department's Inspectorate.

The Early Start Pre-school programme was extended to a further thirty-two schools in disadvantaged areas for the 1995/1996 school year. This brings the total number of schools with this service to forty.

APPENDIX 54

GUIDELINES FOR SCHOOL BEHAVIOUR AND DISCIPLINE

Circular 20/90

Each board of management is requested to draw up a Code of Behaviour and Discipline for its school. A Board may adopt and adapt provisions in the Suggested Code as necessary to meet the particular needs and circumstances of its school.

This Circular and appendices will replace Circular 7/88 and its appendices.

Where a board of management employs detention as part of its code of behaviour and discipline, arrangements should be made to have the pupil(s) concerned properly supervised during the period of detention. Advice received by the Minister indicates that, if it is proposed to detain a pupil after school hours, the parents or guardians concerned should be notified of this in advance.

1. The ethos or climate of a school is a major factor in establishing and maintaining high standards of behaviour and discipline. This will involve a strong sense of community within the school and a high level of cooperation among staff and between staff, pupils and parents. The school staff need to be aware of the fact that the values of the home and of the wider community which it serves may differ from the values which the school tries to promote.

Ideally teachers should be familiar with the relevant factors influencing the families of their pupils. A high level of cooperation both within the school and between the school and the wider community is best achieved through good relationships.

A positive school ethos is based on the quality of relationships, both the professional relationships between teachers and the ways in which pupils and teachers treat each other. This positive ethos permeates all the activities of the school and helps in forming a strong sense of social cohesion with the school.

2. The board of management has a role to play in the maintenance of desirable standards of behaviour in a school. It should be supportive of the principal teacher in the application of a fair code of behaviour and discipline within the school. Chairpersons of boards of management should visit their schools and satisfy themselves that the Rules for National Schools are being complied with.

Boards of management and principal Teachers have positive roles to play in fostering understanding and

cooperation between teachers, parents and pupils and in helping schools to adapt to the needs of pupils.

The board of management should encourage the body representing parents of pupils attending the school to become involved (a) in the process of drawing up a code of behaviour and discipline and (b) in supporting the teaching staff with regard to its implementation. If considered desirable, it can obtain reports from the principal teacher on standards of behaviour in the school. It should ensure that a high standard of cleanliness and maintenance prevails within the school.

Boards of management and selection boards should ensure that they have regard to the need to select as principal teacher a candidate with the qualities necessary to deal effectively with behaviour and discipline in the school.

3. The principal teacher's management style is a crucial factor in encouraging a sense of collective responsibility among staff and a sense of commitment to the school among pupils and their parents. She/he can create the right climate within which individuals in the school community can fulfil their responsibilities. She/he can provide guidance and support in the implementation of the school policy on behaviour.

It is the principal teacher's responsibility to ensure that the school's code of behaviour and discipline is administered in a manner which is consistent and fair to all pupils.

4. A whole school behaviour policy should be developed by schools following meaningful consultation with parents. The body representing parents should be invited by the board of management to make a submission indicating what it would like to see in the policy. Careful consideration should be given by the board of management to the parents' submission in formulating the policy document. If parents are fully involved in drawing up a whole school behaviour policy, they will have a greater understanding of what it entails and are more likely to support the school in implementing it.
5. The policy should aim to create a positive school ethos where learning and development can take place and to promote the highest possible degree of consensus about standards of behaviour

among staff, pupils and parents. A whole school policy should become part of the ethos of the school and should be clearly understood by pupils, parents and the wider school community. It is important that the policy be accepted by all the staff.

The policy should indicate ways in which parents can have easy access to teachers and set down procedures for meaningful communication between both parties.

Pupils are likely to respond positively to such a policy if it is clearly understood and applied in a consistent manner. In this context principal Teachers should consider consulting older pupils about the relevance of individual rules and regulations.

6. The attitude of staff will have a crucial bearing on how successful the policy is likely to be. Staff should consider themselves responsible at all times for the behaviour of children within sight or sound of them and should respond promptly and firmly to any instances of unacceptable behaviour. Poor behaviour can stem from a range of causes, some school-based, some external. The problem, then, is complex, and a variety of measures is required to deal with it.

7. It is generally accepted that the quality of teaching has a direct influence on pupil behaviour. Lively and stimulating methods, with work well matched to pupils' abilities, are likely to receive a positive response from the children. Positive expectations by teachers can make pupils more responsible in their work and conduct. Where teachers insist, firmly but fairly, on honest effort and commitment from pupils and on high standards of behaviour, there is a greater likelihood they will obtain them. An attractive environment for learning can also be a motivating factor in maintaining good behaviour.

8. Schools need the support of parents in order to meet legitimate expectations with regard to good behaviour and discipline.

It is important that parents be made aware of the aims, values and disciplinary requirements of the school.

The greater majority of parents take their responsibility with regard to standards of behaviour in their children seriously. Some parents, however, do not fully appreciate the need to provide their children with firm guidance and positive models of behaviour.

Schools can more easily implement a policy on behaviour and discipline if they receive the active support of the parents.

Parents can cooperate with schools by encouraging their children to abide by the school rules, by visiting the school when requested to do so by the principal teacher

or other member of the staff and by ensuring that homework is allocated due time and effort by the children. Parents should be made aware of the school homework policy and how they can assist.

Parents play a crucial role in shaping the attitudes which produce good behaviour in school. They should take full advantage of all formal and informal channels of communication made available by schools.

Parent-teacher associations or parents' associations should ensure that their activities are accessible and rewarding to as many parents as possible.

9. It is accepted that there is a need for sanctions to register disapproval of unacceptable behaviour. Each school will devise a graded system of sanctions suitable to its particular needs and circumstances. They should, however, contain a degree of flexibility to take account of individual circumstances. Misbehaviour should be checked immediately after it occurs.

Sanctions should make the distinction between minor and more serious misbehaviour clear to pupils.

10. A teacher should report repeated instances of serious misbehaviour to the principal teacher while at the same time keeping a written record of all such instances. Their record should indicate the warnings and/or advice given to the child on the misbehaviour and the consequences of its repetition. Pupils should be informed when instances of serious misbehaviour on their part are being recorded. Parents should be kept fully informed from the outset of instances of serious misbehaviour on the part of their children. It is better to involve parents at an early stage than as a last resort.

Parents should be informed of their right to come to the school and be invited to do so in order to discuss the misbehaviour with the principal teacher and/or the class teacher. This should always be done when the suspension of a pupil is contemplated.

11. The balance between rewards and sanctions, in both policy and practice, is a useful touchstone of a school's approach to maintaining good standards of behaviour. Where schools lay the emphasis on rewards the best results are found.

12. Close cooperation with parents is important. Individual invitations to discuss their child can help in the acceptance of a combined responsibility. Parents should be informed by the school authorities about problems with their children's behaviour before a serious situation develops.

A range of activities involving parental participation will help to establish positive links with parents.

A school should give consideration to designating responsibility for home-school links to a suitable member of staff.

Evidence seems to indicate that schools which succeed in achieving and maintaining high standards of behaviour and discipline tend to be those with the best relationships with parents. principal Teachers and staff

should ensure that their schools provide a welcoming atmosphere which encourages parents to become involved and that parents are not only told when their children are in trouble but also when they have behaved particularly well. Schools' policies on behaviour should be communicated fully and clearly to parents.

APPENDIX 55

CODE OF BEHAVIOUR AND DISCIPLINE FOR NATIONAL SCHOOLS

Boards of management in devising a Code of Behaviour are required to refer to the New Guidelines for a Code of Behaviour prepared by the National Educational Welfare Board (October 2007).

Boards are also reminded that the Code of Behaviour must be in accordance with the Education Welfare Act 2000.

APPENDIX 56

GUIDELINES FOR DEALING WITH ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE

INTRODUCTION AND LEGAL FRAMEWORK

1.1 Introduction

1.1.1 Following discussions between the Department of Education and Science, the HSE and organisations representing school management, parents and teachers, the guidelines contained in this document have been drawn up. These guidelines are based on the new National Guidelines for the Protection and Welfare of Children (Children First) which were published earlier this year by the Department of Health and Children. A copy of the National Guidelines is available in the school. These guidelines should be read in conjunction with the National Guidelines.

1.1.2 The primary aim of these guidelines for schools is to give direction and guidance to school management authorities and school personnel in dealing with allegations/suspicious of child abuse. In addition, they also aim to provide sufficient information to school management authorities and school personnel to enable them to be alert to and to be aware of what to do in

situations where child abuse may be a concern or suspicion.

1.1.3 In all cases, the most important consideration to be taken into account is the protection of children. In this regard, these guidelines emphasise that the safety and well-being of children must be a priority. If school personnel have concerns that children with whom they have contact may be being abused, the matter should be reported without delay to the relevant HSE.

1.1.4 In the interests of the welfare and protection of children, it is incumbent on school authorities and teachers to adhere to these guidelines in dealing with allegations or suspicions of child abuse. The Department of Education and Science, the HSE and the partners in education are in agreement that these guidelines should be followed at all times. These guidelines replace the 1991 guidelines that issued to all primary schools.

1.2 Confidentiality

1.2.1 All information regarding concerns of possible child abuse should only be shared on a need to know basis in the interests of the child. The test

is whether or not the person has any legitimate involvement or role in dealing with the issue.

- 1.2.2 However, giving information to those who need to have that information, for the protection of a child who may have been, or has been abused, is not a breach of confidentiality.
- 1.2.3 Any Designated Liaison Person (please see paragraph 2.2 of these guidelines) who is submitting a report to the HSE or the Garda Síochána should inform the parent/guardian unless doing so is likely to endanger the child or place the child at further risk. A decision not to inform a parent/guardian should be briefly recorded together with the reasons for not doing so.
- 1.2.4 It is not the responsibility of school staff to make enquiries of parents or guardians, and in some cases it could be counter-productive for them to do so. It is a matter for the appropriate health board to investigate suspected abuse and determine what action to take, including informing the Garda Síochána

1.3 Protection for Persons Reporting Child Abuse Act 1998

- 1.3.1 The Protection for Persons Reporting Child Abuse Act 1998 came into operation on 23 January 1999. Its main provisions are:
 - (i) The provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of HSE or any member of the Garda Síochána;
 - (ii) The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
 - (iii) The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence designed to protect innocent persons from malicious reports.

1.4 Qualified Privilege

- 1.4.1 While the legal protection outlined in 1.9 above only applies to reports made to the appropriate authorities (i.e. the HSE and the Garda Síochána), this legislation has not altered the situation in relation to common law qualified privilege which continues to apply as heretofore. Consequently, should a member of a board of

management or school personnel furnish information with regard to suspicions of child abuse to the Designated Liaison Person of the school, or to the chairperson of the board of management, such communication would be regarded under common law as having qualified privilege.

- 1.4.2 Qualified privilege arises where the person making the communication has a duty to do so, or a right, or interest to protect the child and where the communication is made to a person with a similar duty, right or interest. The person making the report, acting *in loco parentis*, would be expected to act in the child's best interests and the person reporting the suspicion would be regarded as acting in such a manner. Privilege can be displaced only where it can be established that the person making the report acted maliciously.
- 1.4.3 Furthermore, those reporting a child's disclosure are not regarded as making an allegation as a matter of charge, but simply carrying out their duty in good faith. They are not accusing or bringing a charge.

1.5 Freedom of Information Act 1997

- 1.5.1 Any reports which are made to HSE may be subject to the provisions of the Freedom of Information Act 1997, which enables members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Act also provides that public bodies may refuse access to information obtained by them in confidence.

RESPONSIBILITIES OF ALL SCHOOL PERSONNEL

2.1 General

- 2.1 There is an obligation on schools to aim to provide pupils with the highest possible standard of care in order to promote their well-being and protect them from harm.
- 2.2 All school personnel are especially well placed to observe changes in behaviour, failure to develop or outward signs of abuse in children. In situations where school personnel suspect abuse, they should ensure that such concerns are reported in accordance with the procedures outlined in paragraph 3.1 of these guidelines.

2.2 Designated Liaison Person

- 2.2.1 All boards of management must designate a senior member of staff to have specific responsibility for child protection. This person will be the Designated Liaison Person for the

school in all dealings with HSE, the Garda Síochána and other parties, in connection with allegations of abuse. Those other parties should be advised that they should conduct all matters pertaining to the processing or investigation of alleged child abuse through the Designated Liaison Person. It is expected that the Designated Liaison Person will normally be the principal teacher.

2.2.2 Where the Designated Liaison Person is unavailable for whatever reason, arrangements should be in place for another nominated member of staff to assume her/his responsibilities.

2.2.3 The Designated Liaison Person, or her/his nominated replacement, should immediately inform the chairperson of the board of management of the school that a report involving a pupil in the school has been submitted to the relevant health board.

2.3 How To Recognise Possible Signs of Abuse

2.3.1 Indicators of possible abuse are outlined in Chapter Three and Appendix One of the Department of Health and Children National Guidelines. Teachers should familiarise themselves with the contents of those sections. No one indicator should be seen as conclusive in itself and may indicate conditions other than child abuse. It is important that all school personnel would consult the relevant sections of the National Guidelines where they have concerns regarding possible abuse. The Designated Liaison Person should be able to provide school personnel with a copy of the National Guidelines.

2.3.2 The National Guidelines state that a HSE should always be notified where a person has a reasonable suspicion or reasonable grounds for concern that a child may have been or is being abused or at risk of abuse. The following examples are quoted as constituting reasonable grounds for concern:

- (i) Specific information from the child that she/he was abused;
- (ii) An account by a person who saw the child being abused;
- (iii) Evidence, such as injury or behaviour, which is consistent with abuse and unlikely to be caused another way;
- (iv) An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the

concern that it is a case of abuse e.g. a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour; *and*

- (v) Consistent evidence, over a period of time that a child is suffering from emotional or physical neglect.

2.3.3 A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, if doubts persist, please consult paragraph 3.4 of these guidelines.

2.4 Handling Disclosures From Children

2.4.1 An abused child is likely to be under severe emotional stress and a staff member may be the only adult whom the child is prepared to trust. Great care should be taken not to damage that trust.

2.4.2 When information is offered in confidence, the member of staff will need tact and sensitivity in responding to the disclosure. The member of staff will need to reassure the child, and retain his or her trust, while explaining the need for action and the possible consequences, which will necessarily involve other adults being informed. It is important to tell the child that everything possible will be done to protect and support her/him, but not to make promises that cannot be kept, e.g. promising not to tell anyone else.

2.4.3 While the basis for concern must be established as comprehensively as possible, the following advice is offered to school personnel to whom a child makes a disclosure of abuse:

- Listen to the child;
- Do not ask leading questions nor make suggestions to the child;
- Offer reassurance but do not make promises;
- Do not stop a child recalling significant events;
- Do not over-react;
- Explain that further help may have to be sought;
- Record the discussion accurately and retain the record.

This information should then be reported to the Designated Liaison Person as outlined in paragraph 3.1 of these guidelines. The record of the discussion should be given to and retained by the Designated Liaison Person.

2.5 Keeping Of Records

- 2.5.1 When child abuse is suspected, it is essential to have a record of all the information available. Staff should note carefully what they have observed and when they observed it. Signs of physical injury should be described in detail and, if appropriate, sketched. Any comment by the child concerned, or by any other person, about how an injury occurred should be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. All records so created should be regarded as highly confidential and retained in a secure location by the Designated Liaison Person.
- 2.5.2 It is possible that school personnel may subsequently be invited to attend a child protection conference by the appropriate HSE. Please consult paragraph 3.4 of these guidelines for further information on child protection conferences.

2.6 Reporting Directly to the Garda Síochána

- 2.6.1 In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with the appropriate health board, the Garda Síochána should be contacted immediately. Under no circumstances should a child be left in a dangerous situation pending HSE intervention.

REPORTING OF CONCERNS AND ROLE OF HEALTH BOARDS

3.1 Action to be Taken by School Personnel

- 3.1.1 If a school employee receives an allegation or has a suspicion that a pupil is being abused, the school employee should, in the first instance, report the matter to the Designated Liaison Person in that school. The need for confidentiality at all times, as previously referred to in paragraphs 1.5–1.8 of these guidelines, should be borne in mind.

3.2 Action to be Taken by Designated Liaison Person

- 3.2.1 If the school employee and the Designated Liaison Person are satisfied that there are reasonable grounds for the suspicion or allegation (see paragraphs 2.7 and 2.8 of these guidelines) the Designated Liaison Person should report the matter to the relevant health board immediately. It is recommended that all reports should include as much as possible of the information sought in the Standard Reporting Form as outlined in Appendix 1* of these guidelines. It may not be possible to include all information requested on HSE forms. Since all

information requested might not be available to the person making a report, the forms should be completed as comprehensively as possible. When such a report is being made to a HSE, the chairperson of the board of management of the school should be informed. A decision on whether or not the parents/guardians of the child should also be informed should be taken in accordance with the information contained in paragraph 1.7 of these guidelines.

- 3.2.2 In cases where school personnel have concerns about a child, but are not sure whether to report the matter to the appropriate health board (i.e. make a referral), they should seek appropriate advice. To do so, the Designated Liaison Person should consult the appropriate HSE staff. In consulting the appropriate HSE staff, the Designated Liaison Person should be explicit that she/he is requesting advice and consultation and that she/he is not making a referral. It would not be envisaged at this informal stage that the Designated Liaison Person would have to give identifying details as are required when a referral/report is being made. If a health board advises that a referral should be made, the Designated Liaison Person should act on that advice.

- 3.2.3 If following the discussion outlined in 3.3 above, the Designated Liaison Person decides that the concerns of the school employee should not be referred to the relevant HSE, the school employee should be given a clear statement, in writing, as to the reasons why action is not being taken. The school employee should be advised that, if she/he remains concerned about the situation, she/he is free to consult with or report to the health board. Again, the Standard Reporting Form at Appendix 1* of these guidelines should be used. Any such report would be covered by the Protection for Persons Reporting Child Abuse Act 1998.

- 3.2.4 A list of HSE contact addresses and phone numbers is contained at Appendix 2* of these guidelines. It is essential that at all times the matter be treated in the strictest confidence and not discussed except among the parties mentioned above.

3.3 Role of Health Boards

- 3.3.1 HSE were established under the Health Act 1970. With the passing of the Child Care Act 1991, HSE were given a range of statutory responsibilities in the area of child welfare, family support, child protection and child care.

- 3.3.2 The responsibility given to HSE to protect

children is contained in Sections 3(1) and 3(2)(a) of the Child Care Act 1991, where it is stated that:

- 3(1) It shall be a function of every HSE to promote the welfare of children in its area who are not receiving adequate care and protection;
- 3(2) in the performance of this function a health board shall:
 - (a) take such steps as it considers requisite to identify children who are not receiving adequate care and protection and co-ordinate information from all relevant sources relating to children in its area.

Once an allegation of child abuse has been reported to a HSE, it is then a matter for that HSE to decide upon the action, if any, which is necessitated by that report. Reports to HSE are normally called 'referrals'. In some cases, the response of the HSE will be to call a child protection conference.

3.4 Child Protection Conferences

- 3.4.1 The child protection conference is an essential mechanism for HSE in the effective operation of the child protection services under the Child Care Act 1991. It is a forum for the co-ordination of information from all relevant sources, including, where necessary, school employees. The child protection conference plays a pivotal role in making recommendations and planning for the welfare of children who may be at serious risk.
- 3.4.2 A request from a HSE for a school employee to attend a child protection conference should be made to the Designated Liaison Person who should consult with the chairperson of the board of management of the school. The chairperson of the board of management may, through the Designated Liaison Person, request the appropriate authorities to clarify why the attendance of the school employee at the child protection conference is considered necessary and who else is going to be present. Substitute costs, where necessary, will be met by the Department of Education and Science in respect of teachers required to attend a child protection conference during school hours. A letter from the relevant HSE confirming the attendance of the teacher at the child protection conference should be submitted to the Department together with the application for payment of the substitute.

- 3.4.3 It would be normal for a person attending a child protection conference to provide a report to the conference. A sample pro-forma for a school employee's report to a child protection conference is attached at Appendix 3*. It should be noted that this is a sample form and different HSE may supply alternative type forms. However, it is expected that the type of information that is requested by this sample form will be similar to the type of information required by all health boards.
- 3.4.4 The National Guidelines state that professionals should always be informed when children and/or parents/guardians are going to be present at child protection conferences. Accordingly, any school personnel who may have a concern about parent/guardian involvement should contact the chairperson of the child protection conference in advance for guidance.
- 3.4.5 The recommendations of the child protection conference are concerned with the future planning for the child and family. The conference may recommend that particular agencies provide resources and services to the family. Participants may provide undertakings regarding actions that they agree to take. The recommendations may include the HSE seeking legal advice with respect to an application for a Court Order to protect the child. Further information on the protocol for child protection conferences is contained in Appendix 6 of the National Guidelines (Page 115).
- 3.4.6 The school employee may be requested to keep the child's behaviour under closer observation, in a manner that is not inconsistent with the school employee's existing duties to his class as a whole. This may include observing the child's behaviour, peer interactions, school progress or informal conversations.
- 3.4.7 In all cases, individuals who refer or discuss their concerns about the care and protection of children with HSE staff should be informed of the likely steps to be taken by the professionals involved. Wherever appropriate, and within the normal limits of confidentiality, health board staff have a responsibility to inform persons reporting alleged child abuse and other involved professionals about the outcomes of any enquiry or investigation into that reported concern.

ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE BY SCHOOL EMPLOYEES

4.1 Introduction

4.1.1 This Chapter is intended to provide guidance to boards of management in situations where an allegation of abuse is made against a school employee. The most important consideration to be taken into account by a board of management is the protection of children, and their safety and well-being must be a priority. However, because of the involvement of school employees, the board of management has duties in respect of them as well. The guidelines are offered to assist boards of management in having due regard to the rights and interests of the children under their care and those of the employee against whom an allegation is made.

4.1.2 As employers, boards of management should note that legal advice should always be sought in these cases, as circumstances can vary from one case to another and it is not possible in these guidelines to address every scenario.

4.1.3 It is important to note that there are two procedures to be followed:

- (i) the reporting procedure in respect of the allegation;
- (ii) the procedure for dealing with the employee.

In general, the same person should not have responsibility for dealing with the reporting issue and the employment issue. In the case of primary schools, the Designated Liaison Person is responsible for reporting the matter to the appropriate HSE, while the chairperson of the board of management, acting in consultation with her/his Board, is responsible for addressing the employment issues. However, where the allegation of abuse is against the Designated Liaison Person, the chairperson of the board of management will assume the responsibility for reporting the matter to the health board.

4.1.4 The primary aim of boards of management is to protect the children within the school to whom they have a duty of care. However, school employees may be subject to erroneous or malicious allegations. Therefore, any allegation of abuse should be dealt with sensitively and the employee fairly treated. This includes the right not to be judged in advance of a full and fair enquiry.

4.2 Reporting Procedure

4.2.1 Where an allegation of abuse is made against a

school employee, the Designated Liaison Person within the school should immediately act in accordance with the procedures outlined in paragraph 3.2–3.5 of these guidelines. A written statement of the allegation should be sought from the person/agency making the allegation (parents/guardians may make a statement on behalf of the child). The ability of the HSE or the board of management to assess suspicions or allegations of abuse will depend on the amount, and quality, of information conveyed to them. Whether or not the matter is being reported to the appropriate HSE, the Designated Liaison Person should always inform the chairperson of the board of management of the allegation.

4.2.2 School employees, other than the Designated Liaison Person, who receive allegations of abuse against another school employee, should report the matter without delay to the Designated Liaison Person as outlined in paragraph 3.1 of these guidelines. The Designated Liaison Person should then follow the prescribed procedures as laid out in paragraphs 3.2–3.5 of these guidelines.

4.2.3 School employees who form suspicions regarding the conduct of another school employee should consult with the Designated Liaison Person. The Designated Liaison Person may wish to consult with the appropriate HSE. If the Designated Liaison Person and the school employee are satisfied that there are reasonable grounds for the suspicion, the Designated Liaison Person should report the matter to the relevant HSE immediately. The Designated Liaison Person should also report the matter to the chairperson of the board of management, who should proceed in accordance with the procedures outlined in paragraphs 4.8–4.12 below. Paragraphs 3.2–3.5 of these guidelines should be read in full, in conjunction with this paragraph.

4.3 Action to be taken by chairperson

4.3.1 When a chairperson of a board of management becomes aware of an allegation of abuse against a school employee, the chairperson should privately inform the employee of the following:

- (i) the fact that an allegation has been made against her/him;
- (ii) the nature of the allegation;
- (iii) whether or not the matter has been reported to the appropriate HSE by the Designated Liaison Person.

4.3.2 The employee should be given a copy of the written allegation, and any other relevant documentation. The employee should be

requested to respond to the allegation in writing to the board of management within a specified period of time. The employee should be told that her/his explanation to the board of management would also have to be passed on to the HSE.

4.3.3 At this stage, it should be remembered that the first priority should be to ensure that no child is exposed to unnecessary risk. The chairperson of the board of management should, as a matter of urgency, take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children.

4.3.4 If, in the chairperson's opinion, the nature of the allegation warrants immediate action, the chairperson, on behalf of the board of management, should direct that the employee absent her/himself from the school with immediate effect. Where the chairperson is unsure as to whether the nature of the allegations warrants the absence of the employee from the school while the matter is being investigated, she/he should consult with the Child Care Manager of the local HSE and/or the Garda Síochána for advice as to the action that those authorities would consider necessary. Following those consultations, the chairperson should have due regard for the advice offered.

4.3.5 Any absence by a school employee would be regarded as administrative leave of absence with pay and not a suspension. Such a leave of absence would not imply any degree of guilt on the part of the school employee. Where such a leave of absence is invoked, the Department of Education and Science should be contacted with regard to:

- (i) Formal approval for the paid leave of absence of the school employee; *and*
- (ii) Departmental sanction for the employment of a substitute teacher.

4.4 Further Follow-Up Required

4.4.1 Whether or not the employee is absent from the school on administrative leave, it is necessary for the chairperson to inform the board of management immediately of the matter. The chairperson should convene an immediate meeting of the Board for this purpose and inform the Board members of the nature of the allegations, the action taken in respect of same, and the outcome of any consultations with the HSE and/or the Garda Síochána. Members of the board of management should be reminded of their serious responsibilities to maintain strict confidentiality about all matters relating to the

issue. The principles of due process and natural justice should be adhered to by the Board.

4.4.2 It should be noted that, in certain situations, it might not be possible for the board of management to reach any definitive conclusions as to whether the alleged abuse actually occurred. Such a situation could occur where the allegations of abuse relate to the past employment of the school employee, and where these allegations are being investigated by either the HSE or the Garda Síochána. In such situations, it may not prove possible for a board of management to conduct any proper enquiry into the allegations. In these cases, the chairperson of the board of management should maintain regular and close liaison with those authorities and a decision on the position of the school employee should be taken, having due regard to the advice given to the board of management by those authorities. If a decision is taken that the school employee should take administrative leave of absence, the Department of Education and Science should be immediately informed.

4.4.3 However, where the alleged abuse has taken place within its school, or relates to the abuse of pupils of the school, by school employees outside of school time, the board of management should convene a further meeting. At this meeting the Board should consider in detail the allegations which have been made against the school employee and the source of those allegations, the advice of the HSEs and/or the Garda Síochána in relation to the allegation, and the written response of the employee to the allegations.

4.4.4 At this meeting, the person/agency who is alleging abuse by the school employee should be offered an opportunity to present his/her case to the Board and may be accompanied by another person in doing so. Parents/guardians may act on behalf of a child. Likewise the employee should be afforded an opportunity to make a presentation of his/her case to the Board and may also be accompanied by another person.

4.4.5 Having followed the procedures outlined above, and having satisfied itself that it has sufficient information to hand for it to make a determination in relation to the allegation, the Board should then make a decision on the action, if any, it considers necessary to take in respect of the employee. The Department of Education and Science should be informed of the outcome where the school employee had been absent on administrative leave.

4.5 Feedback from HSEs

4.5.1 The National Guidelines place an onus on HSEs

to ensure that arrangements are put in place to provide feedback to employers in regard to the progress of a child abuse investigation regarding an employee. It is clearly stated in those guidelines that efforts should be made to investigate complaints against employees promptly, bearing in mind the serious implications for an innocent employee. HSEs should pass on reports and records to the employer and the employee in question where appropriate. This will assist the employer in reaching a decision as to the action to be taken in the longer term concerning the employee. Employers should always be notified of the outcome of investigations. It is the responsibility of the chairperson of the board of management to maintain close contact with the HSEs to ensure that the HSEs act promptly in cases of alleged abuse involving school employees.

PEER ABUSE AND BULLYING

5.1 Introduction

- 5.1.1 It is important that sexualised behaviour between children is not ignored and, as appropriate, certain cases should be referred to the HSE. However, it is also very important that the different types of behaviour are clearly identified and that no young person is wrongly labelled 'a child abuser' without a clear analysis of the particular behaviour. The National Guidelines outline four different categories of behaviour, which warrant attention and it is important that all school personnel would consult Chapter 11 of the National Guidelines where they have concerns regarding possible abuse.
- 5.1.2 In a situation where child abuse is alleged to have been carried out by another child, the reporting procedures outlined in Section 3 of these guidelines should be followed.
- 5.1.3 Sexualised behaviour between children is inappropriate and must be taken seriously. Schools should arrange separate meetings with the parents of all the children involved in such behaviour with a view to resolving the situation.
- 5.1.4 Sexualised behaviour may also be indicative of a situation that requires assessment by the HSE. Children who are abusive towards other children require comprehensive assessment and therapeutic intervention by skilled child-care professionals. It is known that some adult abusers begin abusing during childhood and adolescence, that significant numbers will have suffered abuse themselves and that the abuse is likely to become progressively more serious.

Early referral and intervention is therefore essential.

5.2 Sexual Abuse by Children and Young People

- 5.2.1 In cases where school personnel have concerns about a child, but are not sure whether to report the matter to the appropriate HSE (i.e. make a referral), they should seek appropriate advice. To do so, the Designated Liaison Person should consult the appropriate HSE staff. In consulting the appropriate HSE staff, the Designated Liaison Person should be explicit that he/she is requesting advice and consultation and that he/she is not making a referral. It would not be envisaged at this informal stage that the Designated Liaison Person would have to give identifying details as is required when a referral/report is being made.
 - 5.2.2 In cases where children are abusive towards other children, it is the responsibility of the relevant HSE to establish appropriate treatment programmes to cater for children who engage in abusive behaviour against other children.
 - 5.2.3 Schools should also make appropriate arrangements to minimise the possibility of any abusive behaviour re-occurring within the school. Schools should also provide assurances to parents/guardians of the abuse victim that the school will take all reasonable measures to ensure the safety of their children within the school. The principal and class teachers concerned should make arrangements to meet the parents of all the children involved in the incident with a view to addressing the matter. Separate meetings should be arranged for parents to the involved children.
- ### **5.3 Bullying**
- 5.3.1 Bullying can be defined as repeated aggression, be it verbal, psychological or physical, which is conducted by an individual or group against others. It is behaviour that is intentionally aggravated and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviour such as teasing, taunting, threatening, hitting, exclusion or extortion, by one or more pupils against a victim. The more extreme forms of bullying behaviour, when they are perpetrated by adults rather than children, would be regarded as physical or emotional abuse. However, other major forms of child abuse, such as neglect and sexual abuse, are not normally comprehended by the term bullying.
 - 5.3.2 It is recognised that bullying in schools is an increasing problem. School management authorities are responsible, in the first instance, for dealing with bullying in school, and should exercise this responsibility, having regard to

Guidelines on Countering Bullying Behaviour in Primary and Post-Primary Schools, which were issued in 1993. It is imperative that boards of management have a policy in place to deal with bullying and that teachers are aware of this policy and of procedural guidelines to deal with bullying, which are included in the school's code of behaviour and discipline. In situations where the incident is serious and where the behaviour is

regarded as potentially abusive, the school should consult the relevant HSE with a view to drawing up an appropriate response.

* **Forms and information referred to as Appendices are available from your local HSE.**

APPENDIX 56(A)

PROPOSED GUIDELINES FOR THE PROTECTION OF STUDENTS IN PRIMARY SCHOOLS AFFILIATED TO CPSMA

These guidelines are being offered as a template for boards of management. These guidelines should be read in conjunction with the Department of Education & Science Child Protection Guidelines for primary schools and with the National Guidelines or the Protection and Welfare of Children (Children First) published by the Department of Health and Children.

that a warm and welcoming atmosphere for students is fostered in our school.

Introduction

In a Catholic primary school there is a commitment to value each student as an individual created in the image of God. A Catholic School aims at respecting each student as an individual while at the same time building a community in the school amongst pupils, parents, teachers and staff.

BEST PRACTICE GUIDELINES

1 General Conduct Safe Practice:

- (a) Physical punishment of students is not permitted under any circumstances.
- (b) School personnel must not engage in or tolerate any behaviour that is abusive towards students, either verbally or psychologically.
- (c) School personnel should be sensitive to the fact that comments of a sexual nature are inappropriate. Only age appropriate language, media products and activities should be used with students. In particular, erotic or pornographic material is never acceptable.
- (d) The School respects the physical integrity of the student. School personnel should not engage in appropriated physical contact of any kind. They should be sensitive, in this regard to what might be unacceptable to students from different cultural backgrounds.
- (e) School personnel should always be respectful of the privacy of students particularly in changing rooms, showers and toilets.
- (f) When working with children who have a disability, relevant personnel are required to be aware of specific considerations including behavioural and communication issues, intimate care need, access to building, range and choice of activities, and any other relevant matters that may need addressing. Where appropriate the board of management will strive, within the limitations imposed by school resources, to ensure that appropriate specific training, including disability awareness and child protection training, is undertaken by relevant personnel.

The ethos of a Catholic School is best summed up in the Schedule for a Catholic School, which states:

A Roman Catholic School (which is established in connection with the Minister) aims at promoting the full and harmonious development of all aspects of the person or the pupil: intellectual, physical, cultural, moral and spiritual, including a living relationship with God and the other people. The school models and promotes a philosophy of life inspired by belief in God and in the life, death and resurrection of Jesus Christ. The Catholic school provides religious accordance with the doctrines practices and tradition of the Roman Catholic Church and promotes the formation of the Pupils in the Catholic Faith.

PROPOSED TEMPLATE FOR PROTECTION OF STUDENTS

To ensure a safe, secure and happy environment for each student, the board of management has adopted the following guidelines on child protection to be implemented by all personnel in the school. In adopting these guidelines, it continues to be essential

- (g) When a one-to-one meeting with a student is considered appropriate, it should take place in a room with the door left open or in a room where there is easy visibility from outside the room.
- (h) It is not recommended that school employees give lifts in their cars to individual students. If there is one adult, there should be a minimum of two students present for the entire journey. In exceptional circumstances, when it becomes necessary to make a journey or part of a journey alone with a student, the principal and/or the student's parent or guardian should be informed as soon as possible.
- (i) School personnel must be sensitive to the possibility of becoming over-involved or spending a great deal of time with any one student.
- (j) Under no circumstance should alcohol or tobacco be given to students.
- (k) In all situations where students are present and alcohol is available, the high standard of professional conduct of personnel in Catholic schools should be maintained. Of course, school personnel must never be under the influence of alcohol while they are in charge of students.
- (l) A clear policy should be drawn up regarding the taking of photographs and the making of video recordings of students involved in school activities. This should also cover the generation of computer images. In addition, the policy should address the

question of where and for what purpose photographs and images might be displayed.

2 Tours/Outings

Any policy which the board of management develops in the area of Tours/Outings will include *inter alia* the following points:

- (a) Sleeping arrangements – The provision of appropriate and adequate sleeping arrangements should be ensured in advance of any tour. Sleeping arrangements should provide for separate rooms for males and females. In addition, school personnel should be sensitive to specific problems that a student may have in sharing sleeping accommodation with a particular student. Appropriate supervision should be provided.
- (b) In the relaxed atmosphere of a trip away appropriate standards of behaviour and good practice, particularly in regard to the aforementioned child guidelines, must be maintained.

3 Internet/Email Policy – Mobile Phone Text Messaging

In the context of child protection, school personnel should avoid all inappropriate communication with students through internet, e-mail, text messaging or otherwise.

APPENDIX 57

OPENING AND CLOSING OF SCHOOL

The school year for National Schools commences on 1 September.

The school must be in operation for at least 183 days, unless in very exceptional circumstances (Rules 53:2; Circular 17/77).

A school shall not be closed for any purpose without the prior permission of the board of management (Rule 125:3).

The board of management may close the school for the recognised vacations. The maximum vacation that may, as a rule, be taken in any school year is fifty-six school days (Rule 57:1).

In addition to closing on public holidays, a board of management may also close a school on special days (such as a Confirmation day, or a local holiday etc.) not occurring during school vacation, where it is satisfied that the circumstances are such as to warrant its taking this action, subject to the condition that, except as otherwise provided in Rule 60, the school is kept in operation in each year for at least 183 days. The principal teacher and staff should be consulted.

A school may not be closed for an election unless the school premises (or any portion thereof) have been requisitioned as a polling booth (Rule 61).

When the closing of a school is deemed necessary in the interests of public health, the written recommendation of the Medical Officer of Health should be obtained by the board of management and forwarded to the Department. The responsibility for closing the school rests with the board of management (Rule 62).

Should some exceptional circumstances arise (for example, failure of the heating system or damage caused by vandalism), the board of management may close the school even if the school cannot be kept open for 183 days (Rule 60).

The school shall be open to receive pupils not later than 9.30 a.m. Formal instruction shall begin not later than 9.50 a.m. (Rule 55:4).

In order to maintain effective supervision over the pupils from the time of their arrival at the school, the staff is required to be in attendance at the school twenty minutes before the time fixed for the commencement of formal instruction (secular or religious), or at 9.30 a.m., whichever is the earlier (Rule 124:1).

The period of secular instruction to be provided for in the timetable of each school day must be at least four hours and ten minutes. In the case of infants and first

standard, the time required may be reduced by one hour, but this does not exempt any teacher from attendance for the full period of the school meeting. In a school in which there is only one meeting daily an interval for recreation of a half-hour is allowed. A board of management may, however, arrange for a recreation interval in excess of a half-hour but not exceeding an hour.

In all schools a five-minute break should be allowed at an intermediate time in the forenoon and again in the afternoon. The time at which each break is taken should be duly entered on the timetable. The pupils should be permitted to go into the playground and the classroom should be ventilated during each break. A minimum period of ten minutes must be set down in the timetable for roll call.

The following is an outline of the required school day in an ordinary National School. The Rules referred to are the Rules for National Schools.

School hours in a National School: (1 meeting daily)

- (i) Four hours ten minutes secular instruction – Rule 56 (i) (a) as amended by circular in 1977. It may be reduced by one hour for children in infants and first class.
- (ii) Thirty minutes religious instruction.
- (iii) Thirty minutes lunch break – Rule 56 (5).
- (iv) Ten minutes roll call – Rule 55 (4) (d).
- (v) Twenty minutes assembly time – Rule 124 (1) (a).
- (vi) Two five-minute breaks should also be allowed but these may be deducted from the period allowed for secular instruction – Rule 56 (5) and Rule 56 (1) (b).

The total period in school therefore amounts to five hours and forty minutes. These hours may be affected by local custom and practice.

Two meetings daily – Rule 55 (2)

In schools in which the midday interval is longer than one hour the school day must be regarded as comprising two meetings and the roll is called in both the morning and afternoon. Assembly time is taken in two ten-minute periods at the beginning of each meeting.

School Tours

Schools may be closed for one day in the school year for the purpose of a school education tour with the permission of the board of management. At least 25 per

cent of the average enrolment of the school must go on the tour before the school can close. The school roll need not be marked for that day. The day counts as one of the required 183 minimum days. Teachers taking children on tours or outings should satisfy themselves that the pupils in their charge are adequately insured by the board of management, or tour operator, against any loss or injury which might occur.

According to the terms of Department Circular 12/79 'The objective of educational tours for schools should be that they be of benefit to the intellectual, cultural and social development of the pupils taking part in them, and any activity, in connection with a tour, which is in conflict with this objective, is to be avoided.'

APPENDIX 57(A)

STANDARDISATION OF THE SCHOOL YEAR IN PRIMARY AND POST-PRIMARY SCHOOLS

At the time of going to press, agreement has not been reached regarding the standardisation of the school year for the period January 2008 to January 2011.

However, queries in relation to the Standardisation of the School Year may be address to

Primary

Administration Section
Department of Education and Science
Cornamaddy, Athlone, Co. Westmeath
Tel 0902 84125

Post-primary

Administration Section
Department of Education and Science
Portlaoise Road, Tullamore, Co. Offaly
Tel 0502 25411

- Provision has been made for closure of schools for Religious Observance.
- In Planning the School Calendar, Boards should consult with the patron regarding closure for Holydays of Obligation.
- In preparing the School Calendar for future years, Boards are advised to consult with their patron regarding the closure for Holydays of Obligation.

APPENDIX 58

HEATING OF SCHOOLS: DEFINITION OF INADEQUATE HEATING

Circular 21/79

1. Following discussions which officials of the Department have had with representatives of the management authorities and of teachers, the Minister for Education has decided to introduce procedures, as set out hereunder, to be followed in connection with the heating of National Schools and to meet circumstances in which the heating of a school building falls below an acceptable minimum.
2. These procedures have been drawn up with the health and comfort of pupils and teachers in mind, but the educational interests of the children must at all times be considered. The Minister would expect that there would be a reasonable degree of flexibility in the application of the procedures in individual instances; for example, where heating fell marginally below the minimum standard required, resort to the action set out in paragraphs 7, 8 and 9 might not be fully warranted.
3. The acceptable minimum level of heating in classrooms is 16°C.
4. Each management authority of a school equipped with a heating system should ensure it has a service contract which provides for the servicing and maintenance of the system twice yearly. When a breakdown occurs in a heating system, the management authority should put arrangements in hand for its immediate repair.
5. When it is apparent that the existing system of heating in a school is not capable of maintaining the acceptable minimum level in classrooms, the management authority should take steps forthwith to remedy the situation by providing additional temporary heating facilities, until arrangements are completed for the provision of adequate heating on a permanent basis. Grants will be available from the Department towards the cost of improving or supplementing deficient heating systems, subject to certain conditions.
6. The principal teacher of the school should bring to the notice of the chairperson of the board of management any problem, dissatisfaction or complaint which arises in relation to the heating of a school.
7. When the temperature in the classrooms has not reached 16°C within one hour of the opening-time of the school and unless there are positive indications that this level of heating will be attained very soon, the principal teacher should contact the chairperson of the board of management or, in his/her absence, a duly authorised member of the Board with a view to authorising the closing of the school and arranging for the pupils to be sent home, provided this can be done without risk to the children. Should the chairperson of the board of management or a duly authorised member of the Board not be available, the principal teacher of the school may himself/herself take the decision to close the school. Where it is not possible, or reasonably safe, to send pupils home, teachers continue to have a legal obligation to supervise pupils for the remainder of the school day. Teachers should not, however, be expected to carry out their normal teaching-programme in these circumstances. Unless it can be established that the minimum acceptable heating-level will be provided on the following school day, pupils should be directed not to return to school until further notice. The school transport officer should be advised of school closings by the principal teacher of the school.
8. Where the heating in any classroom has not reached the acceptable minimum level within one hour of the opening time of the school, and unless there are indications that this level of heating will be attained very soon, the class teacher shall not be expected nor required to teach in that room. Unless the principal teacher can provide an acceptable adequately-heated alternative area, she/he shall deal with the problem as set out in paragraph 7. The teacher affected shall remain at school but shall suffer no loss of salary and shall not be penalised in any way because of his or her non-performance of class teaching in such circumstances.
9. Where a principal teacher fails to carry out these arrangements, a member of the teaching staff shall have the right to make a formal request to the principal teacher that the agreed procedures be put into operation. If the principal teacher fails to carry out the procedures, the teacher shall be entitled to report the matter to the chairperson of the board of management. If necessary, the teacher may report the matter to the representative of his/her professional organisation.
10. The provisions of this Circular letter should be brought to the attention of the parents as soon as possible and they should be consulted about the

procedure to be followed in respect of their child(ren) in the event of an emergency closing of the school.

11. When the school is closed because of inadequate heating, such closure will be reckoned as being due to an 'exceptional cause', and Rule 60 of the Rules of National Schools will apply in its regard.

APPENDIX 59

INSURANCE AGAINST LIABILITY FOR INJURY TO PUPILS AND TEACHERS

Circular 11/68

1. The Minister for Education desires to inform managers of National Schools that he has been advised that, when a pupil of a National School meets with an accident during school hours, the manager is answerable in the event of negligence on his/her part or on the part of the teacher, as his/her agent, being established.
2. The Minister is further advised that a manager may be liable to a teacher who suffers injury through the negligence of the manager.
3. Rule 56 (8) (c) of the Rules for National Schools provides that the minimum time constituting an attendance at school may include 'any time devoted to visits paid during school hours, under arrangements sanctioned by the Minister, to places of interest'. In addition to visits to places of historical or general educational interest, permission is occasionally granted to managers under this rule to allow pupils to be absent from formal school work during the school day or portion thereof for the purpose of attending film shows or other entertainment of educational value, and to count such absence as part of the time constituting an 'attendance' at school, subject to certain conditions, one of which is that the pupils be under the supervision of a teacher or teachers during the period of absence from the school. The Minister has been advised that the issue of the manager's liability in respect of accidents that may occur to children or teachers injured at such functions, or while proceeding to the place at which the function is held, or returning to the school, will depend upon whether the given accident is attributable to negligence on the part of the manager or of some person for whose acts the manager is responsible.
4. Circumstances may arise in which a manager will be answerable in law to a teacher or pupil injured through some defect in the school premises, its furnishings or equipment. This liability can extend

to other persons having lawful occasion to resort to the school and suffering injury therein.

5. In view of these considerations, the Minister recommends that all managers should have insurance effected against claims for compensation which might arise from injury to pupils or teachers, or where policies of insurance have already been taken out, that they should ensure that these policies cover accidents which may occur outside the school premises while children and teachers are visiting places of interest or attending functions referred to in paragraph 3 above.

Circular 24/71

The Minister for Education desires to direct the attention of managers of National Schools to the Department's Circular 11/68 regarding insurance against liability for injury to pupils and teachers.

The Minister has been advised that, where the operation of a school transport service according to timetable involves children being brought to school in the morning before normal time of commencement of school business, or children waiting at school in the afternoon after conclusion of school business, the manager may be held liable in the event of an accident to pupils during the period intervening.

A manager may also be held liable if an accident occurs as a result of his/her undertaking supervision of children while they are walking from the vehicle to the school or vice versa.

In relation to the new curriculum, where the use of equipment is concerned, particularly equipment which adds any new particular hazard to safety, the manager would be expected to have correspondingly greater control and supervision exercised by teachers and might become liable in the event of an accident to a pupil.

In view of these considerations, the Minister recommends that Managers should ensure that the insurance taken out by them in respect of accidents will cover such eventualities.

APPENDIX 60

USE OF SCHOOLS FOR ELECTIONS

Rule 6

Vested schools must be used exclusively for the education of the pupils attending them, unless with the special approval of the Minister.

Rule 7

No control is exercised by the Minister over the use of non-vested schools outside school hours, the control over such use being left to the Patrons or managers, subject to the intervention of the Minister should circumstances so warrant, and subject in particular to the terms of Rule 9 (3) below.

Rule 9

(1) At a contested Dáil Election or Presidential Election or Local Election or at a Referendum, any

room in a school may be requisitioned by the appropriate Returning Officer for such election, free of charge, for the purpose of taking the poll.

- (2) A schoolroom may also be used for public meetings at reasonable times outside school hours by candidates at an election of Members of Dáil Éireann between the issue of the writ and the day of the poll under the provisions of Section 30 of the Electoral Act 1923.
- (3) No political meeting may be held nor may any political business be transacted in schools, whether vested or non-vested, except as provided in sections (1) and (2) of this Rule.

APPENDIX 61

USE OF NATIONAL SCHOOLS FOR PURPOSES OTHER THAN THE EDUCATION OF PUPILS

The use of schools outside school hours should be subject to the following conditions:

- (1) that the prior permission of the individual board of management be obtained;
- (2) that the assent of the trustees be obtained;
- (3) that the undertaking be given that every care will be taken to safeguard school property and that any damage to the school premises or equipment will be made good by those responsible for the activity.
- (4) that arrangements be made to leave the premises (including out-offices) in a clean and tidy condition for the reception of pupils so that
- schoolwork will not be interrupted;
- (5) that the activities envisaged should terminate at a reasonable hour;
- (6) that an adequate insurance against damage by fire be effected if the ordinary policy of insurance taken out by the school authorities does not cover the use of the school buildings for other than National School purposes;
- (7) that the Board ensure that sufficient charge is made to cover any expense incurred in providing heating and lighting during the use of the school by outside groups.

APPENDIX 61(A)

THE SHARING OF SCHOOL FACILITIES WITH THE COMMUNITY

The Department of Education & Science has now opened nine of a planned ten Regional Offices and the tenth, to be established in Blanchardstown, opened in the Summer of 2005. The list of the ten Regional Offices and the areas they serve are shown on the Department website <http://www.education.ie/> (follow link).

One of the issues regularly raised through the Regional Offices by local and community interests is the use of school facilities outside of school time for community education and recreation purposes. These requests have come from a variety of bodies including County Development Boards, community groups and the National Children's Office.

The National Play Policy, *Ready, Steady, Play!*, recommends that school facilities should be made available to local communities for play and recreation purposes where possible.

The purpose of this circular is to urge trustees and boards of management to give serious consideration to such requests where possible. In urging and encouraging the trustees and boards of management to respond sensitively to this need, the Department fully appreciates that the decision ultimately lies with the relevant Board or trustees and that the first priority at all times should be the interest of the school, its teachers and pupils.

Many schools already make their premises available to the local community outside of school hours and schools profit from the improved relationship with the wider community. Good relations between the school and the community can be beneficial when it comes to seeking placements for work experience, outlets for community service or when schools seek to access local services and expertise. Being linked in effectively with

the local community can help the school to provide a wider curriculum and range of co-curricular activities. It is for this reason that the Department publication *Looking at our Schools: an aid to self-evaluation for primary and post-primary schools*, suggests that the relationships between the school and the wider community should form one of the self-evaluation criteria for schools.

The Department also acknowledges the need for trustees and Boards to prioritise the interests of the principal school users and to protect their own interests. For this reason, they should ensure that:

1. There is a licence agreement between the Board and the group using the school premises.
2. The agreement with users of school facilities should be underwritten by a contract. This contract should be reviewed regularly.
3. Any agreement should be in conformity with the lease for the building.
4. There is an arrangement in place to cover additional costs for insurance, heating lighting, cleaning and maintenance of the areas used by the groups.
5. All external groups using the school have public liability cover and adequate insurance. Insurance certificates should be presented to the board of management annually.
6. Health and safety issues are addressed.
7. Child Protection Guidelines are followed.

There may also be other considerations that a Board might wish to specify as a condition for permitting the use of its facilities by outside groups, such as for example, that any activity must be in keeping with the ethos of the school

APPENDIX 62

REFUND OF TV LICENCE FEE

Schools in the 'Disadvantaged Scheme' are eligible to apply for a refund of the Television Licence Fee.

If you wish to avail of this measure please forward a copy of School's Current Television Licence to the Special Education Section of the Department of Education (Athlone).

APPENDIX 63

COPYING LICENCES FOR PRIMARY SCHOOLS

The Irish Copyright Licensing Agency (ICLA) has reached an agreement with the CPSMA whereby the ICLA will offer photocopying licences to primary schools for a three-year period at a cost of 21 pence per pupil. This works out at a cost of 7 pence per pupil per annum.

A licence from ICLA enables a licensee to copy limited extracts from copyright material, and overrides the 'all rights reserved' warning on a book or periodical. Without such a licence, permission must be obtained from the rights holders, i.e. the publisher and the author (or authors) on each occasion that multiple copying is carried out. With a licence the user need not seek permission from the rights holders. This simplifies life considerably for the user enabling him/her to abide by the copyright laws while protecting the need of rights holders.

Under the licence, sufficient copies of a work can be made for the teacher and the class. The amounts are, however, limited to 5 per cent of a book, or one chapter, whichever is the greater, in any one copying transaction. In the case of a short story or a poem, the whole of the work may be copied. Some primary schools had already taken out annual licences with the ICLA. Following the CPSMA agreement, all schools will be contacted and offered the three-year licence.

CPSMA urges all primary schools which have photocopying facilities to take out a three-year licence. The terms agreed between CPSMA and ICLA are favourable. Administration will be minimal since there will be a request for payment just once in every three-year period – in other words, once during the term of office of each board of management.

APPENDIX 63(A)

DATA PROTECTION ACTS 1988 AND 2003

ADVISORY NOTICE FOR SCHOOLS OF OBLIGATIONS UNDER THE ACTS

1. Purpose of this Document

This document is being issued to ensure that school managers are aware of the requirements of Data Protection Legislation. It does not purport to be a definitive interpretation of the law, and is issued for advisory purposes only.

'A Guide for Data Controllers', a publication of the Office of the Data Protection Commissioner is attached. It contains further details on the contents of this circular. Any further information which you may require is available from the Office of the Data Protection Commissioner (see Paragraph 6, below).

It is important to note that a new Data Protection Act (The Data Protection Amendment Act 2003) came into effect on 1 July 2003. The act brought manual records into the scope of the legislation and strengthened the rights of Data Subjects. A brief outline of Data Protection legislative requirements is given below.

2. Purpose of the Data Protection Acts

- 2.1 Data Protection Acts are designed to protect the rights of individuals with regard to personal data, i.e. data relating to them which are held on computer files or which are retained in manual files which are structured or searchable by reference to individuals. The law defines personal data as 'data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller'.
- 2.2 Every person who holds personal data (manual or otherwise) is bound by the provisions of the Data Protection Acts.
- 2.3 If you hold data of a sensitive nature on your computer, you are obliged to register with the Office of the Data Protection Commissioner.

NB. Any school which holds sensitive personal information e.g. information regarding racial/ethnic origin (including membership of the travelling community) information re. religious or other beliefs,

political opinions or physical or mental health (other than data kept for the purposes of normal personnel administration) on any person, including pupils, staff or parents, on a computer file, should register in accordance with the Acts. It is likely, therefore, that many schools will need to arrange for registration. A registration form and guidance notes are attached. Any queries on this matter should be referred to the Office of the Data Protection Commissioner (see contact details in paragraph 5, below).

3. Rights of Data Subjects

- 3.1 The Data Protection Acts allow Data Subjects (persons whose personal data are retained on a file):
- (a) to establish the existence of personal data relating to them;
 - (b) to have access to, and be given copies of the data – with limited exceptions;
 - (c) to have inaccurate data rectified or erased.
- 3.2 The new Act includes a provision giving the Data Subject the right to be told the source of the data (where known).

4. Obligations of Data Controllers

- 4.1 The Data Protection Acts impose a number of obligations on persons or organisations who hold personal data, including the following:
- (a) the data must be obtained and processed fairly;
 - (b) the data must be accurate, and where necessary kept up-to-date;
 - (c) the data must be kept for specified and lawful purposes only;
 - (d) the data must not be disclosed or used in any manner incompatible with the specified purposes;
 - (e) the data must be adequate, relevant, and not excessive in relation to the specified purposes;
 - (f) the data must not be kept for any longer than is necessary for the specified purposes;
 - (g) the data must be protected by appropriate security measures against unauthorised access/alteration/disclosure/destruction.

In addition, the new Act introduces the concept of 'explicit consent' being required from data subjects to enable sensitive personal data to be processed. However, this is only one of a number of conditions in the Act under which sensitive personal data can be processed. Sensitive personal

data may also be obtained, processed and disclosed by a school where the principal is required to do so under the enactment, e.g. the Education Welfare Act 2000. Where the provisions of such an enactment apply, therefore, the consent of the data subject is not required.

It is advisable for schools to have a written Data Protection Policy in place which sets out the types of personal data they collect, their purpose/s for collecting the data and the persons or bodies to which they are likely to disclose it. Data subjects should be made aware of the Policy, and, in the case of data pertaining to the student and/or the student's parent/guardian, the process of making them aware of the Policy should commence, ideally, in the context of the enrolment process.

5. Registration and Further Information

Where a school retains personal information as outlined in Paragraph 2 above, arrangements should be made for registration of the school, if this has not already been done. In this connection, a Registration Form and guidance notes are attached. The form (with appropriate remittance) should be submitted to:

The Office of the Data Commissioner
Block 6, Irish Life Centre, Lr Abbey Street,
Dublin 1
Tel 01 874 8544/Fax 01 874 5405
Email info@dataprotection.ie

The Data Protection Office should be contacted re. any queries on the legislation or its application, and for any advice regarding the completion of the registration form. The booklet 'A Guide for Data Controllers' is also enclosed for your information; more information is available on the Data Protection Commissioner's website at www.dataprotection.ie.

There is a useful self-assessment checklist regarding compliance with the legislation at www.dataprotection.ie/3k.htm.

APPLYING FOR REGISTRATION UNDER THE DATA PROTECTION ACT 1988

GUIDANCE NOTES FOR SCHOOLS

Introduction

Commonly, schools are obliged to register with the Office of the Data Protection Commissioner because they record 'sensitive data' about their pupils, on computer. Religious belief, health data (e.g. noting that a child is diabetic or epileptic or has special needs) and racial or ethnic origin data (e.g. noting that a child is a member of the Traveller community) are the types of

'sensitive data' most often recorded. If you do not record 'sensitive data' on computer, it is unlikely that you need to register.

The effect of registration is to put into the public domain some general information about the types of personal data which you process, and your purposes for doing so. You should be aware that processing personal data in ways inconsistent with your register entry may involve the commission of an offence. Failure to register, if required to do so, is also an offence.

Completing the Registration Application Form

Although the registration application form is largely self-explanatory, the following notes indicate the level of detail required to enable your application to be speedily processed. Please note that the suggested answers to particular sections of the form are provided for illustrative purposes only, and you will need to amend and/or supplement them to fit the particular circumstances of your school.

You should also note that not all of the details which you provide in your application form will be made publicly available as part of the public register. Only the responses to section 1 to 6 (inclusive) form part of the public register. Only the responses to section 1 to 6 (inclusive) form part of the public register; the other details are required for the purposes of the Office of the Data Protection Commissioner, and will be treated as confidential. For clarity, each section below includes an indication of whether the information under that section forms part of the public register.

Section 1: Name and Address

This information forms part of the public register.

Usually the name and address of the school.

Note: You must keep this Office informed of any change of address. Failure to do so is an offence under section 19 of the Act.

Section 2: Contact Person

This information forms part of the public register.

You should identify the person to whom members of the public may address any applications for access to their personal data under section 4 of the Act. It is sufficient to identify the contact person by title or position, e.g. 'School principal, administrator, secretary', if you wish.

Section 3: Purpose(s)

This information forms part of the public register.

Usually the purpose might be described as 'Provision and administration of educational service'.

The requirement to set out publicly your purpose for holding personal data makes an important contribution

towards meeting your requirement under section 2 of the Data Protection Act to keep and use personal data 'only for one or more specified and lawful purposes'. This is a requirement which applies to all data controllers, not just those who are obliged to register.

Note: Keeping or using personal data for a purpose, other than the purpose or purposes described in the entry, may involve an offence under section 19 of the Act.

Section 4: Description

This information forms part of the public register.

This section is divided into 'Applications' and 'Description of Personal Data'. You are required to identify various applications, i.e. distinct areas or aspect of your work, for which personal data are held and to detail the types of personal data kept in respect of each such application.

Personal data held for applications which are ancillary to your primary purpose, such as personnel and payroll data, should be recorded as separate applications.

Example: The following illustrative examples indicate how some of the applications of personal and payroll data might be listed in a school:

<i>Application</i>	<i>Description of Personal Data</i>
(a) <i>Student records</i>	<i>Name, home address, date of birth, gender, religious belief, racial/ethnic origin, nationality, special needs notation, medical card details, psychological report, assessment reports, medical details, dietary requirements, travel details, courses being followed, Dept. of Education & Science Pupil Number, academic results, previous education details, IQ results, attendance, details of fees and other payments/contributions, parents/guardians names, contact details and occupation, details of siblings</i>
(b) <i>Fundraising records</i>	<i>Name, address and contact details of contributors, details of contributions</i>
(c) <i>Staff records personnel/ payroll</i>	<i>Name, home address, home contact details, date of birth absence records, personnel /payroll number, PPS number salary and pension details, annual and sick leave records,</i>
<i>(including part-time teachers, night class</i>	

tutors, class assistants details of next of kin, current administrative, and previous employment catering and records, CV, qualifications, maintenance personnel bank details

Note: Keeping personal data of any description other than that specified in the register entry may involve an offence under section 19 of the Act.

Section 5: Disclosures

This information forms part of the public register.

Section 2 of the Act requires *inter alia* that any disclosure of the data must be compatible with your specified purpose (as stated in section 3) for holding the data. You should list in this section any third parties to whom you make such disclosures. You should also note that the inclusion of a particular disclose in your registration does not, of itself, make disclosures to that person legitimate.

You do not need to include transfers of personal data to your employees or agents, to the extent that such transfers are necessary to enable them to carry out their duties. Such transfers do not fall within the definition of ‘disclosures’ under the Act. Similarly, you do not need to list disclosures which are permitted under section 8 of the Act including disclosures which are:

- made to the data subject him/herself, or to a person acting on his/her behalf;
- made with the consent of the data subject;
- required by or under any enactment or rule of law or court order;
- required urgently to protect someone’s health or property;
- required for the purposes of preventing, detecting or investigating offences, or assessing or collecting taxes.

In case of doubt, it is advisable to list the disclosure in any event.

Example: Possible disclosures for schools are given below for illustrative purposes. Note that it is sufficient to identify each application by the letter assigned to it in section 4.

Application	Disclosees
(a)	Department of Education, Department of Health and Children, Health Boards, other educational institutions
(b) and (c)	Department of Education and Science

Note: Knowingly to disclose personal data to a person who is not described in the entry, other than a person to whom a disclosure of such data may be made in the circumstances specified in section 8 of the Act, may involve an offence under Section 19 of the Act.

Section 6: Transfers abroad

This information forms part of the public register.

This section relates only to personal data when transferred abroad in automated form and is unlikely to apply to schools.

Note: Transferring personal data, directly or indirectly, to a place outside the state other than one named or described in the entry may involve an offence under section 19 of the Act.

Section 7: Sensitive Data

This information DOES NOT form part of the public register.

‘Sensitive data means any data of the types listed in section 16(1)(c) of the Data Protection Act 1988. Where such sensitive types of personal data are held (as will normally be the case for schools who are required to register), this section must be completed. The most likely categories for selection by schools are ‘physical or mental health’, ‘religious beliefs’, ‘other beliefs’, and ‘racial origin’.

Under heading (ii) of this section, you should state for which of the applications, listed under section 4, the sensitive data.

Security Measures

You should also indicate the measures you have taken to protect the privacy of the individuals about whom you keep sensitive data. You should note, in this regard, your legal obligation to use security measures that are appropriate to the sensitivity of the personal data in question. The Commissioner is precluded under section 17(3) of the Data Protection Act from accepting an application unless he is satisfied that adequate safeguards are in place.

Example: Minimum security arrangements would normally include the following:

Physical Safeguards: ‘Computers are kept in a locked office; access restricted to authorised personnel only, premises alarmed and secure when not occupied.’

Technical Safeguards: ‘Systems are password protected and anti-virus software is in use; a firewall is used to protect systems connected to the internet’. [Note: for especially sensitive data, it is also advisable to use additional technical safeguards, such as routine encryption of files and multi-level access control.]

Section 8: Public Information

This information DOES NOT form part of the public register.

This section is not usually applicable to schools – so the ‘No’ box should be ticked.

Section 9: Data Processors

This information DOES NOT form part of the public register.

This section is not usually applicable to schools.

Section 10: Compliance Person

This information DOES NOT form part of the public register.

You should give the name and/or job status of the individual in your school who will supervise the application of the Act within the school, and the person to whom this Office will address correspondence relating to your application.

Fees: Registration fees are based on the number of full-time staff. Calculations are based on one full-time employee working thirty-six hour week, therefore, hours worked by part-time employees should be added together to calculate the appropriate fee.

Finally, you should note that the Office of the Data Protection Commissioner is happy to respond to any questions or queries you may have, and to provide assistance in completing your registration application form.

APPLICATION FORM FOR REGISTRATION

- It is important that you read the accompanying GUIDANCE NOTES before completing this Form.
- Use this Form if you are a data controller (or a data controller and data processor) who is required to register.
- Please complete this form in BLOCK CAPITALS.

1 NAME AND ADDRESS

If you are an individual or sole trader, give your surname and first name(s). A partnership should include the name of the firm and the names of each of the partners. Where the data controller is a company, the name of the company should be given, along with a trading name (if different) and the address should be that of the registered office. Persons other than companies should give the address of the principal place of business

Name _____
 Address _____

 Website Address (optional) _____

2 CONTACT PERSON

Name or job status of person to whom applications for access to personal data should be sent.

Name/Job Status _____
 Address (if different from above) _____

3 PURPOSE

Please provide a general, but comprehensive, statement of the nature of your business, trade or profession; and of any additional purposes for which you keep personal data. Use additional sheets if necessary.

(a) _____
 (b) _____
 c _____

4 DESCRIPTION

Briefly list/describe each application of a personal data, relating to the purpose(s) listed in section 3 above, together with the types of personal data (e.g. name, address, date of birth, email address, staff ID number) kept or used in connection with that application. Give full details also of any personal data kept in relation to the purpose(s) listed in section 3 above, but not normally associated with any of the applications you have listed. Use additional sheets if necessary.

APPLICATION	DESCRIPTION OF PERSONAL DATA
_____	_____
_____	_____
_____	_____

5 DISCLOSURES

For each application listed in Section 4 above list the persons or bodies (or categories of them) to whom the personal data may be disclosed. Use additional sheets if necessary.

APPLICATION	DESCRIPTION OF PERSONAL DATA
_____	_____
_____	_____
_____	_____

6 TRANSFERS ABROAD

For each application listed in Section 4 above, list the countries or territories (if any) to which you transfer, or intend to transfer, personal data directly or indirectly; along with a description of the data to be transferred and the purpose of transfer. Use additional sheets if necessary.

APPLICATION		
Country	Description of data	Purpose of transfer
APPLICATION		
Country	Description of data	Purpose of transfer
APPLICATION		
Country	Description of data	Purpose of transfer

7 SENSITIVE DATA

* other than as kept in respect of your employees in the normal course of personnel administration and not used or disclosed for any other purpose.

- i) State which of these kinds of personal data you keep:
- a) racial origin
 - b) political opinion
 - c) religious beliefs
 - d) other beliefs
 - e) physical or mental health
 - f) sexual life
 - g) criminal convictions
- ii) State for which of the applications specified at 4 (Description) each of these kinds of data is kept:

If you keep sensitive data, then please specify under the following headings the safeguards in operation for the protection of the privacy of the data subjects concerned: (You do not need to give these details if you do not keep sensitive data.)

PHYSICAL SAFEGUARDS

TECHNICAL SAFEGUARDS

8 PUBLIC INFORMATION

Does any of the personal data kept by you consist of information which you are required by law to make available to the public? Yes No

If yes, give details _____

9 DATA PROCESSORS

Are you a data processor who is required to register? (i.e. are you a person whose business consists wholly or partly in processing personal data on behalf of others?) Yes No

If yes, state the countries or territories (if any) to which you transfer, or intend to transfer, such data for processing directly or indirectly: _____

10 COMPLIANCE PERSON

Details of individual (if any) who will supervise the application of the Act within your organisation in relation to the personal data with which this application for registration is concerned. Note: This is the person to whom we will address all correspondence in connection with this application for registration.

Name/Job status _____

Address (if different from section 1 above) _____

Optional details Phone _____ Fax _____ Email _____

I certify that the above information is correct and complete and apply to be registered in the register maintained under Section 16(2) of the Data Protection Act 1988 in respect of the purpose(s) specified in paragraph 3 of this application.

The fee payable is related to the number of people employed
 317 for applicants with > 25 employees;
 63.49 for applicants with 6-25 employees;
 25.37 in all other cases.

I enclose the prescribed fee of _____

Number of employees _____

Signature

Date

Applicant Authorised to sign on behalf of Applicant

Notes

1. Knowingly to furnish false or misleading information is an offence.
2. It is also an offence knowingly to (a) keep personal data not specified on your applications, (b) to keep or use personal data for any purpose, or disclose personal data to any person or body, not described in those applications or (c) to transfer personal data to a country or territory not named at 6 above.
3. The information provided by you in this application will be held on computer by the Data Protection Commissioner, in accordance with section 16(2) of the Data Protection Act 1988. Questions 1 to 6 (inclusive) comprise the Public Register, and may be inspected by members of the public at any time. No other disclosure of the information will be made.

APPENDIX 64

PROMOTION AND MARKETING OF COMMERCIAL PRODUCTS THROUGH SCHOOLS

Circular 38/91

School Authorities are required to ensure, that pressure is not placed on Parents to purchase or engage in activities in respect of particular commercial products.

Circular 38/91 requests School Authorities, following consultation with staff, to formulate agreed school policies in relation to commercial promotions.

Such policies can assist school authorities and school staffs to act prudently in taking steps to ensure that certain commercial products are not promoted and marketed through the schools.

c.f. also Circulars 23/84 and Circular 7/87

APPENDIX 65

SCHOOL TRANSPORT SCHEME: CUSTOMER SERVICE

The School Transport Scheme provides a service each day of the school year to some 133,000 pupils on some 5,750 routes, to primary and post-primary schools. The purpose of this leaflet is to help users to the school transport service – the pupils, their parents/guardians and schools gain access to the appropriate source of information should they have a query or complaint about the service. Details are also given of the School Transport Appeals Board and how appeals can be made in relation to decisions given under the School Transport Scheme.

Operations of Scheme by Bus Éireann

Bus Éireann operates the scheme on behalf of the Department of Education and Science. Bus Éireann is therefore responsible for planning routes, employing bus drivers, collecting fares, ticketing, contracting services and ensuring compliance with regulations on matters such as safety and insurance. At second level, the Chief Executive Officers of the Vocational Education Committees assist Bus Éireann by acting as Transport Liaison officers.

An application for school transport for a new pupil should be made to Bus Éireann through the pupil's school.

The contact point for an enquiry will depend on whether it is a general enquiry, or a local enquiry related to a particular service.

General Enquiries

Bus Éireann has set up a help line to deal with general enquiries regarding to school transport matters. For the cost of a local call from anywhere in the country, information is available on:

- How to apply for school transport under the School Transport Scheme;
- Eligibility criteria for Primary and Post-Primary transport;
- Guidelines covering the School Transport Scheme;
- How to appeal a decision made in relation to a school transport application;
- Other general information.

The information line will open from 09.30 to 13.00 and 14.00 to 16.00, Monday to Friday (except holidays) and is available on 1890 200 974.

Local Enquiries

Enquiries in relation to school bus service timetables, routes, pick-up points and other operating matters should be made to your local Bus Éireann School Transport Office as follows:

For School transport scheme service in counties	Contact the School transport office in	Phone No.
Westmeath, Longford, Offaly Roscommon, Laois	Athlone	0902-73277
Mayo	Ballina	096-71816
Dublin, Kildare, Wicklow, Meath	Dublin (Bus Aras)	01-7032427
Louth, Monaghan, Cavan	Dundalk	042-9355062
Cork	Cork	021-4557129
Clare, Tipperary (North), Limerick	Limerick	061-217445
Galway	Galway	091-537685
Sligo, Leitrim	Sligo	071-60440
Donegal	Stranorlar	074-31008
Waterford, Tipperary (South) Carlow, Kilkenny, Wexford.	Waterford	051-317803
Kerry	Tralee	066-7123515

Terms of the School Transport Scheme

The Department of Education and Science is responsible for policy matters relating to the school Transport Scheme and for its terms, within which Bus Éireann has to operate.

Parents and guardians are responsible for ensuring that their children attend school regularly. The School Transport Scheme facilitates such attendance in accordance with the terms of the scheme, but it is not designed to provide a door-to-door service. The onus is on parents/guardians to ensure that their children are conveyed to and from the appropriate pick-up point.

Special Needs Transport

Transport services are provided to special schools and to schools with special classes for pupils with special needs. Applications for transport services should be made through the school authorities. In the event that no transport is available grant aid may be provided towards private transport arrangements. In such cases application should be made to the Department of Education and Science.

Escorts

The Department of Education and Science provide funding to schools to enable them to employ escorts on special school transport services. The school authorities should make applications for escort services to the Department.

Grants

The Department of Education and Science also administers a scheme of grants, which applies in cases

where because of factors such as remote location it is not possible to provide a school transport service. Applications for remote area grants should be made to the appropriate Bus Éireann Local Office, who will process the application and submit a report to the Department for decision.

Contact details for School Transport Section

Contact details for the Department's School Transport Section in relation to school transport policy matters and grants are as follows:

School Transport Section, Department of Education and Science, Portlaoise Road, Tullamore, Co. Offaly – Telephone: 0506-24351/2/3/4/5/6. Fax: 0506-41052;

E-mail: school_transport@education.gov.ie

Appeals Boards

In order to ensure transparency and objectivity in the operation of the transport system, an independent Appeals Board is being established to facilitate those who wish to appeal decisions in relation to transport services. The Appeals Board will consider such appeals in accordance with specified criteria, and the decision of the Board will be final.

Appeals forms are being made available through schools, or can be obtained by contacting your local Bus Éireann School Transport Office. Alternatively, forms will be available in the school Transport Section, Department of Education and Science, Portlaoise Road, Tullamore, Co. Offaly.

CONDITIONS FOR PRIMARY SCHOOL TRANSPORT

Primary School Transport Scheme

1 Conditions for the Eligibility of Children and for the Establishment of Transport Services

1.1 To be eligible for school transport a child must be:

- (a) Over four years of age and living not less than 3.2 kilometres (two miles) from the nearest suitable national school as determined by the Department.
- (b) In the case of amalgamations, the national school children for whom the close national school would have been nearest, had it remained open, are eligible for transport to the school of amalgamation only.
- (c) For pupils who are attending all-Irish or multi-denominational schools, eligibility is determined by reference to the distance to the nearest such school.
- (d) In the case of a child attending a school other than a one-teacher school, she/he shall not as a rule be regarded as ineligible for transport to the school she/he is attending simply because his/her home is nearer to the one-teacher school.

1.2 Apart from those cases provided for in Paragraphs 1.3 the following conditions must be fulfilled to warrant the establishment of a transport service to a national school:

- (a) There must be a sufficient number of children in a distance locality attending their nearest national school to ensure that the average daily number of eligible children conveyed each term is not less than seven. (A service to convey a group of children whose homes are at scattered points in a school district would not be approved.)

1.3 A transport service to the nearest suitable school may also be established, provided this can be done within reasonable cost limits, in the following cases:

- (a) Where there are not less than seven eligible children in a distinct locality and who are attending their nearest suitable school as determined by the Department are available for transport;
- (b) Where there are five such children in a distinct locality residing at least 4.8 kilometres (three miles) from the school;

- (c) Where there are four such children in a distinct locality residing not less than 6.4 kilometres (four miles) from the school;
- (d) Where there are three such children in a distinct locality residing not less than eight kilometres (five miles) from the school.

1.4 The service may be continued for as long as there are four eligible children and a maximum of six fare-paying children availing themselves of the service.

1.5 Where any special school transport service is established, the routes are planned so all children in the distinct locality will have at least a basic level of service. Children who live away from the route are expected to get or be brought to the nearest convenient pick-up-point on the route. Stops off the main route will not be operated for such children. As a rule, the routes will be planned so that no pupil will have more than 2.4 kilometre (1.5 miles) to travel to a pick-up-point.

1.6 For fully eligible pupils residing remote from a pick-up-point or outside the range of School transport service a Remote Area or Scheme D grant may be paid per family.

1.7 Where there is no school transport available, pupils, who due to their illness/disability are unable to attend school unless conveyed by transport, may be eligible for a grant, towards the cost of private transport arrangements.

1.8 Special conditions for the Conveyance of Protestant Children to National Schools Under Protestant Management.

A transport service may be established under this scheme provided this can be done within reasonable cost limits, where there is a sufficient number of eligible children in a distinct locality who are attending their nearest suitable school as determined by the Department, to ensure that the average daily number of eligible children conveyed each term would not be less than five.

2 The concession of Fare-Paying Facilities on Special School Buses

2.1 Where spare seats are available on special school services after all children eligible for free transport have been accommodated, fare-paying facilities may be granted:

- (a) To children who are ineligible for free transport on distance grounds, to enable them to travel on the special services which operate to the nearest suitable school as determined by the Department;
- (b) To children who are eligible for free

transport to the nearest school but for whom there is no transport service available to that school, to enable them to travel on special school transport services to their next nearest school. (However, please refer to Paragraph 3 in the case of such children whose parents/legal guardian are medical card holders)

- 2.2 Where transport is sought on behalf of basically eligible children to a school other than the nearest school or appropriate school of amalgamation, the granting of transport may be considered only if documentary evidence of the agreement of the authorities of the nearest school or of the school of amalgamation as appropriate is submitted to the Department of Education and Science. Such evidence is not required in the case of 2.1(b) above.
- 2.3 The concession may be renewed from term to term.
- 2.4 Application for fare-paying tickets, except in the case of 2.2 above, should be made direct by the parents to the local Bus Éireann office. The appropriated term fare and a STAMPED ADDRESSED ENVELOPE should be enclosed when applying to Bus Éireann. The family identity number should be quoted in all cases.
- 2.5 Parents should note that:
 - (a) Application with remittances for the purchase of concessionary term tickets should be received by Bus Éireann not less than four weeks prior to commencement of term. Fare-paying travel permits for all spare accommodation will be issued to both primary and post-primary pupils on a first-come, first-served basis.
 - (b) Routes will not be extended or altered, nor will larger vehicles or extra trips be provided to cater for fare-paying children.
 - (c) The fare-paying facility applies only to transport on special school services. It does not apply to transport on public scheduled bus services.

- 3 Children who are eligible for free transport to their nearest primary school, but for whom there is no transport available to that school, may be allowed incidental free transport to their next nearest school, provided that their parents/legal guardians are medical card holders. This facility applies to transport on special school buses and public scheduled services, where such are incidentally available. The concession will be granted to these children while they continue to be basically eligible for transport to their appropriate school.

Where this concession is being applied for, parents/legal guardians should submit their medical cards to the local Bus Éireann office before the deadline for receipt of remittances. A STAMPED ADDRESSED ENVELOPE should accompany the application.

- 4 Children who are granted free transport under this concession will not count towards the retention of a service nor will any additional state cost be incurred in improving their standard of service.

5 General

- 5.1 School transport services are operated by Bus Éireann who, on behalf of the Department of Education and Science, are required to make the necessary local arrangements in the most economic way possible.
- 5.2 The granting of facilities under the terms of this scheme will be at the discretion of the Minister for Education and Science.
- 5.3 The fact that transport facilities have been held by children contrary to the terms of the scheme in no way confers on the recipients a continuing right to the facility.

APPENDIX 65(A)

CONDITIONS FOR PRIMARY SCHOOL TRANSPORT

- 1 **Conditions for the Eligibility of Children and for the Establishment of Transport Services**
 - 1.1 To be eligible for school transport a child must be:
 - (a) over 4 years of age and living not less than 3.2 kilometres (2 miles) from the nearest suitable national school as determined by the Department.
 - (b) in the case of amalgamations, the national school children for whom the closed national school would have been the nearest, had it remained open, are eligible for transport to the school of amalgamation only.
 - (c) for pupils who are attending all-Irish or multi-denominational schools, eligibility is determined by reference to the distance to the nearest such school.
 - (d) in the case of a child attending a school other than a one-teacher school, she/he shall not as a rule be regarded as ineligible for transport to the school she/he is attending simply because his/her home is nearer to the one-teacher school.
 - 1.2 Apart from those cases provided for in Paragraphs 1.3 the following conditions must be fulfilled to warrant the establishment of a transport service to a national school.
 - (a) There must be a sufficient number of children in a distinct locality attending their nearest national school to ensure that the average daily number of eligible children conveyed each term is not less than 7. (A service to convey a group of children whose homes are at scattered points in a school district would not be approved.)
 - 1.3 A transport service to the nearest suitable school may also be established, provided this can be done within reasonable cost limits, in the following cases:
 - (a) where there are not less than 7 eligible children in a distinct locality and who
 - are attending their nearest suitable school as determined by the Department
 - are available for transport.
 - (b) where there are 5 such children in a distinct locality residing at least 4.8 kilometres (3 miles) from the school.
 - (c) where there are 4 such children in a distinct locality residing not less than 6.4 kilometres (4 miles) from the school.
 - (d) where there are 3 such children in a distinct locality residing not less than 8 kilometres (5 miles) from the school.
 - 1.4 The service may be continued for as long as there are four eligible children and a minimum of six fare-paying children availing themselves of the service.
 - 1.5 Where any special school transport service is established, the routes are planned so that all children in the distinct locality will have at least a basic level of service. Children who live away from the route are expected to get or be brought to the nearest convenient pick-up point on the route. Spurs off the main route will not be operated for such children. As a rule, the routes will be planned so that no pupil will have more than 2.4 kilometres (1.5 miles) to travel to a pick-up point.
 - 1.6 For fully eligible pupils residing remote from a pick-up point or outside the range of school transport service a Remote Area or Scheme D grant may be paid per family.
 - 1.7 Where there is no school transport available, pupils, who due to their illness/disability are unable to attend school unless conveyed by transport, may be eligible for a grant, towards the cost of private transport arrangements.
 - 1.8 **Special conditions for the Conveyance of Protestant Children to National Schools Under Protestant Management**

A transport service may be established under this scheme, provided this can be done within reasonable cost limits, where there is a sufficient number of eligible children in a distinct locality who are attending their nearest suitable school as determined by the Department, to ensure that the average daily number of eligible children conveyed each term would not be less than 5.
- 2 **The Concession of Fare-Paying Facilities on Special School Buses**
 - 2.1 Where spare seats are available on special school services after all children eligible for free transport have been accommodated, fare-paying facilities may be granted.
 - (a) to children who are ineligible for free transport on distance grounds, to enable them to travel on the special services which operate to their nearest suitable school as determined by the Department.
 - (b) to children who are eligible for free transport to their nearest school but for whom there is no transport service

- available to that school, to enable them to travel on special school transport services to their next nearest school. (However, please refer to Paragraph 3 in the case of such children whose parent/legal guardians are medical card holders).
- 2.2 Where transport is sought on behalf of basically eligible children to a school other than the nearest school or appropriate school of amalgamation, the granting of transport may be considered only if documentary evidence of the agreement of the authorities of the nearest school or of the school of amalgamation as appropriate is submitted to the Department of Education and Science. Such evidence is not required in the case of 2.1(b) above.
 - 2.3 The concession may be renewed from term to term.
 - 2.4 Application for fare-paying tickets, except in the case of 2.2 above, should be made direct by the parents to the local Bus Éireann office. The appropriate term fare and a STAMPED ADDRESSED ENVELOPE should be enclosed when applying to Bus Éireann. The family identity number should be quoted in all cases.
 - 2.5 Parents should note that:
 - (a) Applications with remittances for the purchase of concessionary term tickets should be received by Bus Éireann not less than four weeks prior to commencement of term. Fare-paying travel permits for all spare accommodation will be issued to both primary and post-primary pupils on a first-come, first-served basis.
 - (b) Routes will not be extended or altered, nor will larger vehicles or extra trips be provided, to cater for fare-paying children.
 - (c) The fare-paying facility applied only to transport on special school services. It does not apply to transport on public scheduled bus services.
- 3 Children who are eligible for free transport to their nearest primary school, but for whom there is no transport available to that school, may be allowed incidental free transport to their next nearest school, provided that their parents/legal guardians are medical card holders. This facility applies to transport on special school buses and public scheduled services, where such are incidentally available. The concession will be granted to these children while they continue to be basically eligible for transport to their appropriate school.
Where this concession is being applied for, parents/legal guardians should submit their medical cards to the local Bus Éireann office before the deadline for receipt of remittances. A STAMPED ADDRESSED ENVELOPE should accompany the application.
 - 4 Children who are granted free transport under this concession will not count towards the retention of a service nor will any additional state cost be incurred in improving their standard of service.
- 5 General**
 - 5.1 School transport services are operated by Bus Éireann who, on behalf of the Department of Education and Science, are required to make the necessary local arrangements in the most economic way possible.
 - 5.2 The granting of facilities under the terms of this scheme will be at the discretion of the Minister for Education and Science.
 - 5.3 The fact that transport facilities have been held by children contrary to the terms of the scheme in no way confers on the recipients a continuing right to the facility.

APPENDIX 66

EVIDENCE OF AGREEMENT

National School:

Roll Number:

The board of management of the above-named school has no objection to the granting of school transport by the Department of Education and Science, for as long as the Department is willing to do so, to the pupils named on this statement who wish to be transported to National School, Roll Number.

The number of pupils listed is _____

Apart from those (if any) previously approved for it, this concession does not apply to anyone not mentioned by name on this statement, nor is there any implied commitment to allow a similar concession to any brother, sister, other relation or neighbour of the pupil listed. The Board of Management does not wish that the existing transport service to the school of choice be extended, or changed in any way, so as to facilitate the transport of the pupil or encourage the seeking of a similar concession by others.

The Board of Management is aware of the possible effect this may have on enrolment and, consequently, on staffing of the school and on the viability of any school transport service to it.

Signed on behalf of the Board of Management

Date

Chairperson

Board of Management

School stamp

NAME

DATE OF BIRTH

ADDRESS

This completed form should be returned to the relevant Bus Éireann Local Office.

APPENDIX 67
SCHOOL TRANSPORT GRANT
STATEMENT OF ATTENDANCE

I certify that

A Transport was provided by _____

For the above-named child on _____ days during the 2005/2006 school year.

and

B that _____ Primary/Secondary School

roll no. _____ was open for _____ days during the same period.

Full name and address of person to whom cheque should be made payable:

Signed _____ Date _____

School Principal

* Completed form should be forwarded to: School Transport Section,
Department of Education and Science, Clonmich, Tullamore, Co. Offaly

APPENDIX 68

BUS ÉIREANN GUIDELINES FOR DISCIPLINE PROCEDURES FOR DEALING WITH ALLEGED MISBEHAVIOUR ON SCHOOL TRANSPORT

General

Bus Éireann is responsible for the day-to-day operation of the School Transport Scheme under the general direction of the Department of Education and Science. Bus Éireann is responsible for the discipline and the safety of pupils while travelling on school buses.

Pupils availing of transport are expected to behave in a responsible manner having regard for their own safety, that of other passengers, the driver and other road users. In cases of misconduct, sanctions will be imposed by Bus Éireann. These have been agreed in consultation with the Department of Education and Science and are set out below:

1 Misbehaviour

In the event of misbehaviour by pupils the school bus driver will:

- seek an assurance from the pupil(s) that there will not be repetition;
- If there is recurrence, the driver may ask the inspector to speak to the child.

The matter will be concluded at this point.

2 Serious Misconduct

- When the alleged misconduct is of a serious nature, the driver will report the matter to the Inspector, who will inform the local Bus Éireann Management immediately and instructions will be given as to what action should be taken. The Inspector will also inform the school authorities of the position.
- The matter will be fully investigated by Bus Éireann personnel in consultation with the Transport Liaison Officer (T.L.O)/chairperson of the board of management/principal and with the assistance of the school authorities.

Serious misconduct consists of behaviour which poses a threat to the safety and well-being of pupils, the driver, or the safe operation of the service generally. Intimidation of pupils, damage caused to fixtures and fittings on the vehicle or to the property of others, and behaviour which may endanger other road users is included in this definition. A

pupil who disregards the instructions of the driver/inspector or does not respond to discipline and continues to be a source of misbehaviour may likewise be charged with serious misconduct.

3 Procedure for Investigation of Serious Misconduct

In the event that there is a complaint of serious misconduct, the following procedures will apply:

- (a) Initial enquiries by the bus driver following an incident or complaint, involving speaking to students who travel on the bus, including the pupil(s) allegedly involved or the subject of complaint.
- (b) The bus driver will report the matter to the inspector who will contact the principal(s) of the relevant school(s) to report the incident. The principal(s) will assist by interviewing the students who travel on the bus regarding the incident/complaint.
- (c) The Inspector and principal(s) will report the result of the interviews to Bus Éireann immediately for further investigation. Bus Éireann will give the pupil concerned all the details of the complaint made against him/her and from him/her that there will be further investigation by Bus Éireann, without prejudice, and explain how the investigation will operate.

4 Investigation by Bus Éireann Personnel

The investigation by the Bus Éireann Inspector will involve:

- (a) Interviewing the bus driver;
- (b) Interviewing pupil(s) alleged to be involved in the incident/complaint in the presence of school principal/Teacher or Parent or both. The pupil(s) concerned will be given the opportunity to respond to the allegations at this interview. Pupils will also be given an opportunity to make a written submission. Where applicable, written submissions should be made within one week of the alleged incident.
- (c) Interviewing other students who travel on the bus.

Details and statements will be recorded by Bus Éireann Personnel from students travelling on the bus where they had witnessed the incident. Students will be made aware of the consequences of giving false or misleading information, intentionally or otherwise.

Pupils may be interviewed separately, or as a group, to establish the veracity of the account of the incident/complaint. All interviews should be conducted with sensitivity and with due regard to the rights and confidences of all parties concerned.

The Garda Authorities will be informed where deemed necessary, and full cooperation will be given in any further investigation.

5 Sanction

Once the investigation has been concluded and the pupil(s) responsible identified, the following sanctions may be imposed: **

- (a) Pupil warned as to future conduct.
- (b) A written undertaking requested from pupil(s)/parents that the pupil will not again misbehave himself/herself on the undertaking that if the pupil does not comply with the undertaking more serious measures will be considered, up to and including the withdrawal of the travel permit.
- (c) Withdrawal of travel permit for a specified period or permanently, at the discretion of the Bus Éireann Manager.

In instances where a permit is being withdrawn, the pupil will be allowed to travel home on the service and parents/guardian will be advised of the circumstances by Bus Éireann.

In circumstances where a permit is being withdrawn and written confirmation is not immediately available, details of the sanction imposed will follow within seven days.

Where it is not possible to identify the culprits, having investigated the incident with the assistance of the T.L.O and school authorities, it may be necessary to withdraw the service period, for example, in cases where there is:

- (i) Danger to pupils, driver and other road users.
- (ii) Severe damage to the vehicle, where the vehicle will have to be repaired.

***If, in the opinion of Bus Éireann, the misconduct is of a sufficiently serious nature which compromised the safety of pupils or the safe operation of the service, Bus Éireann may take immediate action to suspend the individual(s) concerned from transport while investigation is still underway.*

6 Appeal Procedures

The decision of the local Bus Éireann Manager to withdraw a service or travel permit may be first appealed to:

The Manager,
School Transport,
Bus Éireann,
Broadstone,
Dublin 7.

The written appeal should be accompanied by factual evidence. Bus Éireann will record such appeals.

Ultimately the decision taken by Bus Éireann to withdraw a service or travel permit may be appealed to:

The School Transport Division,
Department of Education & Science
Tullamore,
Co. Offaly.

APPENDIX 69

GRANT SCHEME FOR MINOR WORKS TO NATIONAL SCHOOL PROPERTIES

(Circular 0141/2006)

1. REVISED SCHEME

The Minister for Education and Science has reviewed the devolved grant scheme for minor works to national school properties which first came into operation in 1997. Under the revised scheme, funding will be made available to all primary schools with full recognition on the following basis:

- (a) €5,500 basic grant plus €18.50 per mainstream pupil and €74 per special needs pupil on the rolls on the 30 September of the year prior to the issue of the grant. (The €74 rate applies to a special needs pupil attending a special school or attending a special class attached to a mainstream school);
- (b) The grant will be paid on an annual basis thereafter.

Schools should make every effort to spend this funding during the course of the year. However, where schools have a larger project in mind, which would be covered under this scheme, but would cost in excess of the annual grant aid, such schools should:

- Advise the Department's School Building Section of the specific project for which the funding is earmarked;
- Accumulate the grant aid for a period of two years or more, providing there are no on-going works required;
- Not apply for grant aid to carry out any other works covered under the scheme for the period in question.

Schools should be aware that future grant payments may be withheld from schools where grant aid is accumulating or where expenditure plans are vague or do not comply with the purposes of this scheme. Schools should not apply to the Department for grant aid for works covered by this scheme.

2. WORKS COVERED UNDER THE SCHEME

The funds being transferred to the schools must be spent on the physical infrastructure of the school or on items of furniture and equipment for educational use including IT related equipment. Works covered include:

- improvements to school buildings and grounds (items such as the replacement of windows, roof repairs, re-surfacing of school yard, re-painting and re-decorating, improving insulation

standards and improving access for all qualify under this heading);

- improvement or replacement of mechanical and electrical services;
- the purchase of standard furniture and physical education equipment;
- the purchase of floor coverings and window blinds;
- the purchase of IT related equipment (items such as computers, printers, overhead projectors and photocopiers qualify under this heading).

Schools need not apply to the Department for approval to carry out works or to purchase items covered by the scheme.

3. PE EQUIPMENT RENEWAL

This year the minor works grant is being increased on a once-off basis by €2,000 per primary school to provide capital funding to meet PE equipment renewal requirements. Thereafter, any such requirements must be addressed from within the standard annual minor works grant. The first priority for this once-off additional capital funding is to address any health and safety issues in relation to goalposts in schools. The background is that there have been a number of injuries and fatalities in Ireland and the UK in recent years due to substandard or unsecured goalposts.

To address these issues, an interagency Goalpost Safety Committee was convened by the National Standards Authority of Ireland (NSAI) to develop a National Standard for goalposts and to initiate a safety awareness programme. The Department is represented on this committee. A Standard (I.S. EN 748: 2004) is already in place for fixed soccer goalposts. In the coming weeks draft Standards pr I.S. 356 pr I.S. 357 will be published on the NSAI website (www.n sai.ie) for portable goalposts and for other sports. It is anticipated that the new Standards will be ratified in the first half of 2007. Copies of these Standards can then be obtained from the NSAI.

The onus will be on school authorities to satisfy themselves, and keep adequate records, that any existing goalposts are safe and comply with these new safety standards. Appendix A to this circular contains an 11 point goalpost safety plan which should be of assistance to school authorities in assessing any required action,

e.g. replacement of goalposts. School authorities may use any remaining balance of this additional funding to meet their other PE requirements for the replacement or purchase of new equipment. Schools should ensure that the equipment purchased is suitable for their pupils' use and suppliers should certify, where appropriate, that it meets the relevant Irish, European or British standard. Some guidance on primary school PE equipment is available on the Department's website at www.education.ie.

4. WORKS NOT COVERED UNDER THE SCHEME

4.1. Additional Classrooms. All proposals relating to the provision of additional classroom accommodation should continue to be referred to the Department for approval.

4.2. Non capital expenditure. The grant may not be used for items of a non-capital nature. This includes payment of wages or salaries, payment of bills such as ESB and telephone accounts, water rates, purchase of oil etc.

5. ADMINISTRATIVE ISSUES, RECORDS AND AUDITING

The grant will be paid directly into the school bank. As with all exchequer grant aid, school authorities must be able to provide detailed records on how funding, provided under this scheme, was spent. In addition, schools must be able to prove that expenditure was on works allowed under the scheme. All expenditure in connection with the scheme must therefore be vouched. Invoices and receipts must be retained in the event of an audit inspection by the Department and/or the Comptroller and Auditor General. It is necessary for schools to keep details of quotations received, invoices, receipts and any other relevant records in respect of all expenditure for a period of five years. Schools should note the dates on which works were carried out and completed.

Appendix B to this Circular contains details of the nature of records to be maintained.

Schools, on request, must provide the Department with a written statement of the expenditure of the grant and any remaining balances and other relevant information that may be required. If a school closes permanently, any balance held in the account must be surrendered to the Department on the date that the school ceases operation.

The Department reserves the right to withhold future payments to schools for non-compliance with any of the terms of this Circular.

6. LOCAL CONTRIBUTION

Schools are not required to make a local contribution towards the cost of works covered by the scheme but

may supplement the grant through local fundraising to complete a particular project. The devolved grant scheme cannot be used to pay local contributions in respect of other capital projects undertaken by the school.

7. VESTED AREA

The funds should only be used for work to facilities within the vested area of the school.

8. AUTHORITY/RESPONSIBILITY

This Grant Scheme devolves authority to boards of management for the execution of minor works. Responsibility for the proper execution of works will also rest with the boards of management.

9. EXECUTION OF WORKS

Schools must organise the execution of the works covered under the scheme in accordance with public procurement procedures, and pay the bills themselves. Schools already hold a copy of the Department's maintenance manual, 'Maintenance Matters' which was compiled to assist schools in relation to the procedures for the execution of works (Manual also available on Department's website). School authorities should refer to the procedures contained in this manual before authorising any expenditure under the scheme. Chapter 9 provides information on statutory approvals, tenders, contracts and tax clearance. School authorities should also be aware that building contractors must be members of the Construction Industry Federation (CIF) Pension/Sick Pay Scheme or equivalent. Appendix B to this Circular summarises the details of tender procedures that should be followed.

The Local Government (Planning & Development) Act 1999 deals with the protection of architectural heritage. It came into operation on 1 January 2000 and applies to structures and lands listed as, or under consideration to be listed as, protected structures within the meaning of the Act. Boards of management should check with their local planning office or seek expert professional advice if they intend to carry out works to school buildings and grounds, which come under the terms of the Act.

10. TREATMENT OF ASBESTOS

Renovation and improvement work of any kind at the school must be undertaken in accordance with all relevant Health, Welfare and Safety at Work Regulations. Contractors appointed to carry out work in the school must be made aware of and requested to review the school's safety file to establish the position relating to any health and safety issues, such as the presence of asbestos. Asbestos may be present in the boiler house insulation, ceiling tiles or other areas and may only be removed by competent persons in accordance with current health and safety legislation. If the school has been tested for the presence of asbestos,

the results of this test will be recorded in the safety file. Any special instructions relating to the material contained in this file must be adhered to.

If the school has not already been tested for the presence of asbestos or if you are unsure whether or not it has been tested, you should contact the Health and Safety Unit, Office of Public Works, 51 St Stephen's Green, Dublin 2 -Tel.: 01 6476000. In this context, please refer also to circular letter 37/99 issued in December 1999. Asbestos is potentially harmful if disturbed and breathed in. Under no circumstances should school authorities engage non-specialist contractors to remove asbestos or undertake work in an area of the school suspected of containing asbestos without consulting with the Health and Safety Unit of the Office of Public Works.

11. SCHOOLS HOUSED IN RENTED ACCOMMODATION

Where works are required to schools housed in rented accommodation, boards of management should ensure that they do not contravene the terms of the lease.

12. STATUS OF CIRCULAR 4/00

(The previous circular on the Minor Works Grant Scheme that issued in 2000)

This Circular supersedes Circular 4/00 which is hereby withdrawn.

Hubert Loftus
Principal Officer
School Building Unit
Tullamore
Co. Offaly

November 2006

Enquiries about this Circular should be referred to:
School Building Unit Department of Education and
Science, Portlaoise Road, Tullamore, Co. Offaly.

Telephone: 057-9324300 Fax: 057-9351119

Web: www.education.ie

APPENDIX A

Goalpost Safety Plan

Guidance for the general procurement, installation, maintenance, storage and other related matters.

1. Before use, ensure that the goalpost is secured at all times by means of the appropriate supplied anchoring system. This applies to all posts whether they are fixed, portable or free-standing. All goalposts should be either anchored, weighted, pinned, chained, pegged or otherwise made secure so as to prevent overturning.
2. Before assembly of equipment check that it is not damaged and that it is fit for use. Check for damages to nets, joints and that locking devices are in good working condition.
3. Check that the equipment for securing the product is intact and in good working order.
4. When goalposts that are tall or heavy are being erected/assembled, it is recommended that heavy lifting equipment is used and that correct tools for the job are used at all times. Assembly and erection of goals should be carried out by a sufficient number of persons.
5. Consideration should be given to the proximity of overhead electrical cables during the erection and transportation of goalposts.
6. When dismantling goalposts follow the assembly instructions and recommendations. Ensure all ground sockets have been suitably blanked off when goalposts have been taken out to eliminate trip hazards.
7. Portable goalposts should be dismantled or removed to a secure area when not in use following the recommended storage instructions by the manufacturer/owner.
8. Moving: If a piece of equipment must be moved, and no transportation wheels are provided, the equipment should be lifted by a sufficient number of competent persons to prevent injury and to prevent damage to the product.
9. Procurement: All new goalposts should be purchased from manufactures/suppliers that comply with the following standards I.S.EN 748, I.S.EN 749, I.S.EN 750 and BS 8462. All products should carry a manufactures label and safety warning label. The manufacturers label should include instructions for installation, storage, dismantling, inspection and maintenance.
10. Maintenance: Regular maintenance of goalposts is essential to ensure that it is fit for use. In the absence of a standard, it is recommended that the user follow the guidelines set out by the manufacturer.
11. Alterations or additions/appendages (such as target sets) to parts of a goalpost that could affect

the essential safety of the equipment should not be carried out.

Please note that the goalpost safety plan as outlined in this appendix is based on a document that originated from Elizabeth O’Ferrall, Technical Secretariat, Goalpost Safety Committee, NSAI, Glasnevin, Dublin 9 on 13 July 2006 and is solely for guidance only. The Goalpost Safety Committee is not responsible for any omissions that may have occurred during its generation. Users are responsible for all aspects of goal safety from procurement to installation to storage. Please follow the manufactures instruction at all times. All users should generate their own safety plan in relation to these matters. Queries should not be sent to the NSAI Goalpost Safety Committee.

APPENDIX B

Tender Procedures and Record Maintenance

The board of management must establish a set of procedures governing purchasing and should set out the arrangements for tendering and buying of goods, payment of invoices and maintenance of accounting records.

Purchasing

- A purchasing policy needs to strike a balance between quality and cost, as the cheapest is not always the best. However, tender documents should clearly specify criteria for awarding contract and these may not be deviated from during award process.
- Boards of management must take reasonable steps to satisfy themselves that suppliers and contractors engaged are reputable and competent.
- In all cases, where a contract (verbal or written agreement) is to be awarded for the supply of goods or services and payments under the contract are likely to exceed €6,500 (inclusive of VAT) in any twelve-month period, the contractor is required to produce either a valid tax clearance or C2 certificate. Further details on appointing contractors can be found in Chapter 9 of ‘Maintenance Matters’.
- All purchases under the scheme should be made with the consent of the board of management.
- A file containing evidence of the tendering and quotation procedures actually followed must be retained for inspection if required.

Tendering Procedures

- At least three tenders must be obtained.
- The invitation to tender must be issued directly to firms that would be capable of carrying out the contract or supplying the goods and are of reputable standing.
- A date for receipt of tenders must be specified.
- All tenders should be opened at the same time by two people nominated by the board of management.
- A report of each tendering procedure and reasons for selection should be retained by the board.

Payment of Invoices and Accounts

- A suitable system of receiving and checking goods and services should be maintained.
- The board should establish procedures for payment of bills.
- Invoices should be clearly stamped as ‘PAID’ only when paid. Schools are advised that self-inking/pre-inked/rubber stamps with ink pads are suitable for this purpose.
- Bills should be paid immediately upon receipt.
- Payments should only be made on receipt of original invoices – not on receipt of statements or photocopied invoices.

Records to be maintained for inspection

- Tender documents (successful and unsuccessful).
- Documentation of quotations (whether received in writing or over the phone).
- Evidence of the evaluation/approval/acceptance of tenders.
- Evidence of compliance by contractors/companies with Tax Clearance Procedures (where relevant). Evidence of compliance by building contractors with the requirements of the Construction Industry.
- Sick Pay Scheme (where relevant).
- Evidence that any goalposts are safe and comply with the new safety standards.
- Order forms (if appropriate).
- Delivery dockets.
- Invoices.
- Cheque book stubs.
- Bank Statements.
- In addition to the above items, the board should ensure that there is some form of accounts, whether on computer or in manual format with expenditure of the grant being balanced on a regular basis to take account of the grant received, cheques cashed and outstanding cheques.

APPENDIX 70

CAPITAL FUNDING ARRANGEMENTS

The following table outlines the details of the new arrangements for the Capital Funding of Primary Schools. It should be noted that decisions about these arrangements are made by the PATRON of the school.

Type of School	Present arrangements <i>re. site</i>	Proposed arrangements <i>re. site</i>	Present arrangements <i>re. building</i>	Proposed arrangements <i>re. building</i>
Denominational /Multi-Denominational	Patron provides full cost of site Patron owns site	State to offer to provide full cost of site State to own site	New Building Patron provides up to 15 per cent of capital cost Renovation Patron provides 15 per cent of capital cost Patron owns building.	New Building Patron to provide 5 per cent of capital cost subject to ceiling of €63,000 Renovation Patron to provide 10 per cent of capital cost subject to ceiling of €31,500 State to own building (in case of 'new' only)
Special/Disadvantaged Schools	Patron provides cost of site Patron owns site	State to offer to provide full cost of site State to own site	New building and Renovation Patron usually provides 5 per cent of capital cost Patron owns building	New building and Renovation Patron to provide 5 per cent of capital cost subject to ceiling of €12,500 State to own building (in case of 'new' only)
Gaelscoileanna	State provides full cost of site State owns site	State to provide full cost of site State to continue to own site	New building State provides full cost Renovation Patron provides 15 per cent of capital costs State owns building	New building Patron to provide 5 per cent of capital cost subject to ceiling of €63,000** Renovation Patron to provide 10 per cent of capital cost subject to ceiling of €31,500 State to continue to own building

** Current arrangements to apply to all Gaelscoileanna with either permanent or temporary recognition.

Rent Subsidy to National Schools

Primary schools may have to rent temporary premises pending the provision of new, improved or additional school accommodation.

Schools whose viability is assured and which have been granted permanent recognition will be paid grant aid at the rate of 95 per cent of any reasonable rent. Schools which have temporary recognition will be paid 75 per

cent. These arrangements will take effect from 1 January 1999 and will apply in respect of rent due from that date.

This decision follows on from the recent announcement on changes in funding for school sites and building projects, and is a further move to relieve fundraising pressure on local communities.

APPENDIX 71

SCHOOL BUILDING PROGRAMME, 2007 PERMANENT ACCOMMODATION SCHEME 2007 CLASSROOM ACCOMMODATION

1. Introduction

The purpose of the Permanent Accommodation Scheme 2007 (PAS) is to provide a classroom accommodation solution to schools for the 2007/2008 school year, where an absolute need is demonstrated.

This scheme is focused on schools which are not in need of an immediate major extension or building project but which require additional classroom accommodation.

If ancillary accommodation and/ or a major extension is required in addition to classroom accommodation, school authorities should consider, if not already done, submitting a completed FLE or SLE application form (available on the website www.education.ie) to be considered for delivery by the traditional method, in the context of the School Building and Modernisation Programme.

Applicants should note that this scheme does not cover accommodation required for decanting purposes during a building project. Further details in relation to Accommodation Solution falling within the scope of this grant scheme are set out in Sections 6–8.

2. Schools covered by the Scheme

The Scheme is open to primary and post-primary schools.

3. Scope of Scheme

Primary Schools

Primary School authorities are aware from October each year of the expected mainstream staffing allocation for the forthcoming year, if there is no change in the staffing schedule.

School authorities should, therefore, assess their accommodation needs on that basis and only make application for additional accommodation under this scheme, if it is clear that there will be an immediate urgent deficit of classroom accommodation.

Approval for additional accommodation under this scheme will not be given where there is no overall increased enrolment in the catchment area.

It is acknowledged that in rapidly developing areas and/or in recently recognised schools it can be difficult to plan accurately for the required additional

accommodation. However, such schools should make an application for additional accommodation through this scheme based on their best estimate of emerging requirements.

Post-Primary Schools

Post-primary Schools are better placed to deal with an increase in pupil numbers, as the pattern should be obvious from enrolment figures in feeder national schools and the configuration of schools.

Accordingly, post-primary applicants are advised that only in exceptional circumstances will applications under this scheme be considered.

4. How to apply for accommodation under this scheme

Permanent Accommodation Scheme (PAS) applications forms are now available on the Department's website www.education.ie and may be downloaded here. Copies of same are also attached for ease of reference.

Completed forms can be submitted by post or by e-mail and must be fully signed off by the relevant representatives of the school authority.

Successful applications will be selected, inter alia, on the basis that:

- the school submits a fully completed application form to the Planning and Building Unit (application forms are attached and/or can be downloaded from www.education.ie);
- the Department is satisfied that no alternative suitable accommodation is available within the school or the catchment area;
- the long-term projected enrolments (post-primary) / long term projected staffing (primary), as assessed by the Department, indicate that participation in this scheme at this time will address the classroom accommodation issues of the school and there is not a requirement for further additional accommodation in the foreseeable future;
- architectural planning has not already been approved by the Department for a large-scale building project at the school.

5. Timetable for 2007 Scheme

Publication of Scheme details and application form: August 2006

Closing date for receipt of applications: 27 October 2006

Publication of list of successful applicants: End of 2006

Information Sessions for successful applicants*: 1st Quarter 2007

* The Department will be holding an information session for successful applicants at which the terms of the scheme will be outlined in more detail. Schools will be requested to confirm their acceptance to these terms and conditions.

6. Criteria Specific to Primary Schools

Applications will be subdivided into the following categories:

Category 1 – Mainstream classroom accommodation / DEIS–School Support Programme

Category 2 – Special Education Tuition (SET) support / Language Support Teacher etc

Category 1 (Mainstream / DEIS–School Support Programme) will be assessed using the following criteria:

- Schools in developing areas where there is no alternative accommodation;
- Recently recognised schools, allowing for incremental growth;
- Schools with additional teacher appointments where no other accommodation is available in the school or the area.

Category 2 (Special Education Tuition (SET) support / Language Support Teacher etc. will be assessed using the following criteria:

- Confirmed specific need which did not exist in previous school years;
- All other available accommodation at the school is in use.

7. Criteria Specific to Post-Primary Schools

Applications will be subdivided into the following categories:

Category 1 – Mainstream classroom accommodation

Category 2 – Special Education Tuition (SET) etc.

Category 2 (Mainstream) will be assessed using the following criteria:

- Schools having an urgent deficit of mainstream

accommodation as a result of increasing enrolments in the catchment area;

- Recently recognised schools, allowing for incremental growth.

Category 2 (Special Education Tuition) etc. will be assessed using the following criteria:

- Confirmed specific need which did not exist in previous school years;
- All other available accommodation at the school is in use.

8. Accommodation Solutions

Consideration will be given to the school's preferred solution. However, the final decision on the appropriate solution will be made by the Department.

It is the policy of the Department to provide a permanent accommodation solution insofar as possible. Commensurate with the level of funding available, applications which have been assessed as appropriate to the scheme, where the school's accommodation requirement is recognised as permanent, will be given approval for funding to enable the school to provide the accommodation required under this grant scheme.

Successful applications for which a permanent solution is not the appropriate response e.g. where a major building project is in the pipeline, will have their immediate accommodation requirement dealt with by way of either relocation of existing prefabricated accommodation or by way of rental of prefabricated accommodation/premises.

Further details in relation to rental accommodation will be published shortly.

9. Level of Grant Assistance

Primary

Mainstream Classroom: €120,000

SET/other: €60,000

Post-Primary

Mainstream Classroom: €85,000

SET/other: €42,500

10. Frequently Asked Questions

Attached for information of applicants are a set of Questions and Answers to the most frequent queries received in relation to this scheme.

Any further queries in relation to the scheme should be made directly to the Helpline or put in writing to the Planning and Building Unit.

11. Freedom of Information Act

Applicants are reminded that the provisions of the Freedom of Information Act 1997 and 2003 apply. As such it should be noted that the Department may be obliged to release information submitted to the Department under the Freedom of Information Act 1997 and 2003.

APPENDIX 1

LEVEL OF GRANT – AID & DRAW-DOWN CONDITIONS

1. What is the amount of the grant?

The up-to-date amount of grant payable.

Primary

Mainstream Classroom: €120,000

SET/other: €60,000

Post-Primary

Mainstream Classroom: €85,000

SET/other: €42,500

2. Is the school guaranteed this amount?

Yes, provided the terms of the scheme are complied with. Once selected the grant payable by the Department (inclusive of Value Added Tax and all fees) will be the lower of:

- the amount of grant aid approved by the Department in its letter of approval.

or

- the lowest valid tender amount for the proposed works plus reasonable fees.

3. If this amount is not enough, what can the school do?

The choices to be made within this devolved scheme rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. The time to identify a funding problem is at the outset before entering any contract. Schools should raise with the Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined provided the Department is notified of them in advance of contracts being signed.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

If there is a shortfall in funding, the options open to the school authority are to:

- (a) Reduce the scale of the works to stay within the limit of the grant;
- (b) Use funds allocated by the Department under the terms of the Grant Scheme for Minor Works to supplement the grant, provided such funds are not required for more urgent and immediate works;
- (c) Apply separately under the Department's Summer Works Scheme (that is currently advertised on its website) for additional funding to deal with exceptional additional refurbishment costs in their existing school buildings;
- (d) Fund the balance of the works from its own resources.

4. Will the school authority be required to make a local contribution towards the project?

The Scheme is not structured on the basis that the Department funding must be supplemented by local fundraising. It does however allow a school to supplement the funding from local resources if it so decides. The critical element is that with devolved authority the school must set the scope of works to match the funding allocated. The Department does not define the precise works to be carried out other than it must be in accordance with the terms of the scheme. A school can make choices within the budget allocated.

5. Who pays for consultants' fees and planning charges?

The grant is intended to cover the capital cost of the project including associated planning charges and all consultants' fees incurred in the design and construction of the project, all fees for the Project Supervisor Design Stage (PSDS) and all fees for the Project Supervisor Construction Stage (PSCS).

6. Can the Department withdraw an offer of grant aid?

Yes, the grant sanction will automatically lapse if construction work does not commence within twelve months of the date of approval. The Department retains the option of altering/withdrawing the offer of grant aid if it is considered by the Department that a change in the local circumstances is sufficient to warrant this.

7. At what point will the grant be paid?

The school authority must notify the Department of the tender amount for the proposed works plus fees before any payments can be made.

First payment

The first payment will be for 70 per cent of the Department's liability and this will be paid on receipt, through the school authority, of the following

confirmation from your architect/engineer/chartered building surveyor that:

- the works are in accordance with terms of the scheme;
- tenders were sought in accordance with a competitive tendering process as set out in Appendix 3;
- a Safety Plan was completed and presented to the successful contractor;
- the lowest valid tender was accepted by the Board and the successful contractor fulfilled the criteria set out at Appendix 3;
- the Board fulfilled its obligation under the Health and Safety regulations, in particular, the appointment of a competent person to fulfil the role of Project Supervisor Construction Stage (PSCS);
- the successful contractor has produced a safety statement;
- the Board has placed a contract for the proposed works with the successful contractor and the contractor is on site and has commenced building works.

Second and final payment

The second and final payment will be for the remaining 30 per cent of the Department's liability and this will be paid on receipt of the following documentation:

- copy of the certificate of practical completion from your architect/engineer/chartered buildings surveyor;
- your consultant's Opinion of Compliance of the relevant development with planning permission and or exemption from planning control;
- your consultant's Opinion of Compliance of the relevant development with the building regulations including the fire safety certificate;
- confirmation from your consultant(s) that a safety file has been prepared by the PS(C)S and issued to the board of management;
- copies of all relevant drawings, if possible in an appropriate electronic format, and your consultant's confirmation that the completed works are in accordance with these drawings;
- Confirmation from the board of management that 50 per cent of the agreed retention per cent rate of the contract sum will be retained for a period of twelve months following the completion of the works and pending the rectification of any building defects which may become apparent during that period.

During the Defects Liability period your architect/engineer/chartered building surveyor must prepare the final account for the project to determine the exact final payment due to the contractor. The school authority is advised to retain the final portion of the architect/engineer/chartered building surveyor's fee until the final account has been completed. The school

authority must satisfy itself as to the correctness of the final account before making final payments to the contractor

APPENDIX 2 – TECHNICAL ISSUES

1. Is written Guidance on Technical Issues available?

Yes. Schools should consult Technical Guidance Document TGD007 'Design Team Procedures: Protocol for Devolved Grants', and also TGD008 'Engaging Professional Consultants' available on the Department website under School Building/Technical Guidance

2. Is a consultant architect / engineer / chartered building surveyor required?

Yes. The school authority must employ a suitably qualified consultant architect, engineer or chartered building surveyor [member of Royal Institute of Architects (RIAI), Institute of engineers of Ireland (IEI), Society of Chartered Surveyors or equivalent] Refer to TGD008 'Engaging Professional Consultants' for guidance available on the Department website under School Building/Technical Guidance.

The school authority must also satisfy itself that the consultant architect/engineer/chartered building surveyor will be able to provide satisfactory evidence of tax clearance and adequate professional indemnity insurance cover in advance of engagement.

The school authority should ensure that the fee is agreed with the architect/engineer/chartered building surveyor before the Consultant is appointed and that it covers ALL necessary professional and technical services (including buying-in other services as required) and all expenses.

3. Who is responsible for ensuring compliance with statutory regulations?

The school authority is the client for the project and, in consultation with the architect/engineer/chartered building surveyor, is responsible for ensuring compliance with all statutory regulations which, with most projects, will require obtaining planning permission and a fire safety certificate. The building project must comply in all respect with building regulations. The consultant architect/engineer/chartered building surveyor will be able to advise the Board on these matters.

Refer to Technical Guidance Document TGD-007 'Design Team Procedures: Protocol for Devolved Grants' on the Department website under School Building/Technical Guidance

4. Who is responsible for ensuring compliance with Health and Safety Regulations?

The school authority, as client, is responsible for the implementation of the Safety, Health and Welfare at Work (Construction) Regulations 2001 and

subsequent H&S legislation scheduled for implementation in 2006. Under these regulations the appointment of a competent person to act as Project Supervisor (Design) stage PS(D)S is a legal obligation. Guidance on how to do this can be found in TGD008 'Engaging Professional Consultants' on the Department website under School Building/Technical Guidance

At construction stage the school authority as client is also responsible for the appointment of a competent person to act as Project Supervisor Construction Stage. The PS(D)S will advise on this and his/her fee should include for the assessment of contractors' competence to carry out this role.

Refer to Technical Guidance Document TGD-007 Design Team Procedures Protocol for Devolved Grants on the Department website under School Building/Technical Guidance for H&S information documentation required at Tender and Completion stages, including the safety file which should be retained by the school authority.

5. What should be done if the school is known to contain asbestos?

If your school has not already been surveyed for the presence of asbestos or you are unsure whether or not it has been surveyed, you or the architect/engineer/chartered building surveyor should contact the Health and Safety Unit, Office of Public Works, 51 St Stephen's Green, Dublin 2 – Tel. 01/6476198. In this context, please refer to circular letter 37/99 issued by the Building Unit in December, 1999.

6. How are tenders to be sought for this proposed building project?

Tenders must be sought on a fixed price basis (i.e. Clause 36 of the GDLA form of contract should be deleted). Refer to Technical Guidance Document TGD-007 Design Team Procedures Protocol for Devolved Grants on the Department website under School Building/Technical Guidance

7. What criteria must the successful contractor fulfil?

Refer to Technical Guidance Document TGD-007 'Design Team Procedures: Protocol for Devolved Grants', and also TGD014 'Guidance on Pre-Selection of Contractors' on the Department website under School Building/Technical Guidance

8. Logo on site

Projects must display an acknowledgement sign that they are being funded by the National Development Plan (NDP) 2002–2006. Guidance on this matter is available on www.ndp.ie.

9. Reminder of penalty for non-compliance with terms of scheme

The Department reserves the right to withhold

payment of the grant to schools for non-compliance with any terms of the scheme.

10. What other guidance is available to the Board?

Guidance on technical issues is available on the Department's website under School Building/Technical Guidance

APPENDIX 3 – LEGAL ISSUES

1. Is a Lease/Declaration of Trust required?

It is a condition of funding that the school site including school building(s) are the subject of a Lease/Declaration of Trust that is valid for a minimum period of 35 years from a current date. The lease simply guarantees that the school property is retained for educational use. The lease must be amended to reflect the level of capital investment. The school authority is advised to seek the advice of legal representative in this and all legal matters.

A grant awarded under the provisions of this scheme does not/should not of itself confer a particular tenure on a building as the terms of the Rules for National Schools and the Education Act apply. The school authority must have the approval of the patron/trustee before application is made for capital works and have this reaffirmed prior to a contract being placed.

2. Who is responsible for the proposed building project?

This scheme devolves authority and responsibility to the school authority for the execution of the works. The school authority is responsible for all interactions with the consultant architect/engineer/chartered building surveyor and for ensuring that the proposed works are in accordance with the conditions set out in this scheme.

3. What records must be kept?

All expenditure in connection with the scheme must be vouched and all documentation must be retained by the school authority for a minimum period of seven years in the event of an audit inspection by the Department and/or Comptroller and Auditor General.

Please note that the Department will be undertaking random audits and inspections of schools participating in this scheme.

4. Why are random audits done?

In accordance with standard practice, payment of capital grants is conditional on the Department being satisfied that the school has followed proper procedures and retained appropriate records. In addition it is essential that a proper maintenance programme is in place to protect the school. Guidelines as to how to address this matter were outlined in the 'Maintenance Matters' manual issued to all schools in 1998. An electronic version of 'Maintenance Matters' can be downloaded here

APPENDIX 4 GUIDE TO THE BUILDING PROCESS

Introduction

This guide is issued by the Department of Education and Science for general guidance purposes only. For more detailed information refer to Technical Guidance Document TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance

Building Projects

There are a number of stages to a Building Project, which are summarised below. The consultant employed by the school authority must be competent in all of these areas and the purpose of this document is to describe those processes in brief to persons not normally involved in the building procurement process.

Setting of Brief

This is the establishment of clear accommodation requirements; refurbishment requirements etc. coupled with the setting of cost parameters and any other relevant job specific objectives. The role of the Client (which is the school authority) assisted by the architect/engineer / chartered building surveyor, is to set the brief within the constraints of the amount of the grant and the priority areas outlined Paragraph 3 of the Scheme.

Design

The preparation by the architect/engineer/chartered building surveyor of initial sketch drawings which properly describe the proposed works for approval by the school authority and which are also consistent with the established brief and cost parameters.

Planning Permission

The statutory process as required under the Planning and Development Act 2000. This involves the preparation and submission of a planning application to the relevant local authority to obtain planning permission and other necessary statutory consents to carry out development work.

Fire Safety Certificate

The statutory process as required under the Building Control Regulations 1991–1994 which involves the preparation and submission of a fire safety certificate application to the relevant Building Control for certification to carry out certain development work.

Tendering Process

The process of obtaining competitive tenders (prices) from a selected number of building contractors (a minimum of five). (Refer to Technical Guidance Document TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance.)

Tender analysis and Start-up

The Building Contractor is selected following analysis

of the tenders and submission of all necessary documentation. (Refer to TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance.)

Contract Stage

This is the period during which the work actually takes place on site.

Post-Contract Stage/Defects Liability Period

A period of time (normally twelve months) following the completion of the works during which a percentage of the monies due to the building contractor is withheld pending the rectification of any building defects which become apparent during that period.

Explanation of job functions and other common terms:

- Architect – The person responsible for the design of the building;
- Quantity Surveyor – The person responsible for the cost control of the project and the Bill of Quantities;
- Structural Engineer – The person responsible for the structural design of the building;
- Mechanical and Electrical Engineer – The person responsible for the design of the electrical and mechanical aspects of the project (lighting, heating, air extraction etc.);
- PSDS – Project Supervisor Design Stage – The person who assesses Health & Safety during the course of the project design, and whose task is to ensure safety both during the construction stage and in use thereafter (this does not relieve the other Designers of similar responsibilities);
- PSCS – Project Supervisor Construction Stage – the PSCS is usually the main building contractor whose job it is to ensure that the works undertaken on site are done so in a safe manner without risk to the workers involved;
- Bill of Quantities – A complete elemental breakdown of the scope of the works including quantification for pricing purposes;
- GDLA Form of Contract – Government Department and Local Authorities contract document. This is the standard form of contract for construction work being paid for from public funds.

Timescale of work

The following table illustrates the approximate time frame on a month by month basis for all of the processes described in the previous pages. The contract stage will vary from project to project with the following table illustrating a typical three month building programme:

Process	Average time of Process in Months												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Setting of Brief													
Design	■	■											
Planning Preparation			■										
Planning Process				■	■	■							
Fire Safety Certification					■	■							
Tender Preparation						■	■						
Tender Process								■					
Tender analysis + Start-up									■				
Contract Stage										■	■	■	
Post Contract Stage													■

APPENDIX 71(A)

SMALL SCHOOLS SCHEME 2007 DEVOLVING CAPITAL WORKS TO SMALL SCHOOLS (NO MORE THAN FOUR MAINSTREAM CLASSROOMS)

1. Introduction

The purpose of the Small Schools Scheme is to devolve funding to individual school authorities to undertake building works which will address the school's long term accommodation needs. Long-term in this context is considered to be a period of up to ten years. The Department will not process any further applications for grant aid for major capital works during this period unless, in the opinion of the Department, circumstances, not foreseen when this grant was sanctioned, have arisen which warrant an increase in the accommodation of the school.

Under the terms of the Scheme, school authorities are empowered to manage these works with guidance from and minimal interaction with the Department. The choices to be made within this devolved scheme rest with the school and that is the cornerstone of any policy of devolution (See Appendix 2 – Q.3).

The Scheme is not structured on the basis that the Department funding must be supplemented by local fundraising. It does however allow a school to

supplement the funding from local resources if it so decides (See Appendix 2 – Q4).

2. Schools covered by the Scheme

The Scheme is targeted at primary schools with permanent recognition having no more than four mainstream teachers. It is focused on schools where the enrolment profile is stable and consistent with the size of the school and where the accommodation needs of the school over the next decade are reasonably certain to be maintained at the same level. Schools that are approved for funding under this Scheme will be required to operate an enrolment policy that ensures that the enrolment profile remains stable.

It is a requirement of the scheme that the school site (either in the case of an extension or for a new school) is provided by the school authority/patron. Under no circumstances may any portion of the grant awarded under this scheme be used to purchase additional land.

3. Works covered by the Scheme

School authorities may apply for refurbishment and/or

extension works or for a new school building. The following is the order of priority which the school authority must follow in determining how the grant is to be used:

- (a) Serious health and safety issues
This should include remedial works to remove safety hazards including asbestos and radon, others safety hazards e.g. electrical installations, provision of safe access to and from the school including set down areas if appropriate, provision of safe external play area, and adequate staff and pupil W.C. provision.
- (b) Provision for pupils with special needs
This should include if appropriate provision of access for all to the school grounds and building, disabled access, W.C. and shower provision, and changes to furniture and fittings to enable a pupil with special needs to participate fully in the school.
- (c) Mainstream classroom accommodation (including any necessary mechanical and electrical works)
As a rule of thumb, in determining an appropriate size for classrooms the Managerial authority should seek to provide 2m² for older pupils (3rd to 6th Class) and 1.8m² for the younger pupils (Junior Infants to 2nd class)
- (d) Ancillary accommodation

- (e) Works (other than those at (a) above) required to improve external play areas.

4. Arrangements for continuity of school during building works

The school authority should note that any costs for decanting pupils and teachers that may be required to keep the school in operation while the proposed building project is underway must be paid for within the grant. The school authority should manage the project to ensure the timing of the building works during school holiday periods as far as possible.

5. Application process

The application form FLE (Small Schools Scheme) – which can be downloaded here – should be used to make application under this Scheme

A school authority which has already submitted an application for capital funding on Form FLE, and which is satisfied that the information contained therein accurately reflects the school's accommodation requirements will be considered for inclusion in the Scheme on receipt of the application form attached at Appendix 1 of this circular.

A school which makes a successful application for funding under this Scheme and which subsequently opts out of the Scheme will have its project considered for inclusion under the traditional method of funding, based on priority, as part of the School Building and Modernisation Programme.

5. Proposed Timetable for 2007 Scheme

Publication of Scheme details and application form	August 2006
Closing date for receipt of applications	27 October 2006
Completed application forms should be returned to School Planning Section, Department of Education and Science, Tullamore, Co. Offaly.	
Applications received after this date and/or applications that are incomplete will not be considered.	
Publication of list of successful applicants	End of 2006
Information Session for successful applicants*	1st Quarter 2007

*The Department will be holding an information session for successful applicants at which the terms of the scheme will be outlined in more detail. Schools will be requested to confirm their adherence to these terms and conditions and they will then have up to twelve months to commence construction of their building projects. 70 per cent of the grant will be paid when construction work commences and the balance of 30 per cent will be paid when it is completed.

6. Grant details

Grant details, including conditions for drawing down the grant, are set out in Appendix 2.

7. Technical Issues

Technical issues are addressed in Appendix 3.

8. Legal issues

Legal issues are addressed in Appendix 4.

9. Building process

A brief guide to the building process is contained in Appendix 5.

10. Freedom of Information Act

Persons signing application forms are reminded that the Department may be obliged to release any information supplied under the Freedom of Information Acts 1997 – 2003.

APPENDIX 1

Form to be completed by schools which have already submitted an application for capital funding on Form FLE

APPLICATION FOR CONSIDERATION UNDER SMALL SCHOOLS SCHEME 2007

1 SCHOOL DETAILS

School Name:		
School Address:		
Roll Number	School Telephone Number	School email address

1.1 DEIS

Is the school included in DEIS – School Support Programme?		Yes	No
--	--	-----	----

1.2 Please give details of contact person

Name	
Role in school	
Phone number	

2. ENROLMENT

Current enrolment as at 30 September 200_			
Projected enrolment next September 200_			
Do you anticipate that the current level of enrolments will remain stable for the foreseeable future?		Yes	No
Indicate the number of pupils in any of the following categories:			
• International (non-English speaking) _____			
• In receipt of Special Tuition _____			

3. STAFFING DETAILS

Number of teachers at date of application	Principal + _____ Mainstream class teachers
---	---

3.1 Give details of any specialist teachers currently serving in your school and indicate whether full time / shared, and whether based in your school or not

4. DECLARATION AND CERTIFICATION

<p>As Chairperson of the Board of Management of _____ National School, and acting as nominee of the Patron/Trustees, I hereby apply for grant-aid under the terms of the Small Schools Scheme – Circular Letter 0097/2006 refers.</p> <p>I confirm that: -</p> <p>(i) the application has the approval of the Patron/Trustees</p> <p>(ii) the application has the support of the Board of Management</p> <p>(iii) the proposed project is to be carried out within the confines of the vested school area</p> <p>Signed: _____ Date: ___ / ___ /20___</p> <p>Chairperson, Board of Management</p>

APPENDIX 2

LEVEL OF GRANT – AID & DRAW-DOWN CONDITIONS

1. What is the amount of the grant?

The up-to-date amount of grant payable

Project	€
2 classroom modernisation of existing school	€275,000
3 classroom modernisation of existing school	€380,000
4 classroom modernisation of existing school	€484,000
2 classroom new school	€460,000
3 classroom new school	€820,000

2. Is the school guaranteed this amount?

Yes, provided the terms of the scheme are complied with. Once selected the grant payable by the Department (inclusive of Value Added Tax and all fees) will be the lower of:

- the amount of grant aid approved by the Department in its letter of approval, **or**
- the lowest valid tender amount for the proposed works plus reasonable fees and associated decanting costs.

3. If this amount is not enough, what can the school do?

The choices to be made within this devolved scheme rest with the school and that is the cornerstone of any policy of devolution. The school authority knows the budget and must decide what it is capable of building with that budget. **The time to identify a funding problem is at the outset before entering any contract.** Schools should raise with the Department any site specific problems or unusual planning stipulations that impose additional costs and these will be examined provided the Department is notified of them in advance of contracts being signed.

Setting the scope of works is the critical first step. Clearly where a school has a known level of resources apart from the Department funding or knows its capacity to raise additional resources it is open to that school to extend the scope of works to include additional facilities. However if the scope of works is not set appropriately from the outset based on the budget available there is a risk that the school will be faced with a funding gap when the project is at construction.

If there is a shortfall in funding, the options open to the school authority are to:

- (a) Reduce the scale of the works to stay within the limit of the grant;

- (b) Use funds allocated by the Department under the terms of the Grant Scheme for Minor Works to supplement the grant, provided such funds are not required for more urgent and immediate works;

- (c) Apply separately under the Department's Summer Works Scheme (that is currently advertised on its website) for additional funding to deal with exceptional additional refurbishment costs in their existing school buildings;

- (d) Fund the balance of the works from its own resources.

4. Will the school authority be required to make a local contribution towards the project?

The Scheme is not structured on the basis that the Department funding must be supplemented by local fundraising. It does however allow a school to supplement the funding from local resources if it so decides. **The critical element is that with devolved authority the school must set the scope of works to match the funding allocated.** The Department does not define the precise works to be carried out other than it must be in accordance with the terms of the scheme. A school can make choices within the budget allocated.

5. Who pays for consultants' fees and planning charges?

The grant is intended to cover the capital cost of the project including associated planning charges and all consultants' fees incurred in the design and construction of the project, all fees for the Project Supervisor Design Stage (PSDS) and all fees for the Project Supervisor Construction Stage (PSCS).

6. Can the Department withdraw an offer of grant aid?

Yes, the grant sanction will automatically lapse if construction work does not commence within twelve months of the date of approval. The Department retains the option of altering/withdrawing the offer of grant aid if it is considered by the Department that a change in the local circumstances is sufficient to warrant this.

7. At what point will the grant be paid?

The school authority must notify the Department of the tender amount for the proposed works plus fees before any payments can be made.

First payment

The first payment will be for 70 per cent of the Department's liability and this will be paid on receipt, through the school authority, of the following confirmation from your architect/engineer/chartered building surveyor that:

- the works are in accordance with the priorities listed at Paragraph 3 of this Circular;
- tenders were sought in accordance with a

competitive tendering process as set out in Appendix 3;

- a Safety Plan was completed and presented to the successful contractor;
- the lowest valid tender was accepted by the Board and the successful contractor fulfilled the criteria set out at Appendix 3;
- the Board fulfilled its obligation under the Health and Safety regulations, in particular, the appointment of a competent person to fulfil the role of Project Supervisor Construction Stage (PSCS);
- the successful contractor has produced a safety statement;
- the Board has placed a contract for the proposed works with the successful contractor and the contractor is on site and has commenced building works.

Second and final payment

The second and final payment will be for the remaining 30 per cent of the Department's liability and this will be paid on receipt of the following documentation:

- copy of the certificate of practical completion from your architect/engineer/chartered buildings surveyor;
- your consultant's Opinion of Compliance of the relevant development with planning permission and or exemption from planning control;
- your consultant's Opinion of Compliance of the relevant development with the building regulations including the fire safety certificate;
- confirmation from your consultant(s) that a safety file has been prepared by the PS(C)S and issued to the board of management;
- copies of all relevant drawings, if possible in an appropriate electronic format, and your consultant's confirmation that the completed works are in accordance with these drawings;
- Confirmation from the board of management that 50 per cent of the agreed retention per cent rate of the contract sum will be retained for a period of twelve months following the completion of the works and pending the rectification of any building defects which may become apparent during that period.

During the Defects Liability period your architect/engineer/chartered building surveyor must prepare the final account for the project to determine the exact final payment due to the contractor. The school authority is advised to retain the final portion of the architect/engineer/chartered building surveyor's fee until the final account has been completed. The school authority must satisfy itself as to the correctness of the final account before making final payments to the contractor.

APPENDIX 3

TECHNICAL ISSUES

1. Is written Guidance on Technical Issues available?

Yes. Schools should consult Technical Guidance Document TGD007 'Design Team Procedures: Protocol for Devolved Grants', and also TGD008 'Engaging Professional Consultants' available on the Department website under School Building/Technical Guidance

2. Is a consultant architect / engineer / chartered building surveyor required?

Yes. The school authority must employ a suitably qualified consultant architect, engineer or chartered building surveyor [member of Royal Institute of Architects (RIAI), Institute of engineers of Ireland (IEI), Society of Chartered Surveyors or equivalent] Refer to TGD008 'Engaging Professional Consultants' for guidance available on the Department website under School Building/Technical Guidance

The school authority must also satisfy itself that the consultant architect/engineer/chartered building surveyor will be able to provide satisfactory evidence of tax clearance and adequate professional indemnity insurance cover in advance of engagement.

The school authority should ensure that the fee is agreed with the architect/engineer/chartered building surveyor before the Consultant is appointed and that it covers ALL necessary professional and technical services (including buying-in other services as required) and all expenses.

3. Who is responsible for ensuring compliance with statutory regulations?

The school authority is the client for the project and, in consultation with the architect/engineer/chartered building surveyor, is responsible for ensuring compliance with all statutory regulations which, with most projects, will require obtaining planning permission and a fire safety certificate. The building project must comply in all respect with building regulations. The consultant architect/engineer/chartered building surveyor will be able to advise the Board on these matters.

Refer to Technical Guidance Document TGD-007 'Design Team Procedures: Protocol for Devolved Grants' on the Department website under School Building/Technical Guidance

4. Who is responsible for ensuring compliance with Health and Safety Regulations?

The school authority, as client, is responsible for the implementation of the Safety, Health and Welfare at Work (Construction) Regulations 2001 and subsequent H&S legislation scheduled for implementation in 2006. Under these regulations the appointment of a

competent person to act as Project Supervisor (Design) stage PS(D)S is a legal obligation. Guidance on how to do this can be found in TGD008 'Engaging Professional Consultants' on the Department website under School Building/Technical Guidance

At construction stage the school authority as client is also responsible for the appointment of a competent person to act as Project Supervisor Construction Stage. The PS(D)S will advise on this and his/her fee should include for the assessment of contractors' competence to carry out this role.

Refer to Technical Guidance Document TGD-007 Design Team Procedures Protocol for Devolved Grants on the Department website under School Building/Technical Guidance for H&S information documentation required at Tender and Completion stages, including the safety file which should be retained by the school authority.

5. What should be done if the school is known to contain asbestos?

If your school has not already been surveyed for the presence of asbestos or you are unsure whether or not it has been surveyed, you or the architect/engineer/chartered building surveyor should contact the Health and Safety Unit, Office of Public Works, 51 St Stephen's Green, Dublin 2 – Tel. 01/6476198. In this context, please refer to circular letter 37/99 issued by the Building Unit in December, 1999 and available on Department website under School Building/Technical Guidance

6. How are tenders to be sought for this proposed building project?

Tenders must be sought on a fixed price basis (i.e. Clause 36 of the GDLA form of contract should be deleted). Refer to Technical Guidance Document TGD-007 Design Team Procedures Protocol for Devolved Grants on the Department website under School Building/Technical Guidance

7. What criteria must the successful contractor fulfil?

Refer to Technical Guidance Document TGD-007 'Design Team Procedures: Protocol for Devolved Grants', and also TGD014 'Guidance on Pre-Selection of Contractors' on the Department website under School Building/Technical Guidance

8. Logo on site

Projects must display an acknowledgement sign that they are being funded by the National Development Plan (NDP) 2002–2006. Guidance on this matter is available on www.ndp.ie.

9. Reminder of penalty for non-compliance with terms of scheme

The Department reserves the right to withhold payment of the grant to schools for non-compliance with any terms of the scheme.

10. What other guidance is available to the Board?
Guidance on technical issues is available on the Department's website <http://www.education.ie/>

APPENDIX 4 LEGAL ISSUES

1. Is a Lease/Declaration of Trust required?

It is a condition of funding that the school site including school building(s) are the subject of a Lease/Declaration of Trust that is valid for a minimum period of 35 years from a current date. The lease simply guarantees that the school property is retained for educational use. The lease must be amended to reflect the level of capital investment. The school authority is advised to seek the advice of legal representative in this and all legal matters.

A grant awarded under the provisions of this scheme does not/should not of itself confer a particular tenure on a building as the terms of the Rules for National Schools and the Education Act apply. The school authority must have the approval of the patron/trustee before application is made for capital works and have this reaffirmed prior to a contract being placed.

2. Who is responsible for the proposed building project?

This scheme devolves authority and responsibility to the school authority for the execution of the works. The school authority is responsible for all interactions with the consultant architect/engineer/chartered building surveyor and for ensuring that the proposed works are in accordance with the conditions set out in this scheme.

3. What records must be kept?

All expenditure in connection with the scheme must be vouched and all documentation must be retained by the school authority for a minimum period of seven years in the event of an audit inspection by the Department and/or Comptroller and Auditor General.

Please note that the Department will be undertaking random audits and inspections of schools participating in this scheme.

4. Why are random audits done?

In accordance with standard practice, payment of capital grants is conditional on the Department being satisfied that the school has followed proper procedures and retained appropriate records. In addition it is essential that a proper maintenance programme is in place to protect the school. Guidelines as to how to address this matter were outlined in the 'Maintenance Matters' manual issued to all schools in 1998. An electronic version of 'Maintenance Matters' can be downloaded [here](#)

APPENDIX 5

GUIDE TO THE BUILDING PROCESS

Introduction

This guide is issued by the Department of Education and Science for general guidance purposes only. For more detailed information refer to Technical Guidance Document TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance

Building Projects

There are a number of stages to a Building Project, which are summarised below. The consultant employed by the school authority must be competent in all of these areas and the purpose of this document is to describe those processes in brief to persons not normally involved in the building procurement process.

Setting of Brief

This is the establishment of clear accommodation requirements; refurbishment requirements etc. coupled with the setting of cost parameters and any other relevant job specific objectives. The role of the Client (which is the school authority) assisted by the architect/engineer / chartered building surveyor, is to set the brief within the constraints of the amount of the grant and the priority areas outlined Paragraph 3 of the Scheme.

Design

The preparation by the architect/engineer/chartered building surveyor of initial sketch drawings which properly describe the proposed works for approval by the school authority and which are also consistent with the established brief and cost parameters.

Planning Permission

The statutory process as required under the Planning and Development Act 2000. This involves the preparation and submission of a planning application to the relevant local authority to obtain planning permission and other necessary statutory consents to carry out development work.

Fire Safety Certificate

The statutory process as required under the Building Control Regulations 1991–1994 which involves the preparation and submission of a fire safety certificate application to the relevant Building Control for certification to carry out certain development work.

Tendering Process

The process of obtaining competitive tenders (prices) from a selected number of building contractors (a minimum of five). (Refer to Technical Guidance Document TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance

Tender analysis and Start-up

The Building Contractor is selected following analysis of the tenders and submission of all necessary documentation. (Refer to TGD-007 Design Team Procedures: Protocol for Devolved Grants on the Department website under School Building/Technical Guidance.)

Contract Stage

This is the period during which the work actually takes place on site.

Post-Contract Stage/Defects Liability Period

A period of time (normally twelve months) following the completion of the works during which a percentage of the monies due to the building contractor is withheld pending the rectification of any building defects which become apparent during that period.

Explanation of job functions and other common terms

- Architect – The person responsible for the design of the building;
- Quantity Surveyor – The person responsible for the cost control of the project and the Bill of Quantities;
- Structural Engineer – The person responsible for the structural design of the building;
- Mechanical and Electrical Engineer – The person responsible for the design of the electrical and mechanical aspects of the project (lighting, heating, air extraction etc.);
- PSDS – Project Supervisor Design Stage – The person who assesses Health & Safety during the course of the project design, and whose task is to ensure safety both during the construction stage and in use thereafter. This does not relieve the other Designers of similar responsibilities;
- PSCS – Project Supervisor Construction Stage – the PSCS is usually the main building contractor whose job it is to ensure that the works undertaken on site are done so in a safe manner without risk to the workers involved;
- Bill of Quantities – A complete elemental breakdown of the scope of the works including quantification for pricing purposes;
- GDLA Form of Contract – Government Department and Local Authorities contract document. This is the standard form of contract for construction work being paid for from public funds.

Timescale of work

The following table illustrates the approximate time frame on a month by month basis for all of the processes described in the previous pages. The contract stage will vary from project to project with the following table illustrating a typical three month building programme:

<i>Process</i>	Average time of Process in Months												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Setting of Brief													
Design	■	■											
Planning Preparation			■										
Planning Process				■	■	■							
Fire Safety Certification					■	■							
Tender Preparation						■	■						
Tender Process								■					
Tender analysis + Start-up									■				
Contract Stage										■	■	■	
Post Contract Stage													■

APPENDIX 71(B)

SUMMER WORKS SCHEME

SCHEME OF CAPITAL GRANTS FOR SMALL SCALE WORKS

The Minister for Education and Science is pleased to announce details of the Summer Works Scheme for 2008 and to invite applications under the Scheme in accordance with the terms of this Circular Letter. Please read it carefully before completing an application form. (Download application form)

1. Introduction

The purpose of the Summer Works Scheme is to devolve funding to individual school authorities to undertake small scale building works which, ideally, can be carried out during the summer months or at other times that avoid disrupting the operation of the school. Under the terms of the Scheme, school authorities are empowered to manage these works with guidance from and minimal interaction with the Department.

Funding will be allocated to projects in accordance with the prioritisation criteria attaching to the Scheme which, in the normal course, includes the ability to have the works carried out during the summer. However, in certain circumstances, the Department may allocate funding to further projects later in the year where these can be carried out without disruption to the operation of the school. If this arises, the terms and conditions of the Scheme will continue to apply when allocating funding to such projects.

2. Schools covered by the Scheme

The Scheme is open to primary and post-primary schools with permanent recognition and in non-rented accommodation.

3. Works covered by the Scheme

Necessary small-scale works that, ideally, can be planned and delivered during the summer months.

4. Application process

Where a school applies for more than one project, it must:

- Use one application form;
- Clearly identify the projects in order of priority;
- Provide individual costings and fees for each project.

In all cases, post-primary schools are required to provide details of any Science and Technology upgrade or refurbishment projects separate from any other projects being applied for.

School Planning Section will not be able to adjudicate on the relative priority attaching to each individual project at a particular school. **In the circumstances, the responsibility for identifying and applying for the most urgently required project rests with the school authority.**

5. Ineligible projects

- Projects that are desirable rather than absolutely necessary;
- Projects that should ordinarily be carried out as routine maintenance;
- Projects that could not reasonably be expected to be carried out using other funding channels, for example, the devolved grant scheme at primary level.
- Any element of a new build other than that relating to access for all or necessary toilet facilities;
- Temporary accommodation project;
- Radon or asbestos remediation projects. The Department has separate processes in place for dealing with these project types;
- Projects already scheduled to be carried out as part of a larger project under the School Building Programme.

Any applications for these project types will be automatically rejected.

6. Technical issues

Part 2 of the application form addresses technical issues. This must be completed by a *suitably qualified Consultant with adequate Professional Indemnity Insurance and Employer's Liability Insurance otherwise the application will be disqualified. It is important that the Consultant has the appropriate qualifications for the works being considered. The appointment of a Consultant is a matter for the school authority and any fees arising must be borne by it. Any reasonable fees incurred will be included in the overall allocation for successful applicants.

No commitment should be entered into with a Consultant beyond the work involved in completing part 2 of the application form.

The Consultant's report must comply in full with the Department's relevant Technical Guidance Documents with respect to format and content (see Department's

website). It must also be accompanied by photographic evidence.

A Consultant's report is necessary:

- For a professional diagnosis of the full nature and extent of the proposed project;
- To verify the absolute necessity of the project;
- To provide a range of cost effective solutions;
- To enable the prioritisation of projects on the basis of professional objective information.

Please see Appendix A of this Circular Letter for guidance on the appointment of a Consultant.

* Examples of unacceptable qualifications for the purposes of a Consultant's report are:

Diploma in Construction Studies, Architectural Assistant, Agricultural Engineer, Building Contractor, B. Sc (Environment), Estimator, Electrician, Plumber, Window Contractor, OPW architect (unless it is verified with the application that the report is carried out on the direction of the OPW acting on the instruction of the Department of Education and Science).

This list is not exhaustive. If you have any doubts in relation to the suitability of a proposed Consultant, please contact the Helpline. The Department's decision will be final as to whether or not a Consultant is appropriately qualified.

7. Proposed Timetable for 2008 Scheme

Publication of Scheme details and application form	6 June 2007
Closing date for receipt of applications	28 September 2007
Completed application forms should be returned to School Planning Section, Department of Education and Science, Tullamore, Co. Offaly.	
Applications received after this date and/or applications that are incomplete will not be considered.	
<hr/>	
Publication of list of successful applicants	December 2007
<hr/>	
Confirmation of acceptance must be made to School Building Section by	January 2008
<hr/>	
You will be required to confirm to School Building Section that the works have commenced and request draw down of 70 per cent of the grant aid by	July 2008
<hr/>	
You will be required to have requested the draw down of the final 30 per cent of the grant aid by	November 2008

8. Assessment, categorisation and prioritisation of projects

Details of how projects will be assessed, categorised and prioritised are set out in Appendix B.

Commensurate with the level of funding available, demonstrably necessary projects which command the highest priority rating will be approved to proceed. It is important to understand that the assignment of a project to a particular category does not imply that it will receive funding. Only those applications satisfying the fundamental criterion of absolute need will succeed in this regard.

In allocating funding, account will be taken of Government policy in relation to urban and rural disadvantage (RAPID and CLÁR programmes) and inclusion and access for special needs pupils.

9. Grant details

Grant details, including conditions for drawing down the grant, are set out in Appendix C.

10. Local contribution

The appropriate local contribution will be required, as normal, from non-state owned schools.

Confirmation of its availability is sought in the application form.

Schools that have projects approved under the Summer Works Scheme in more than one year will have the local contribution amount capped at the relevant maximum level of €31,500 (or €12,500 for special or disadvantaged primary schools) over a rolling five year period.

11. Freephone Service

A freephone service has been put in place to assist you with any queries on the Scheme including completion of the application form. This service will be available between the hours of 10 a.m. to 1 p.m. each day from 6 June, 2007 to 28 September, 2007. The Freephone no. is 1800 200 955.

SWS calls to other lines will be automatically re-directed to this number to ensure that information given to schools is being provided by staff specifically trained in the detail of the Summer Works Scheme.

12. Freedom of Information Act

Persons signing application forms are reminded that the Department may be obliged to release any information supplied under the Freedom of Information Act 1997 and 2003.

APPENDIX A

Engaging Professional Advice for the Preparation of a Technical Report

Important: The cost of engaging professional advice to prepare a technical report must be met in full from a school's own resources. Failure to procure a Consultant in the appropriate discipline or the procurement of a Consultant without adequate Professional Indemnity Insurance & Employer's Liability Insurance may result in the disqualification of your application.

Advice available on Freephone 1800 200 955.

Before a Consultant is appointed:

- Refer to the Department's Technical Guidance Document TGD 008 – Engaging Consultants for Devolved Grants Projects – First Edition, Revision 3, December 2006. This document is available on the Department's website www.education.ie.
- Ensure that the Consultant is in the appropriate discipline for the works concerned. If a project relates substantially or entirely to construction works, such as refurbishment or repair works, the engagement of an Architect or a Building Surveyor is appropriate. If a project relates to drainage, traffic management, external works generally or structural repairs, a Civil/Structural Engineer should be engaged. If a project relates substantially or entirely to Building Services i.e. mechanical/electrical works, a Building Services Consulting Engineer should be engaged. The onus rests with the school authority to ensure that the appropriate level and range of service is procured.
- The Consultant will have a relevant degree of qualification and in all cases will either be a member of a professional body (e.g. RIAI for Architects, IEI/ACEI for Engineers and SCS for Quantity Surveyors or Chartered Building Surveyors) or be eligible for such membership. Equivalent qualifications from another EU member state and membership of an equivalent EU professional body will also be deemed acceptable.
- Be satisfied that the Consultant is competent and qualified to carry out the work. A minimum of three suitable Consultants should be identified for consideration and the one most suitable selected on objective criteria. These criteria should include quality of previous work, the ability to perform against deadlines, and the fee for assessing the work and recommending solutions (i.e. completing Part 2 of the application form).

Address the following matters with prospective Consultants:

- Experience in the preparation of reports for projects of a similar nature highlighting the scope of works

and the timescale;

- How the Consultant ensures accurate cost information;
- A brief summary of the scope of the agreed report and a timescale for its delivery;
- Confirmation of appropriate professional qualifications;
- Confirmation of adequate Professional Indemnity Insurance and Employer's Liability Insurance;
- VAT inclusive all-in fee (including buying-in* other services as required, and all expenses);
- Discuss a realistic scope of works to enable assessment of the amount of work necessary to prepare the technical report. Additionally, accurate professional cost advice is an essential part of the report. Accordingly, the cost of the work must be clearly identified alongside the cost of any associated planning fees and an estimate of the professional fees for managing the execution of the works should the project be approved;
- Agree the level of fee payable for completion of the report only (i.e. completing Part 2 of the application form);
- Be satisfied that the agreed fee is a fair reflection of the time and resources required to carry out the task.

Do not:

- Enter into any commitments regarding an overall fee for the remedial works and make it clear to the Consultant that the appointment to carry out the Report does not entitle the Consultant to be appointed to carry out the works if the application is successful.

* 'Buying-in' means that the professional Consultant engaged by school authorities undertakes as part of the overall fee to get advice as required from other professional disciplines (e.g. Quantity Surveyor, Structural Engineer etc.).

APPENDIX B

1. How projects will be prioritised and categorised

Priority/Category 1: Gas Works

Priority/Category 2: Electrical Works

Priority/Category 3: Mechanical works
(including Dust Extraction)

Priority/Category 4: Projects to facilitate inclusion
and access for special needs
pupils

Priority/Category 5: Toilet facilities

Priority/Category 6: Roof works

Priority/Category 7: Window projects

Priority/Category 8: Curricular requirement projects

Priority/Category 9: Other structural improvements

Priority/Category 10: External environment projects

2. Supporting evidence required for Category 4 projects in addition to the information required in the application form (SWS1)

- Confirmation of the nature and extent of the special need;
- Suggestions as to how existing accommodation could be modified to accommodate the pupil or staff member;
- In the case of a pupil or staff member not yet attending the school, evidence of intent to commence at the school in the school year 2008/2009.

3. Summary of criteria which will be applied in assessing applications

- The application has been properly completed, signed and returned within the prescribed time i.e. 28 September 2007;
- Part 2 of the form has been properly completed by a suitably qualified Consultant and a range of remediation options has been provided and costed;
- The project is absolutely necessary and can, ideally, be planned and delivered during the summer months;
- The project does not arise due to deficiencies in a school's maintenance programme and/ or cannot be addressed by the application of a proper maintenance programme;
- The project cannot be carried out as routine maintenance and cannot be addressed under the devolved grant scheme for minor works or through other funding channels;
- There is no element of a new build in the proposed project other than that relating to access for all or necessary toilet facilities;
- The application does not refer to or have any element of temporary accommodation/radon or asbestos remediation;
- There are no plans to carry out the project as part of a larger project under the Capital Programme;
- Priorities have been clearly identified;
- Confirmation has been given that the local contribution, where applicable, will be available.

Please note that a school may apply under the Scheme in successive years for additional projects.

APPENDIX C

Grant details

1. Amount which will be approved

The grant payable by the Department (inclusive of VAT and fees) will be whichever is the lesser of the following:

The amount of grant aid approved by the Department in its letter of approval

or

The lowest valid tender amount for the proposed project plus fees (and less the local contribution where applicable).

2. Local contribution

Grant aid will be net of the local contribution where such a contribution applies.

3. Funding shortfall

If there is a shortfall in funding, the options open to school managerial authorities are to:

- Reduce the scope of the works to stay within the limit of the grant;
- In the case of primary schools, use funds allocated by the Department under the terms of the Grant Scheme for Minor Works to supplement the SWS grant provided such funds are not required for more urgent and immediate works;
- Fund the balance of the works from own resources.

4. What the grant covers

The grant is intended to cover the capital cost of the project including associated planning charges, all consultants' fees incurred in the design and construction of the project, all fees for the Project Supervisor Design Process (PSDP) and all fees for the Project Supervisor Construction Stage (PSCS).

5. Payment of grant

The first payment will be for 70 per cent of the grant amount and this will be paid on receipt, through the school authority, of the following confirmation from the Consultant:

- That the works undertaken are in accordance with the scope of works for which the grant was approved;
- That the tender process was carried out in accordance with the terms outlined in the letter of grant sanction;
- That the management authority has placed a contract for the proposed works with the successful contractor and the contractor is on site and has commenced the works;

- The Department, in compliance with public procurement, places a requirement on school authorities to use a standard Public Works form of contract for all school building projects. The 'employer' of contractors on school building projects is in virtually all cases the school authority except for state owned schools where it is the Minister for Education and Science;
- Under this contract, contractors are obliged to pay rates of wages and observe hours of labour and conditions of employment that are not less favourable than those laid down by the National Joint Industrial Council for the Construction Industry. The contractor is also responsible for the due observance by all sub-contractors of the provisions of this clause.

It will, therefore, be necessary for the Consultant to inform the Department, through a school's management authority, of the tender amount for the proposed works, plus fees, before any payments can be made.

The second and final payment will be for the remaining 30 per cent of the grant amount. This will be paid on receipt from the school authority of:

- A copy of the certificate of practical completion from the Consultant;
- Written confirmation that a minimum of half of the agreed percentage retention rate of the overall contract sum will be retained for a period of twelve months following completion of the works and that this sum shall not be expended for any other purpose. The reason for this retention is to ensure that any building defects which may become apparent during that period will be rectified by the contractor;
- The Consultant's Opinion of Compliance of the relevant development with planning permission and or exemption from planning control;
- The Consultant's Opinion of Compliance of the relevant development with the building regulations including the fire safety certificate;
- Confirmation from the Consultant(s) that a safety file has been prepared and issued to the school managerial authority;
- Confirmation that the school authority has received from its Consultant copies of all relevant drawings and documents, if possible in an appropriate electronic format, together with the Consultant's confirmation that the completed works are in accordance with these drawings and documents.

APPENDIX 72

WHOLE SCHOOL EVALUATION

From September 2000

1. INTRODUCTION

Following the recent review of the Whole School Evaluation (WSE) pilot project, the Minister for Education and Science, Dr Michael Woods, TD, wishes to announce the introduction of WSE to national and second-level schools. Under Section 7 (2) (b) of the Education Act 1998, the Minister is required:

to monitor and assess the quality, economy, efficiency and effectiveness of the education system provided in the state by recognised schools and centres for education ...

WSE will assist the Minister in discharging this responsibility. The provisions under Section 13 (3) (a) (i) of the Education Act 1998 will *inter alia* apply to WSE procedures and practices implemented by the Inspectorate.

WSE will also contribute to the enhancement of a school development planning capacity within the school system and assist schools and school authorities in devising a School Plan in accordance with the requirement of Section 21 (1) of the Education Act 1998.

2. PRINCIPLES OF WSE

(i) WSE will provide objective, dependable and high quality data on the functioning of schools and of the education system. In carrying out WSE, the Inspectorate will use evaluation criteria developed following consultation with the education partners.

These criteria will cover the areas of:

- school management;
- school planning;
- curriculum provision;
- learning and teaching;
- support for students and characteristic spirit of school.

(ii) These criteria will be published shortly and made available to all schools. Schools will also be encouraged to use the criteria for the purposes of school self-evaluation.

(iii) With regard to curriculum provision, WSE will cover all aspects of the curriculum in national schools. At second level, depending on school size, three to six subject areas will, as a general rule, be evaluated.

(iv) The special context factors affecting the work of the school will be taken into account during

WSE, e.g. socio-economic background of students, characteristic spirit of the school, range of student ability, and available resources.

(v) Conclusions drawn in a WSE report will be based on evidence available in the school and on observation and discussion during the evaluation process.

(vi) WSE will focus on the school as a whole.

(vii) During the WSE process, good practice will be identified and affirmed and a post-WSE support programme, where necessary, based on the WSE report will be provided. The support programme will take account of school resource issues as appropriate.

(viii) In accordance with Section 53 (a) of the Education Act 1998, a WSE report will not contain

... any information which would enable the compilation of information (that is not otherwise available to the general public) in relation to the comparative performance of schools in respect of the academic achievement of students enrolled therein ...

3. WSE PROCESS

During the WSE process, information and evaluative data will be derived from:

- (i) Pre-evaluation meetings;
- (ii) Information provided by the school;
- (iii) Consultation with the school principal, deputy principals and individual members of staff;
- (iv) Classroom visits;
- (v) Post-evaluation meetings;

(i) *Pre-evaluation meetings*

Meetings will take place with various school interests as follows:

- Patrons/Trustees/Owners/Governors;
- Board of management representatives;
- School teaching staff;
- Individual subject or class teachers and groups of subject teachers, as appropriate;
- Elected officers of Parents' Association;

- Student representatives where a Student Council is in place.

The purpose of the pre-evaluation meetings will be to discuss the work of the school as a whole from the relevant perspectives of the school interests involved.

(ii) *Documentation*

In addition to information already available to inspectors from sources within the Department, further information/documentation may be sought from the school.

(iii) *Consultation*

During the evaluation process, inspectors will consult with the school principal, deputy principal(s), other members of in-school management, and individual members of staff about the detail of the work of the school.

(vi) *Classroom Visits*

Classroom visits by inspectors will focus on the evaluation of the quality of learning and teaching in accordance with the relevant provisions applying to the work of the Inspectorate under Section 13 of the Education Act 1998. In addition to recognising and affirming good teaching, inspectors may also engage with a class through for example, questioning, giving a short written assignment, and checking examples of written work. Inspectors will, at the end of each classroom visit, give oral feedback and advice to each teacher in a supportive and constructive way.

(v) *Post-evaluation meetings*

Post-evaluation meetings will be held with various school interests as follows:

- Patrons/Trustees/Owners/Governors;
- Board of management representatives;
- School teaching staff;
- Elected officers of Parents' Association.

The purpose of the post-evaluation meetings will be to discuss the principal findings arising from the WSE.

4. WSE REPORT

It is intended that the WSE report will be an important reference document for schools in the context of school development planning. In addition to this, WSE reports will be synthesised to yield general information useful to policy makers and the education partners on the operation of the education system. The WSE report will be written to a common format and style and all substantive matters included in the report will be discussed in advance of its preparation with relevant school staff.

5. WSE AND IRISH MEDIUM SCHOOLS

WSE will be conducted through the medium of Irish in schools where the Irish language is the medium of instruction and, accordingly, reports will be written in the Irish language.

6. TIMESCALE FOR WSE

- (i) Schools will receive written notification of WSE in advance. The notification will also specify the school term in which the WSE will take place and in the case of second-level schools, the subjects to be evaluated as part of WSE. The reporting inspector will arrange well in advance with the school principal dates during which the evaluation will take place.
- (ii) Approximately two weeks before the visits to the school, the pre-evaluation meetings will be convened by the reporting inspector in consultation with the interests concerned.
- (iii) Following completion of classroom visits, the reporting inspector will convene the post-evaluation meetings within a period of three weeks (exclusive of school holidays). The reporting inspector, and other inspectors as required, will provide an oral overview of findings and recommendations arising from the WSE at these meetings.
- (iv) Within a week following the post-evaluation meeting held with school staff, a draft WSE report will be presented to the school principal by the reporting inspector for the purposes of factual validation.
- (v) The WSE report will be issued to the school principal and the chairperson of the School board of management/Management Authorities within one month of the post-evaluation meeting with the school staff.

7. SELECTION OF SCHOOLS FOR WSE

Schools included in the annual WSE programme will be selected having due regard to the need for a representative sample of school type, school size and geographical distribution.

8. PROFESSIONAL CODE OF PRACTICE

In carrying out their inspection duties, inspectors will abide by their professional code of conduct set out in *The Inspectorate's Professional Code of Practice for Evaluation and Reporting*.

9. REVIEW PROCEDURE FOR WSE

The Education Act 1998, Section 13 (9), provides for a review of an inspection as follows:

A teacher or the board of a school may request the Chief Inspector to review any inspection carried out by an Inspector which affects the teacher or the school and

the Chief Inspector shall review the inspection in accordance with such procedures as the Chief Inspector shall determine.

10. REVISION OF WSE PROCEDURES

The procedures for WSE outlined in this circular will be revised from time to time in the light of experience, and in consultation with the education partners.

APPENDIX 73

SCHOOL DEVELOPMENT PLANNING AT PRIMARY LEVEL

1. THE NATURE OF SCHOOL DEVELOPMENT PLANNING

For some time there has been widespread acceptance among educationalists that collaborative school development planning is a powerful means of promoting school effectiveness and development. Increasingly, schools are actively engaging in on-going whole-school planning in order to create optimum learning environments and to develop and implement the most appropriate curricular provision for their pupils.

School planning is essentially a process in which policy and plans evolve from the ever changing and developing needs of the school community. Since every school is unique in terms of its staffing, pupils, support structures, availability of resources etc., the strategies employed in school development planning will vary considerably from school to school. In all cases, however, school planning has as its essential purpose the promotion of school effectiveness and improvement, and it should involve the collaborative effort of all the school's partners.

1.1 Existing Culture of School Planning in Primary Schools

Many primary schools have been engaged in school development planning for some time, and a very large number of schools have formulated school plans. This development has been supported by the Department of Education and Science and other bodies. Schools have drawn on their own internal professional and other resources in the planning process, and they have been supported by education centres, the In-career Development Unit of the Department of Education and Science and a range of professional organisations.

1.2 Definition of a School Plan

The school plan is a statement of the educational philosophy of the school, its aims and how it proposes to achieve them. It deals with the total curriculum and with the organisation of all the

school's resources, including staff, space, facilities, equipment, time and finance. It also includes the school's policies on a diverse range of administrative/organisational issues and, where appropriate, the school's strategies for implementing official guidelines/circulars/regulations. The school plan serves as a basis for the work of the school as a whole, and for evaluating and reporting on whole school progress and development. The school plan deals with the setting of targets and specification of achievement objectives in the context of enhancing the quality of teaching and learning in school.

The school plan is a written resource document that facilitates co-ordinated development within the entire school community. Such a document can only be arrived at through a process of interactive and collaborative dialogue within the broader education community. School planning, therefore, is essentially a process in which school policy and plans evolve from the ongoing and developing needs of the school and the community it serves. It is a dynamic process which provides for constant review, design, implementation and evaluation.

The Education Act 1998 requires that boards of management in a school shall prepare and regularly review and update the school plan. The Act also states that the school plan shall be prepared in accordance with such directions as may be given from time to time by the Minister in relation to school plans.

3. THE BENEFITS OF SCHOOL DEVELOPMENT PLANNING (SDP)

The essential purpose of the school development planning process is to improve teaching and learning in the school through the successful management of innovation and change. The process benefits the school in a number of ways.

- SDP is a continuous process that provides the school with opportunities to review its aims and

values, its existing achievements and its development needs. Through developing an awareness of school effectiveness characteristics and school improvement strategies, the school can be enabled to strengthen its organisational arrangements and curricular provision.

- SDP can enable schools to manage change through clarifying priorities, setting targets and tasks, and generally bringing about a greater awareness of purpose. SDP also provides a clear reference point during review, monitoring and evaluation.
- Recognising the context of the school and its pupils is central to SDP so that the planning process enables the school to respond more effectively to the needs of its pupils and local community while facilitating the incorporation of national and wider priorities into its work.
- SDP fosters an increasing commitment to and ownership of the school policy. Effective school planning involves interactive and collaborative dialogue in which the principal, teachers, parents of pupils, the board of management, and the patron seek to respond to the developing needs of the school.
- SDP improves communication and fosters an atmosphere of openness. It encourages principals to employ a consensual style of leadership, thereby cultivating staff ownership of developments, and involving them in taking charge of and managing the pace of change.
- SDP enhances the professional role of teachers: it provides support for and recognition of effective practice, the isolation of classrooms is overcome and a sense of collegiality is developed. SDP increases the feeling of being in control of events rather than being controlled by them.

4. SOME BASIC PRINCIPLES OF THE SCHOOL DEVELOPMENT PLANNING PROCESS

During the school development planning process

- the principal, in consultation and in cooperation with the teachers, will be mainly responsible for initiating, designing and formulating the school plan;
- some broadly based working groups, involving teachers, members of the board of management and parent association representatives, will be formed to deal with specific issues and themes;
- opportunities will be provided for teachers with specialist knowledge or skills to carry out specific

tasks relevant to the school plan;

- questionnaires may be utilised to elicit opinions from various elements of the school community on aspects of the work and organisation of the school as a whole;
- the entire in-school management team and board of management will be involved in the management and co-ordination of the school development planning process;
- the board of management will ratify the school plan subject to the approval of the patron in relation to those aspects of the plan which concern the school's values and ethos.

5. SUPPORTS FOR SCHOOL DEVELOPMENT PLANNING

The support for school development planning to be offered by the Department of Education and Science includes the following:

- Provision of School Development Planning Guidelines;
- Training of facilitators;
- Regional seminars for schools;
- Specific support for schools serving disadvantaged areas

5.1 School Development Planning Guidelines

An internal departmental working party, guided by a consultative steering group representative of the partners in education, has prepared a booklet entitled *Developing a School Plan: Guidelines for Primary Schools*. This publication provides advice to schools on school planning. In particular it

- provides a model for school development planning in primary schools, although it is emphasised that each school community is free to decide on the planning model best suited to its needs and circumstances;
- discusses the essential elements of the school plan;
- outlines the critical steps in the planning process and how they might be organised and managed;
- promotes a collaborative approach to planning, involving principal, teachers, board of management, parents and, where appropriate, pupils;
- suggests a range of techniques and strategies that may be useful when organising meetings and working groups;
- provides a range of exemplar questionnaires,

to assist with school review, and other resource documentation.

During the school year 1999/2000 442 primary schools, mainly serving areas designated disadvantaged, were involved in the initiative. These schools received additional grant aid and were able to avail of the services of a school development planning facilitator.

In the school year 2000/2001 support is being extended to all one, two and three teacher primary schools as well as to schools with 24 or more mainstream classroom teachers.

Regional information seminars for schools will be held to explain the process of School Development Planning and outline how school can access services available through SDPS. Schools will be invited to send representatives as follows: schools of one, two and three mainstream classroom teachers will be invited to send one representative; schools with twenty-four or more mainstream classroom teachers may send two representatives.

APPENDIX 74

AGREEMENT BETWEEN CPSMA AND THE INTO ON THE AMALGAMATION OF PRIMARY SCHOOLS

Accepted by Department of Education 15 November 1993

1. The initiative for an amalgamation may come from the schools' patron/trustees or from the Department of Education.
2. On receipt of a proposal from the patron/trustees, the Department of Education will notify the INTO and CPSMA, and give the information (a) to (d) in so far as it is available at the time:
 - (a) numbers and distribution of school population;
 - (b) future demographic projections for the area;
 - (c) deployment of teaching staff involved; *and*
 - (d) the condition of the schools.
3. The patron/trustees or the board of management will notify the parents and teachers, and arrange a process of consultation with both.
4. Before an amalgamation takes place, teachers and parents involved in the amalgamation will be consulted and the Department of Education will satisfy itself in each case that such consultation has taken place. Arrangements regarding staffing and, where applicable, free transport, must be recorded in writing.
 - (i) The principal teacher of the amalgamated school will be appointed from among the principal Teachers of the schools being amalgamated.
 - (ii) Privileged assistants will retain for the remainder of their teaching career the level of a principal teacher's allowance appropriate to their former school unless they are appointed to a post of responsibility carrying a higher allowance.
 - (iii) Where a teacher has given continuous unbroken permanent service in one or more of the schools being amalgamated, the aggregate of that service will be reckoned in determining seniority.
 - (iv) Amalgamation of Lay and Religious Schools
 - (a) Where a lay school amalgamates into a religious school the new school remains classified as a religious school and appointments are made according to Appendix D (7) of the Rules and Constitution of boards of management.
 - (b) Where a religious school amalgamates into a lay school the religious community involved has the right, when a vacancy arises, within six years of the date of the amalgamation, to nominate a member of the community to that vacancy so that the number of religious involved at the time of the amalgamation may be maintained.
 - (c) Nothing in paragraphs (a) or (b)

shall preclude members of a Religious Congregation from being applicants for appointment to a vacancy in the school under the terms of Appendix D (3) (a) & (b).

- (v) Amalgamated schools will be allowed to replace teachers who leave within one year of an amalgamation, subject to the average enrolment at the time being sufficient to maintain the post on the concession retention figures.
- (vi) Where a teaching post is suppressed in an amalgamated school, the teacher most junior in order of seniority, whether lay or religious (as established in paragraph (iii) above), will, on becoming redundant, be entitled to have his/her name placed on the addendum to the appropriate panel.
- (vii) Those teachers who are required to move to another school under the terms of the addendum to the panel will retain their addendum panel rights in the school in

which they are placed from the panel. Addendum panel rights are relinquished in the event of a teacher resigning/retiring from the staff of the school.

- (viii) The conditions governing the eligibility of pupils for free transport from the amalgamating school area to the school of amalgamation must be clearly defined.

- 5. When a decision to amalgamate has been made, applicants for teaching posts at the school concerned will be informed at appointment interviews of the pending amalgamation.

The appointment of teachers to schools which are designated 'pending Amalgamation' will be on a permanent basis except where there is a likelihood of the amalgamation being effected within 12 months of the date of the appointment.

Note: The contract of employment between the teacher and the board of management constitutes recognised service under clause 4 (iii).

APPENDIX 75 EDUCATION ACT 1998

The following extracts are taken from the Education Act 1998. A copy of the full text is available in the school and should be referred to. For the section on Parents' Association, please see page (21) of this Handbook.

FUNCTIONS OF A SCHOOL

9— A recognised school shall provide education to students which is appropriate to their abilities and needs and, without prejudice to the generality of the foregoing, it shall use its available resources to:

- (a) ensure that the educational needs of all students, including those with a disability or other special educational needs, are identified and provided for;
- (b) ensure that the education provided by it meets the requirements of education policy as determined from time to time by the Minister including requirements as to the provision of a curriculum as prescribed by the Minister in accordance with section 30;
- (c) ensure that students have access to appropriate guidance to assist them in their educational and career choices;
- (d) promote the moral, spiritual, social and personal development of students and provide health

education for them, in consultation with their parents, having regard to the characteristic spirit of the school;

- (e) promote equality of opportunity for both male and female students and staff of the school;
- (f) promote the development of the Irish language and traditions, Irish literature, the arts and other cultural matters;
- (g) ensure that parents of a student, or in the case of a student who has reached the age of eighteen years, the student, have access in the prescribed manner to records kept by that school relating to the progress of that student in his or her education;
- (h) in the case of schools located in a Gaeltacht area, contribute to the maintenance of Irish as the primary community language;
- (i) conduct its activities in compliance with any regulations made from time to time by the Minister under *section 33*;
- (j) ensure that the needs of personnel involved in management functions and staff development needs generally in the school are identified and provided for;

- (k) establish and maintain systems whereby the efficiency and effectiveness of its operations can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students;
 - (1) establish or maintain contacts with other schools and at other appropriate levels throughout the community served by the school, and;
 - (m) subject to this Act and in particular *section 15 (2) (d)*, establish and maintain an admissions policy which provides for maximum accessibility to the school.
- (e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society;
 - (f) have regard to the efficient use of resources (and, in particular, the efficient use of grants provided under *section 12*), the public interest in the affairs of the school and accountability to students, their parents, the patron, staff and the community served by the school, and;
 - (g) use the resources provided to the school from monies provided by the Oireachtas to make reasonable provision and accommodation for students with a disability or other special educational needs, including, where necessary, alteration of buildings and provision of appropriate equipment.

FUNCTIONS OF A BOARD OF MANAGEMENT

15— (1) It shall be the duty of a board to manage the school on behalf of the patron and for the benefit of the students and their parents and to provide or cause to be provided an appropriate education for each student at the school for which that board has responsibility.

(2) A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall:

- (a) do so in accordance with the policies determined by the Minister from time to time;
- (b) uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school;
- (c) consult with and keep the patron informed of decisions and proposals of the board;
- (d) publish, in such manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs, and ensure that as regards that policy principles of equality and the right of parents to send their children to a school of the parents' choice are respected and such directions as may be made from time to time by the Minister, having regard to the characteristic spirit of the school and the constitutional rights of all persons concerned, are complied with;

(3) For the avoidance of doubt, nothing in the Act shall confer or be deemed to confer on the board any right over or interest in the land and buildings of the school for which the board is responsible.

DISSOLUTION BY A PATRON

16—(1) Subject to this section and to the consent of the Minister, the patron may:

- (a) for good and valid reasons stated in writing to a member of a board of management remove that member from that office or;
- (b) if satisfied that the functions of a board are not being effectively discharged, dissolve that board.

(2) Where a patron proposes to remove a member of a board from that office or to dissolve a board, the patron shall inform that member or board by notice in writing of his or her intention and the reasons therefore.

(3) If, at the end of a period of one month after the date of the notice provided for in *subsection (2)*, the patron, having considered any representations made to him or her by or on behalf of the member or the board, remains of the view that the member should be removed from office or that the board should be dissolved then the patron may, subject to the approval of the Minister, by notice in writing and stating the opinion of the patron and the reasons there for, remove the member from office or dissolve the board as appropriate.

(4) A copy of every notice issued under this section and any representations made to the patron shall be delivered to the Minister as soon as may be after it has been made.

(5) Whenever the patron dissolves a board, the patron may, subject to the approval of the Minister, appoint any person or body of persons as the patron thinks fit to perform the functions of the board.

(6) Where a patron removes a member of a board the resulting vacancy shall be filled in accordance with regulations made under *section 14 (6)*.

(7) The patron shall provide, in accordance with *section 14*, for the re-establishment of a board dissolved under *subsection (1)* not later than six months following the dissolution or such longer period as the patron, with the consent of the Minister, considers appropriate and when the new board has been established the functions of the dissolved board shall be re-vested in the new board and shall cease to be functions of the person or body of persons, if any, appointed under *subsection (5)*.

17—(1) Where

- (a) the Minister is satisfied that the functions of a board are not being effectively discharged; or
- (b) a board willfully neglects to comply with any order, direction or regulation of the Minister given or made under this Act; or
- (c) a board fails to comply with any judgment or order of any court of competent jurisdiction, the Minister may, by notice in writing, require the patron to dissolve the board for reasons stated in such notice and the patron shall dissolve the board accordingly as soon as may be after the date of such notice.

(2) Before the Minister serves a notice as provided for in *subsection (1)*, he or she shall inform the board and the patron of his or her intention to do so and shall consider any representations made to him or her by or on behalf of the board or the patron within one month of informing the board and the patron.

(3) Whenever the patron dissolves a board under this section, *subsections (5) and (7) of section 16* shall apply.

KEEPING RECORDS AND ACCOUNTS

18—(1) Except in the case of a school established or maintained by a vocational education committee, a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice.

(2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of students in the school, in so far as those accounts relate to monies provided in accordance with *section 12*. [Note: i.e. by the Oireachtas]

REPORT ON THE OPERATION OF THE BOARD

19—(1) Where the Minister or the patron is of the opinion that the functions of a board are not being

effectively discharged, the Minister or the patron, as the case may be, shall inform the board of that opinion and the reasons therefore.

(2) Having considered any representations by the board, the Minister or the patron, as the case may be, may authorise any person or persons as the Minister or the patron may deem appropriate to report to the Minister or the patron or both the Minister and the patron on any matter arising from or relating to the operation of that board.

(3) Any person appointed to prepare a report under this section shall be entitled at all reasonable times to enter any premises occupied by the school concerned and shall be afforded every facility and cooperation by the board, the teachers and other staff of the school, including access to all records, to perform his or her functions.

(4) A principal or board shall supply the patron and the Minister with such information regarding the performance of the board's functions as the patron or the Minister, as the case may be, may from time to time require.

(5) Where either the Minister or a patron proposes to exercise functions under this section then:

- (a) the Minister shall inform the patron; or
- (b) the patron shall inform the Minister, as appropriate, of the proposed course of action.

REPORT AND INFORMATION

20—A board shall establish procedures for informing the parent of students in the school of matters relating to the operation and performance of the school and such procedures may include the publication and circulation to parents, teachers and other staff and a student council where one has been established of a report on the operation and performance of the school in any school year, with particular reference to the achievement of objectives as set out in the school plan provided for under *section 21*.

THE SCHOOL PLAN

21—(1) A board shall, as soon as may be after its appointment make arrangements for the preparation of a plan (in this section referred to as the 'school plan') and shall ensure that the plan is regularly reviewed and updated.

(2) The school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures which the school proposes to take to achieve those objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.

(3) The school plan shall be prepared in accordance with such directions, including directions relating to consultation with the parents, the patron, staff and students of the school, as may be given from time to time by the Minister in relation to school plans.

(4) A board shall make arrangements for the circulation of copies of the school plan to the patron, parents, teachers and other staff of the school.

THE PRINCIPAL AND TEACHERS

22—(1) The principal of a recognised school and the teachers in a recognised school, under the direction of the principal, shall have responsibility, in accordance with this Act, for the instruction provided to students in the school and shall contribute, generally, to the education and personal development of students in that school.

(2) Without prejudice to *subsection (1)*, the principal and teachers shall:

- (a) encourage and foster learning in students;
- (b) regularly evaluate students and periodically report the results of the evaluation to the students and their parents;
- (c) collectively promote cooperation between the school and the community which it serves, and;
- (d) subject to the terms of any applicable collective agreement and their contract of employment, carry out those duties that:
 - (i) in the case of teachers, are assigned to them by or at the direction of the principal, and
 - (ii) in the case of the principal; are assigned to him or her by the board.

THE PRINCIPAL

23—(1) A board shall, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union or staff association representing teachers, appoint to the school in a whole-time capacity a person to be principal of that school subject to such terms and conditions as may be determined from time to time by the Minister with the consent of the Minister for Finance.

(2) In addition to the functions of a principal provided for in *section 22*, the principal shall:

- (a) be responsible for the day-to-day management of the school, including guidance and direction of the teachers and other staff of the school, and be accountable to the board for that management;
- (b) provide leadership to the teachers and other staff and the students of the school;

(c) be responsible for the creation, together with the board, parents of students and the teachers, of a school environment which is supportive of learning among the students and which promotes the professional development of the teachers;

(d) under the direction of the board and, in consultation with the teachers, the parents and, to the extent appropriate to their age and experience, the students, set objectives for the school and monitor the achievement of those objectives; and

(e) encourage the involvement of parents of students in the school in the education of those students and in the achievement of the objectives of the school.

(3) For the purpose of carrying out his or her functions under this Act, a principal shall have all such powers as are necessary or expedient in that regard, and shall carry out his or her functions in accordance with such policies as may be determined from time to time by the board and regulations made in accordance with *section 33*.

(4) The principal shall be entitled to be a member of any and every committee appointed by a board.

(5) Where, at the commencement of this section, the employer of the Principal in a post-primary school is a person or body of persons other than the board of the school then *subsection (1)* shall apply as if the person who or the body which, at such commencement and from time to time thereafter, is such employer, is substituted for the board as therein referred to.

(6) Wherever practicable, the principal shall, in exercising his or her functions under this section, consult with teachers and other staff of the school.

PROVISIONS RELATING TO STAFF

24—(1) Subject to this section, a board may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act.

(2) The numbers and qualifications of teachers and other staff of a school, who are to be paid from monies provided by the Oireachtas, shall be subject to the approval of the Minister, with the concurrence of the Minister for Finance.

(3) A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

(4) Pending the agreement of procedures provided for in *subsection (3)*, the procedures applied in the appointment, suspension and dismissal of teachers or other staff immediately before the commencement of this section shall, after such commencement, continue to be applied.

GRIEVANCE/COMPLAINTS PROCEDURES

28—(1) The Minister, following consultation with patrons of recognised schools, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers, may from time to time prescribe procedures in accordance with which:

- (a) the parent of a student or, in the case of a student who has reached the age of eighteen years, the student, may appeal to the board against a decision of a teacher or other member of staff of a school;
- (b) grievances of students, or their parents, relating to the students' school (other than those which may be dealt with under *paragraph (a)* or *section 29*), shall be heard; and
- (c) appropriate remedial action shall, where necessary, be taken as a consequence of an appeal or in response to a grievance.

(2) In prescribing procedures for the purposes of this section the Minister shall have regard to the desirability of determining appeals and resolving grievances in the school concerned.

APPEALS TO SECRETARY GENERAL

29—(1) Where a board or a person acting on behalf of the board:

- (a) permanently excludes a student from a school; or
- (b) suspends a student from attendance at a school for a period to be prescribed for the purpose of this paragraph; or
- (c) refuses to enroll a student in a school; or

(d) makes a decision of a class which the Minister, following consultation with patrons, national associations of parents, recognised school management organisations, recognised trade unions and staff associations representing teachers, may from time to time determine may be appealed in accordance with this section,

the parent of the student, or in the case of a student who has reached the age of eighteen years, the student, may, within a reasonable time from the date that the parent or student was informed of the decision and following the conclusion of any appeal procedures provided by the school or the patron, in accordance with section 28, appeal that decision to the Secretary General of the Department of Education and Science and that appeal shall be heard by a committee appointed under *subsection (2)*.

(2) For the purposes of the hearing and determination of an appeal under this section, the Minister shall appoint one or more than one committee (in this section referred to as an 'appeals committee') each of which shall include in its membership an Inspector and such other persons as the Minister considers appropriate.

(3) Where a committee is appointed under *subsection (2)* the Minister shall appoint one of its number to be the chairperson of that committee and who, in the case of an equal division of votes, shall have a second or casting vote.

(4) In hearing and determining an appeal under this section an appeals committee shall act in accordance with such procedures as may be determined from time to time by the Minister following consultation with patrons, national associations of parents, recognised school management organisations and recognised trade unions and staff associations representing teachers.

APPENDIX 76

SCHOOLS AND THE EQUAL STATUS ACT 2000, 2004

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The Equal Status Act

Aim

The Equal Status Act 2000, 2004

- promotes equality of opportunity;
- prohibits discrimination on nine specific grounds;
- prohibits harassment on the discriminatory grounds and sexual harassment;
- requires reasonable accommodation of people with disabilities; and
- allows for positive action.

Grounds

The nine grounds on which discrimination is prohibited are

- gender;
- marital status;
- family status;
- sexual orientation;
- religion;
- age;
- disability;
- race and;
- membership of the Traveller community.

The Definition of the Nine Grounds

Gender: Being male or female.

Marital Status: Being single, married, separated, divorced or widowed.

Family Status: Being pregnant or having responsibility as a parent in relation to a person under eighteen years, or as a parent or the resident primary carer in relation to an adult with a disability who needs care or support on a continuing, regular or frequent basis.

Sexual orientation: Being heterosexual, homosexual or bisexual.

Religion: Having religious beliefs or having none; the term 'religious belief' includes religious background or outlook.

Age: Applies to everybody over eighteen.

Disability: The term 'disability' is broadly defined. It covers a wide range of impairments and illnesses. It covers all physical, sensory and intellectual disabilities.

Race: Includes race, colour, nationality or ethnic or national origins.

Membership of the Traveller community: Being a Traveller.

Scope

The Equal Status Act covers:

- buying, selling or renting a wide variety of goods;
- a wide range of services, including public services like welfare, health, education and services provided by the Department of Education and Science (subject to certain exemptions); and
- buying, selling or renting houses, apartments etc.

The Equal Status Act applies to educational establishments, including primary and post-primary schools.

Discrimination

The Equal Status Act prohibits three forms of discrimination:

- direct discrimination;
- indirect discrimination; and
- discrimination by association.

The Definition of Discrimination

Direct discrimination occurs if a person is treated less favourably than another person is treated, has been treated or would be treated specifically on the basis of membership of any of the nine grounds, or where it is imputed.

Indirect discrimination occurs when a person has to comply with a condition – whether that be a requirement, a practice or otherwise – but they cannot do so. If the condition can be met by significantly more people who belong to a group than those who do not belong to it, and if the group is defined by any of the nine grounds, then it is discrimination unless the condition can be justified as being reasonable.

Discrimination by association occurs when a person is associated with somebody from any of the nine grounds and is treated less favourably because of that association.

Harassment and Sexual Harassment

Harassment on the discriminatory grounds and sexual harassment are prohibited.

Principals, teachers and others in positions of responsibility in a school may not harass or sexually harass students at the school or anyone who has applied for admission. They must not permit students – or anybody else who has the right to be in the school, such as parents – to harass or sexually harass other students. This protection for students also applies to visiting students.

Issues that have arisen include a range of school year

incidents of harassment on the sexual orientation, race, Traveller, disability and gender grounds.

The Definition of Harassment and Sexual Harassment

Harassment

Harassment is where one person subjects the victim to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material which could reasonably be regarded as offensive, humiliating or intimidating to the victim and which is based on any discriminatory grounds.

Sexual Harassment

Sexual harassment takes place where a person subjects the victim to an act of physical intimacy, requests sexual favours from the victim, or subjects the victim to any act or conduct with sexual connotations – including spoken words, gestures or the production, display or circulation of written words, pictures or other material.

The act, request or conduct must be unwelcome to the victim and be one that could reasonably be regarded as offensive, humiliating or intimidating to him or her. Alternatively, the victim must be treated differently by reason of his or her rejection of or submission to the action.

Reasonable accommodation

Reasonable accommodation may be defined as providing special treatment or facilities or making adjustments for a person to enable them to access a service.

A school must provide reasonable accommodation to meet the needs of a person with a disability if it would be impossible or unduly difficult for that person to participate in school without the special treatment, facilities or adjustments.

There is no obligation to provide special treatment, facilities or adjustments if they give rise to anything more than a 'nominal cost'. The meaning of 'nominal cost' will depend on the circumstances of the individual service provider concerned – a large and well-resourced organisation is more likely to be able to afford a higher level of cost in making reasonable accommodation than a small one is. As most schools are funded by the state, this would suggest the 'nominal cost' exemption may not be very significant in practice.

The provision of reasonable accommodation is most often a low-cost exercise. It can seek to address a range of barriers – physical, communication and attitudinal. The starting point for providing reasonable accommodation for students with disabilities is an assessment of their needs.

Schools can, of course, take steps to ensure that students do not harm themselves or others. It is not discrimination to treat a person with a disability differently to the extent

that this is necessary to prevent them from causing harm to themselves or to another person.

The provisions of the Equal Status Act relating to reasonable accommodation do not over-ride the duties a school has towards people with disabilities that are set out in the Education Act.

Liability

Under the Equal Status Act, schools are liable for discrimination or harassment committed by an employee in the course of their work, whether or not it was done with the school's knowledge or approval.

Schools are also liable for discrimination or harassment committed by people acting on their behalf who are not employees.

A school has a defence against being liable for the actions of an employee if it can prove that it took such steps as were reasonably practical to prevent the employee from committing the actions. Such steps would include having a policy on harassment and sexual harassment and having proper procedures to address any incidents, and ensure that they do not recur.

Positive Action

Organisations such as schools are allowed to provide preferential treatment or to take positive measures that are genuinely intended to promote equality of opportunity for those who are disadvantaged. They may also provide preferential treatment or take positive measures that cater for the special needs of those who may require facilities, arrangements, services or assistance that are not required by others. (In contrast to the meaning of 'special needs' in the education legislation, the definition of the term in this context is not restricted to students who have disabilities or who are exceptionally able.)

Other legislation and court orders

An overarching exemption in the Equal Status Act covers all aspects of its application, including education.

If something is required by another law or a court order, the provisions of the Equal Status Act cannot be construed as prohibiting it. However, if an organisation (such as a school) has any discretion about how it meets a legal requirement, then the way it does that must not breach the Equal Status Act. Examples of the exemptions covered by this provision include any obligations on schools to do something under the Education Acts.

The Equal Status Act and schools

The Equal Status Act requires that schools do not discriminate across the nine grounds. Schools must mainstream and reasonably accommodate people with disabilities. Harassment and sexual harassment is prohibited in schools.

The Equal Status Act specifies four areas in which a school must not discriminate:

- the admission of a student, including the terms or conditions of the admission of a student;
- the access of a student to a course, facility or benefit provided by the school;
- any other term or condition of participation in the school and the expulsion of a student or any other sanction.

Certain exemptions apply, and the most relevant are mentioned below.

The admission of a student

A school may not discriminate in relation to the admission of a student to the school, subject to the exemptions set out below.

An exemption applies to the gender ground. Single-sex schools are allowed.

A second exemption concerns schools where the object is to provide education in an environment that promotes certain religious values. A school that has this objective can admit a student of a particular religious denomination in preference to other students. Such a school can also refuse to admit a student who is not of that religion, provided it can prove that this refusal is essential to maintain the ethos of the school.

Issues that have arisen include refusal of access for Traveller children, refusal of access for students with disabilities to post-primary schools and restricting access to a small number of students of a particular religion in a very large school run by another religious denomination.

Access to a course, facility or benefit

After a student has been admitted, a school may not discriminate in relation to the access of the student to any course, facility or benefit provided by the school.

Restricting a student's access to subjects on the basis of one or more of the nine grounds would be discrimination. Other examples of where discrimination could occur would be access to libraries, participation in school tours or extra-curricular activities, or membership of clubs or societies.

Issues that have arisen include the withdrawal of Traveller students from core subject and access for students with disabilities to particular subjects.

Terms or conditions

A school may not impose any other condition on participation in the school that discriminates on the nine grounds.

One example of what this covers would include rules that restrict or permit students to take examinations. It would be illegal if the way these rules operate amounts to discrimination on any of the nine grounds.

An issue that arose involved requiring parents of a student

with a disability to be present at swimming lessons with their child when their presence was unnecessary and when other parents were not required to be present.

Generally, difference in treatment on the nine grounds are not allowed in schools in relation to sporting facilities or events. However, if they are reasonably necessary taking account of the nature of the facilities or events, they can be allowed on the gender, disability and age grounds.

Expulsion and other sanctions

The Equal Status Act does not prevent a school from imposing sanctions, but they cannot be imposed in a way that discriminates on the nine grounds.

For example, it could be discrimination to suspend a student for a particular behaviour if another student not belonging to the ground would not also be suspended for similar behaviour.

Mainstreaming of students with disabilities

The provisions of the Equal Status Act rest on a presumption of mainstreaming for students with disabilities. A school is exempt from the requirement to provide service to a student with a disability only to the extent that doing so would (because of the student's disability) have a seriously detrimental effect on the provision of services to other students or would make it impossible to provide services to other students.

Challenges in attaining the inclusive school

There are still a number of significant challenges to attaining the inclusive school. Three key challenges can be identified.

One of the challenges is inclusion for all across the nine grounds in the mainstream provision of education. Inclusion in mainstream education involves not only issues of access and participation, but also of achieving outcomes in terms of education credentials and personal development. Segregation remains an experience on grounds of gender, religion, disability and ethnicity. Issues that this raises include access to schools, subject take-up, early school leaving and practical supports for mainstreaming.

Accommodating diversity presents a second challenge. Differences need to be acknowledged and valued. In order for that to happen, they will need to be understood. The inclusive school will take account of the specific needs of all, will assess the impact of decisions on all and will create a positive environment for all, across the nine grounds.

A third challenge lies in the role that schools have in helping students develop their ideas and values. This is done directly through what is taught and indirectly through the school's ethos and culture.

Moving towards the inclusive school

A number of opportunities for action exist.

- **The school development plan** – The school development plan is an appropriate place in which to identify a commitment to achieving equality. It must contain equality objectives and identify the steps that will be taken to achieve them. It should be based on an identification of the educational needs of students across the nine grounds. Consulting groups that represent those who experience inequality in the development and monitoring of the plan can help to inform the school's commitment to equality.
- **The admission policy** – The admission policy will ensure that no student is denied a place in the school because of their membership of a group under any of the nine grounds. However, an exemption is allowed if it is proved that a refusal is essential to maintain the religious ethos of the school. It will seek to ensure adequate resources and supports are available to make the enrolment of those students a reality. This should include a commitment to making reasonable accommodation to enable students with disabilities to enrol and participate in the school. The policy must identify the measures the school will take to achieve maximum accessibility and ensure the principles of equality. It could also include positive action that is designed to promote equality for those who are disadvantaged or have the kind of special needs referred to in the Equal Status Act
- **The code of behaviour** – The code of behaviour should explicitly name the nine grounds and require behaviour that respects diversity across them. It should prohibit harassment and sexual harassment. The code should set out the policy and procedures to deal with harassment across all of the grounds and sexual harassment, and should identify action to ensure such harassment does not occur and the steps that will be taken if it does occur. Steps to prevent harassment occurring include ensuring all members of the school community – including parents and staff – are made aware of the code of behaviour and that harassment and sexual harassment are prohibited. They also include building an anti-harassment culture through training for both staff and students. Proper implementation of the procedures when incidents do occur is essential in preventing future harassment. The preparation of the code of behaviour should involve consultation with parents, teachers, principals and pupils.
- **Building awareness and understanding** – Students in the inclusive school will be offered opportunities to develop their knowledge and understanding of inequalities, what causes inequalities and how they can challenge them.
- **Training** – Teachers will need skills to ensure positive outcomes for all students, to prevent and address harassment and sexual harassment and to understand the situation of those who experience inequality.

CPSMA Note: The board of management should also reflect on the schedule for a Catholic School

APPENDIX 77

EDUCATION FOR PERSONS WITH SPECIAL NEEDS ACT 2004

The Education for Persons with Special Needs Act (EPSEN) 2004 was enacted in July 2004. The Act provides for further improvements in the services available to children and young people and includes the right to an individual Education Plan and to recourse to an independent appeals process at different stages. It also provides for the co-ordination of services between the health and education sectors as well as providing for the role of the National Council for Special Education (NCSE) in primary legislation.

EPSEN is being implemented on a phased basis and, as required under the Act, the NCSE submitted its Implementation Report to the Minister for Education and Science in October 2006. The report sets out the Council's views and recommendations on a plan for the implementation of the EPSEN Act 2004 including the establishment of the appeals and assessment processes. While the report focuses on the implementation of the

EPSEN Act 2004, it does have regard to the implementation of Part 2 of the Disability Act 2005 and the need for the health and education sectors to work in close cooperation to ensure the proper implementation of both acts. To this end a cross sectoral team representative of senior officials of both sectors has been established.

Special Education Appeals Board

The Special Education Appeals Board was established under the Education for Persons with Special Educational Needs Act (EPSEN) 2004 to hear and determine appeals under the Act. The Appeals Board will be independent in the performance of its functions and was appointed in April 2007 to ensure that appropriate structures and processes will be in place once the relevant sections of the EPSEN Act, which would allow appeals to be undertaken, are commenced.

APPENDIX 78

PROCEDURES FOR HEARING AND DETERMINING APPEALS UNDER SECTION 29 OF THE EDUCATION ACT 1998

Introduction

Section 29 of the Education Act 1998, gives parents (and students who have reached the age of eighteen) the right to appeal certain decisions made by the school's board of management, or a person acting on behalf of the board of management, to the Secretary General of the Department of Education and Science.

The Act provides that a decision of a board of management to permanently exclude, suspend or refuse to enrol a student may be appealed on commencement of Section 29. The class of decisions which may be appealed on commencement of Section 29. The class of decisions which may be appealed may be extended by the Minister, following consultation with the partners. While consultation on this aspect will be commenced as soon as possible, these procedures are now being introduced in order to provide, in this initial stage, for appeals of permanent exclusions, suspensions and refusals to enrol. The procedures will apply only to appeals of decisions taken by the board of management on or after the date of implementation of the procedures.

The legislation provides that the Minister for Education and Science will establish one or more appeals

committees, for the purpose of hearing and determining appeals, and that such committees will act in accordance with such procedures as may be determined from time to time by the Minister following consultation with the partners in education.

Having regard to the desirability of resolving grievances within the school where possible, the parties to an appeal under section 29, i.e the appellant and the school's board of management, will be asked to consider the matter in the first instance at local level to see if an accommodation can be reached. As a general rule, appeals will only be considered by an appeals committee under section 29 where the parties are unable to resolve the issue at local level.

In the case of a school established or maintained by a vocational education, the appeal against the decision of the board of management of the school will be made, in the first instance, to the vocational education committee.

The Education (Welfare) Act 2000 provides that the National Educational Welfare Board will also be able to appeal certain categories of decisions, and may also make submissions to appeals hearings. The Act has not

yet been commenced. Notwithstanding this, provisions have been made in the following procedures for the role of the Board, and such provisions will apply once the relevant sections of the Education (Welfare) Act 2000 have been commenced.

The Department is establishing an Appeals Administration Unit to administer the new appeals process in accordance with the procedures outlined hereunder. All appeals under section 29 and requests for information in relation thereto should be addressed to this Unit (c/o Department of Education and Science, Marlborough Street, Dublin 1).

Making of an appeal to the Secretary General of the Department of Education and Science:

1. An appeal may be made to the Secretary General of the Department of Education and Science in respect of a decision by a board of management, as defined in the Education Act 1998, or by a person acting on behalf of the board of management to:
 - (a) Permanently exclude a student from the school;
 - (b) Suspend a student from the school for a period which would bring the cumulative period of suspension to twenty school days in any one school year; or
 - (c) Refuse to enrol a student in the school.
2. An appeal may be made by the parent of the student concerned, or by the student, where he/she is aged eighteen years or over, or by the National Educational Welfare Board when established in respect of a decision under paragraph 1 (a) or 1 (c).
3. An appeal will generally not be admitted unless it is made within forty-two calendar days from the date the decision of the board of management under paragraph 1 (a), (b) or (c) was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where the Appeals Administration Unit is satisfied that circumstances did not permit the making of an appeal within the forty-two day limit.
4. In the case of a school which is established or maintained by a vocational education committee, the appeal against the decision of the board of management of the school shall be made, in the first instance, to the vocational education committee.
5. Appeals should be made in writing on the Section 29 Appeals Application Form and addressed by signed letter, fax or e-mail, to the Appeals Administration Unit. The appellant

should be at the same time notify the school of the appeal or, alternatively, send a copy of the completed Application Form to the School. Where fax or e-mail is used, the appellant should also send a signed copy by post. Appeals Application Forms may be obtained from the school or from the Appeals Administration Unit.

6. The Appeals Application Form should be completed in full, and should specify:
 - (a) The appellant/student's full name, address and, where relevant, telephone number;
 - (b) The decision being appealed;
 - (c) The grounds on which the decision is being appealed;
 - (d) The full name and address of the school concerned;
 - (e) The date that the parent or student was informed of the decision;
 - (f) The outcome of any relevant appeal proceedings at school level.
7. If clarification is required by the Appeals Administration unit before determining whether to admit an appeal, such clarification may include verifying with the board of management details regarding any local procedures that may have been used.
8. Prior to the processing and consideration of an appeal under these procedures, the parties to the appeal will be asked, as a general rule, to consider the matter in the first instance at local level within the school to see if an accommodation can be reached. Where the thirty-day period referred to in paragraph 10 has already commenced, the parties to the appeal will be given up to one week in which to determine whether an accommodation at local level can be reached. In exceptional circumstances a longer period may be allowed.

Processing of an Appeal

9. An appeal may only be considered where it meets the conditions set down in paragraphs 1 to 5 of these procedures and when all of the requisite information, as outlined in paragraph 6 above, has been provided.
10. Section 29 (4) provides that appeals must be concluded within a period of thirty days from the date of receipt of the appeal by the Secretary General, with the possibility of extending this period by fourteen days. The date of receipt for this purpose shall be deemed to be the date on which the completed Appeals Application Form containing all the required information has been received by the Appeals Administration Unit.
11. Once the completed Application Form containing all required information has been received, a letter

of acknowledgement will issue to the appellant forthwith. The letter may also ask the appellant forthwith. The letter may also ask the appellant to submit any additional documentation relevant to the appeal without delay. Such documentation could include school reports, documentation relating to any local procedures used, psychological or medical reports.

12. A letter will also issue simultaneously to the board of management, informing it of the appeal and the grounds on which it has been lodged, and the board of management will be asked to submit as soon as possible any information or documentation which it considers may be relevant to the appeal to the Appeals Administration Unit, including, where appropriate, a statement outlining the reasons for the decision of the board of management. Information submitted by the board of management may also include relevant school records, documentation relating to any local procedures used, or such psychological or medical reports as may be held by the school in respect of the pupil concerned.
13. All information and documentation provided by the appellant and by the board of management to assist the appeal will be treated in strict confidence and, save as otherwise provided by law, the Appeals Administration Unit will not disclose such information or documentation to a person who is not party to the appeal without the consent of the appellant or board of management as the case may be.
14. Where an appeal is deemed to be inadmissible under these procedures, a letter to that effect will issue to the appellant forthwith, and copied to the school, stating clearly the grounds on which the appeal is not being admitted.
15. An appeal may be withdrawn at any time by the appellant by notifying the Appeals Administration Unit to that effect.

Composition of an Appeals Committee

16. An Appeals Committee established by the Minister for the Purposes of hearing and determining an appeal under Section 29 shall consist of three persons which shall include an Inspector, and two other persons who, in the opinion of the Minister, have the requisite expertise, experience and independence to serve on the Committee. One of these two persons will act as chairperson of the committee.

Facilitation Process

17. Where the Appeals Committee considers that it may be possible to facilitate agreement between

the appellant and the school board of management (the parties to the appeal), notwithstanding any failure to reach agreement at local level within the school, a facilitator will be appointed by the Appeals Administration unit to contact or arrange to meet, the parties at the earliest opportunity. The facilitator so appointed shall not be a member of the Committee or a member of the Department's Inspectorate. Where the facilitator considers it desirable, the School Attendance Officer or Education Welfare Officer with responsibility for the school in question may be requested to assist the facilitation process.

18. The facilitator will attempt to broker an agreement between the parties to the appeal.
19. Where agreement is reached, the facilitator will provide the parties to the appeal with a copy of the agreement.
20. Where an appellant accepts the agreement reached during facilitation, no further appeal may be made to the Secretary General in respect of the original decision of the board of management which formed the basis of the appeal in the first instance.
21. A period of up to one week will generally be allowed for the facilitation process. This may be extended in exceptional circumstances.

Appeals Hearing

22. Where it appears to the Committee, or to the facilitator appointed by the committee, that agreement between the parties to the appeal is not possible within the relevant time constraints, the case will be referred for hearing by the Appeals Committee and a report of the facilitation process will be provided to the Appeals Committee.
23. A date, time and venue for the hearing will be arranged in consultation with all concerned.
24. The parties to the appeal will be informed at that stage of their right to submit any additional documentation in support of their case (that has not already been provided to the Appeals Administration Unit). Such additional information should be provided in time to enable the time limits set by paragraph 27 to be met. Where the appeal relates to a decision under paragraph 1 (a) or 1 (c), the National Educational Welfare Board may make a submission and such submission shall be made within the same time limits.
25. The parents, student, and where the National Educational Welfare Board makes an appeal in

accordance with its power under section 26 of the Education (Welfare) Act 2000, a representative of the Board, may attend the hearing as, or on behalf of, the appellant. The board of management may designate two of its members, or one of its members and the school principal, to attend the hearing on its behalf. Subject to the prior consent of the Appeals Committee, either party to the appeal may also be accompanied at the hearing by not more than two persons nominated by them for this purpose. Persons accompanying either party to the appeal will not be permitted to make statements at the hearing, save exceptional circumstances where the Committee gives its consent.

26. The committee may invite persons with relevant expertise to attend and make statements at the hearing.
27. In advance of the hearing the parties to the appeal will be provided, in confidence, with a complete set of documentation submitted in relation to the case in question or the purposes of the hearing. The parties will also be notified as to the persons who will be attending the hearing, including any persons specifically invited by the Committee. This information/documentation should be provided no later than three days before the hearing.
28. Where either, or both, of the parties to the appeal are unable to attend the hearing, they should contact the Appeals Administration Unit immediately, so that the hearing may be rescheduled.
29. Where either, or both, of the parties to the appeal fail to attend the hearing, without having given prior notification to the Appeals Administration Unit, the hearing may proceed in their absence at the discretion of the Appeals committee.
30. At the hearing both parties to the appeal will be given an opportunity to present their case. Both will have the right of reply and each will have the right to question the other through the chair.
31. The Committee may question both parties to the appeal, and seek the views of any other persons (see above) who may have been called.

Determination of Appeals

32. Appeals will be determined by the committee in the light of all the facts presented to it, including the views of any persons called by it to the hearing, and having due regard to:
 - The established practice within the school for dealing with issues/grievances which are the subject matter of the appeal,

including, where relevant and available, any statutory or non-statutory procedures, guidelines, regulations or other provisions in operation at any time;

- The educational interests of the student who is the subject of the appeal;
 - The educational interests of all other students in the school;
 - The effective operation and management of the school;
 - Any resource implications arising from the issues under appeal;
 - Where relevant, the policy of the patrons and the board of management in respect for the characteristic spirit/ethos of the school; and
 - Such other matters as the Committee considers relevant.
33. In making its determination, the committee may take advice for such persons as it considers appropriate.
 34. Where a vote is required in order to establish the Committee's determination of an appeal, the matter shall be determined by a majority of votes of the Committee members voting on the question. In the case of an equal division of votes, the chairperson of the Committee shall have a casting vote.
 35. Notwithstanding paragraph 16 the Committee may hear and determine an appeal notwithstanding a vacancy for the time being in its membership.
 36. The committee shall, in writing, notify the Secretary General, or an officer appointed by the Secretary General under Section 29 (11), of its determination of the appeal, the reasons therefore and its recommendation as to the action to be taken.
 37. The Secretary General, or officer appointed under section 29 (11), shall, in writing, notify both parties of the determination of the appeal, the reasons therefore and, where necessary, will issue such directions to the school's board of management as he/she considers to be necessary for the purpose of remedying the matter which was the subject of the appeal. The board of management will be bound by such directions.

Review of Procedures

These procedures may be reviewed from time to time by the Minister following consultation with the partners in education.

APPENDIX 79: CONTACTS

THE DEPARTMENT OF EDUCATION AND SCIENCE

The Government's policy of decentralisation has resulted in sections of the Department of Education and Science being located in various centres. The primary sections are located in the following places:

DUBLIN

Marlborough Street, Dublin 1

Tel (01) 873 4700 Fax (01) 878 8878

Minister's Office
Secretary's Office
Assistant Secretary (Primary)
Primary Inspectors
Central Policy Unit
Press and Communications

National Education Welfare Board (NEWB)

16-22 Green St, Dublin 7
Tel 01 8738700

National Centre for Technology in Education (NCTE)

Dublin City University, Dublin 9
Tel 01 700 8200

National Council for Curriculum and Assessment (NCCA)

24 Merrion Square, Dublin 2
Tel 01 6617177

National Educational Psychological Service (NEPS)

Head Office, Frederick Court, 24/27 North Frederick Street, Dublin 1
Tel 01 8892700

Special Education Support Service (SESS)

c/o Cork Education Support Centre, Western Road, Cork. Tel 1850 200 884

The Teaching Council

Block A, Maynooth Business Campus, Maynooth, Co. Kildare. Tel 01 6517900

School Development Planning Service (Primary)

SDPS Office, Drumcondra Education Centre, Drumcondra, Dublin 9. Tel 01 8576427

Primary Curriculum Support Programme

SIAC Building, Monastery Road, Clondalkin, Dublin 22. Tel 01 4642227

An Garda Síochána

Garda Central Vetting Unit
Garda Criminal Records Office
Racecourse Road, Thurles, Co. Tipperary
Tel 01 50427300

Athlone

Primary Branch
Department of Education and Science
Cornamaddy, Athlone, Co. Westmeath
Tel 090 648 3721/2/3/4/5 or 090 6484125
Fax 090 647 8024

Finance Section
Substitute Section
Payments Section
Special Education
Pensions Scheme
Primary Administration 1 and 2.

Tullamore

Department of Education and Science
Portlaoise Road, Tullamore, Co. Offaly
Tel 057 9321363
Fax 057 9351119

Planning and Building Unit
School Transport
Primary Inspectorate

Schools Development Planning Support Service

Primary
Education Centre, Drumcondra, Dublin 9
Tel 01 8576427/8576429
Fax 01 8571228

National Education Welfare Board

16-22 Green Street, Dublin 1
Tel 01-8738600
Lo-Call number 1890 363 666

INTO Head Office

35 Parnell Square, Dublin 1
Tel 01-8722533

Irish Primary Principals Network (IPPN)

Support Office, IPPN, Glounthane, Co. Cork
Tel 1890 21 22 23

National Parents Council Primary

12 Marlborough Court, Dublin 1
Tel 01 887 4034

**Catholic Primary School Management Association
(CPSMA)**

Veritas House, 7/8 Lower Abbey Street, Dublin 1
Tel 01-8742171

CPSMA Legal Advisors:

Arthur O'Hagan Solrs.
Charlemont Exchange
Charlemont Street, Dublin 1
Tel 01-4758710