



**TO:    Second Level Workplace Representatives / Branch Secretaries / Branch Chairs  
         Executive Committee (for information)**

9<sup>th</sup> November, 2016

**Re: Current Negotiations – Update on Further Education Issues**

Dear Colleagues

What follows is a brief update on the status of ongoing discussions in respect of FE issues in the DES/TUI Agreement, May 2016.

**BTEI Conversion Process**

Discussions between the TUI and the Department of Education and Skills regarding the conversion to teaching posts of qualified and Teaching Council-registered staff teaching on BTEI-funded courses are at an advanced stage. TUI has received a draft proposal from the Department of Education and Skills on how the conversion process will operate and further meetings are scheduled for later this month.

**BTEI County Co-ordinators**

There are ongoing discussions between the TUI, the DES and the ETBI in relation to clarifying the terms and conditions of employment of BTEI County Co-ordinators. Agreement has been reached that BTEI County Co-ordinators should share the same general terms and conditions of service (including the relevant pay scale) as Adult Literacy Organisers and Community Education Facilitators.

Furthermore, it has been agreed that any TUI member who is a BTEI Co-ordinator will be put on a pay scale analogous to Adult Literacy Organisers and Community Education Facilitators, with effect from the 1 July 2016.

**Introduction of an incremental credit scheme for Youthreach Resource Persons and Youthreach Coordinators**

The DES is in the process of preparing a proposal in response to TUI's submission to the Department of a draft incremental credit scheme which provides for the awarding of incremental credit both for teaching and relevant non-teaching experience. We expect this draft to issue to the Union by the end of November.

**Applicability to the grades of Youthreach Resource Person and Coordinator of appropriate measures relating to contracts of indefinite duration, analogous to the recommendations of the Ward Report**

Meetings have been held with the DES to address fixed-term and part-term work in Youthreach. It is envisaged that the DES will make a formal submission to the TUI at its next meeting, scheduled for the end of November.

**Application of Circular 08/2014**

Circular Letter 08/2014 reduced the leave entitlement of a number of grades that TUI represents including: Adult Literacy Organisers (Circular M15/01), Adult Guidance Counsellors/Co-Ordinators (Circular 70/04), Community Education Facilitators (CL 45/02), BTEI Co-Ordinators and Adult Education Officers. Circular Letter 08/2014 required that days of closure (e.g. at Christmas and Easter) which had previously been excluded from the counting of annual leave, were to be considered as encompassed within the annual leave entitlement as set out in members' contracts/terms of employment.

The TUI has secured an increase in the holiday entitlement of the grades listed above to 35 days, inclusive of periods of ETB closure. Consequently, the annual leave provisions of the nationally agreed contracts mentioned above are amended to reflect this increase to 35 days. ETBs have been informed of this restoration of annual leave to members.

**Youthreach Operator Guidelines**

The TUI accepted the DES's invitation to submit our concerns in relation to the proposed Youthreach Operator Guidelines. TUI collated feedback from the Youthreach Consultative Conference, held in September 2015 and submissions received by TUI Head Office from branches, and forwarded a comprehensive submission to the Further Education Section of the DES.

The DES responded to our submission in September 2016, and invited the TUI to meet to discuss issues further. The TUI has accepted this invitation and the Executive Committee is in the progress of consulting with members in preparation for this meeting.

The DES has asserted that a number of issues raised by the Department are not relevant to the Operator Guidelines. Such matters, may, as appropriate and agreed, be referred for consideration within the forthcoming review of Youthreach. TUI has sought, and received, an assurance that the TUI will be consulted on the terms of reference for the forthcoming Youthreach review.

**Directors of Outdoor Education Centres**

In 2009, TUI negotiated a salary claim through the Labour Court on behalf of the Directors of ETB Outdoor Education Centres. In common with other outstanding claims, the Court's recommendation was not implemented, due to the imposition of the first FEMPI Act. Further to the DES/TUI Agreement, May 2016, the DES wrote to the TUI on 23 June 2016 to confirm that the Labour Court recommendation - which had led to subsequent technical discussions with the Department on an improved salary scale - will be applied.

### **Meetings with ETBI re: Quality Assurance**

Meetings have been held with representatives of the ETBI Steering Group for QA and further regular meetings have been scheduled. The following has been confirmed to TUI:

- A QA Strategy Steering Group was established in June 2016 – comprising FET Directors. Its role is to devise a plan/roadmap for the sector
- QQI has not yet published sectoral guidelines for ETBs
- A national External Authenticator Panel will be established for ETBs. Recruitment will take place within the next few months. Advertisements will be placed in national newspapers for such positions
- A QA improvement and enhancement fund has been established (funded by all 16 ETBs)
- Management of QA (overall responsibility) lies with the Director of FET

### **Meetings with QQI**

Concerns in respect of the QQI QA Guidelines have been raised with QQI. In respect of TUI's concerns in respect of qualifications of personnel and TUI's demand that minimum hours of delivery and learning should be set down for all QQI-validated courses, QQI stated that agreement will have to be reached with the FET sector on more detailed specification of programmes and more detailed documentation in respect of validation and re-validation of programmes. QQI confirmed that the principle of sharing of curricula (amongst ETBs) will be maintained, and that programmes within given ETBs may be submitted together for validation/re-validation, as at present.

TUI raised major concerns with QQI in respect of out-sourcing and sub-contracting by ETBs of programme delivery and consistency of national standards of validation of awards. Concerns in respect of resource deficits in the sector were also raised. QQI committed to ongoing engagement with TUI. TUI also forwarded to QQI a response to the QQI White Paper – Procedures and Criteria Relating to Delegated Authority.

### **Meetings with SOLAS**

TUI has raised concerns with SOLAS in relation to:

- Inadequate resourcing of FET
- Direct referral by the Department of Social Protection of learners to private/contracted FET provision
- The FARR reporting system – inappropriateness and unacceptability of the system in terms of excessive focus on 'outcomes' and employability, at the expense of personal learner education progression and personal development; conditions of service burdens of FARR reporting; and inadequate engagement with TUI members, as practitioners, in respect of establishment of reporting systems
- Autonomy of ETBs in respect of programme choice
- Qualifications of contracted training personnel
- Payment for locally-devised assessments

SOLAS has confirmed to TUI that the forthcoming review of PLC provision will have a strong qualitative dimension. SOLAS committed to regular meetings with TUI.

**Audit of the terms of employment of members in the non-mainstream ETB FE Sector**

An audit of the terms of employment and qualifications of members in the ETB FE sector has been prepared. The purpose of the audit is to provide factual information on the pay and conditions of service of members in 'non-teaching' or unqualified hourly-paid and insecure employment, throughout the entire 'non-mainstream' ETB sector, with a view to informing forthcoming future discussions to which the parties have committed. The audit will issue to all affected members as soon as possible. Branches are requested to seek to maximise members' response to the audit.

We will provide branches and members with regular updates on our ongoing negotiations.

Yours sincerely,



Joanne Irwin  
President



John MacGabhann  
General Secretary