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To: Executive Committee

12th August 2016

Clarification re. application of DES Circular Letter 45/2016

Dear Colleague,

We have had a number of requests to explain how CL45/2016 will be applied to teachers employed in Designated Community Colleges, Community and Comprehensive Schools, Educate Together schools and Voluntary Secondary Schools who are members of the TUI and, also, how it will be applied to teachers who are not members of a union.

The position, confirmed by the DES, is as follows:

Designated Community Colleges and Community & Comprehensive Schools

- TUI members: As specified in Section 1, paragraph 7 of the Circular (and reiterated in paragraph 11), "the Lansdowne Road agreement as set out in Section 2 of (the) Circular will apply to teachers employed in Designated Community Colleges and Community and Comprehensive Schools who are TUI members". In this regard and in order to meet the deadline (13th September 2016) to enable the payroll adjustments under the Agreement to be implemented, TUI members who are employed in Designated Community Colleges or Community and Comprehensive Schools need to complete the form at Appendix 1 of the Circular and submit it, respectively, to the Payroll Section of their employer ETB or to the Principal of their (C&C) school (whichever applies).
- All other teachers who are not TUI members: As specified in Section 1, paragraph 7 of the Circular (as reiterated in paragraph 26), "the Financial Emergency Measures in the Public Interest Act 2013 and 2015 as set out in Section 3 of (the) circular will apply to all other teachers employed in such schools," (i.e. in Designated Community Colleges and Community and Comprehensive Schools). This applies equally to members of the ASTI and to teachers who are not members of a union. The LRA Teacher Consent Form is for completion only by teachers in these schools "who are TUI members." The Consent Form requires signed confirmation by the teacher that s/he is "a member of the TUI" and that s/he consents to data relating to her/his union affiliation in the payroll systems of the Department of Education and Skills or her/his employer ETB being used for the purposes of determining application of the LRA in her/his case, in accordance with the relevant provisions of Circular

0045/2016. It is therefore not open to teachers in such schools who are not members of the TUI to avail of and/or to submit the LRA Consent Form as to do so would involve fraudulent declaration.

Voluntary Secondary Schools

- TUI members: As specified in Section 1, paragraph 6 of the Circular (and as reiterated in paragraph 26), “the Financial Emergency Measures in the Public Interest Act 2013 and 2015 as set out in Section 3 of (the) circular will apply to teachers employed in Voluntary Secondary schools.” However, paragraph 6 also recognises “the fact that TUI has accepted the LRA and that members of TUI are entitled to the benefits and protections associated with the Agreement.” Accordingly, the Circular advises that “the position of TUI members in Voluntary Secondary schools will be the subject of further guidance and a further clarification will issue shortly in relation to such teachers.” That further guidance/clarification subsequently issued by way of the attached letter of 12th August. It provides that TUI members in Voluntary Secondary schools can use the LRA Teacher Consent Form at Appendix 1 of CL0045/2016 to avail of the benefits and protections of the LRA. The FEMPI Act 2013 and 2015 will not apply to them. These members can either submit the completed, signed Consent Form to

LRA Consent Forms,
Post-Primary Payroll Section,
Department of Education and Skills,
Cornamaddy,
Athlone,
Co. Westmeath,
N37X659

or email a scanned copy of the completed and signed form to the Post-Primary Payroll Section at ppppayroll@education.gov.ie The form should be submitted, at the latest, by 5 p.m. on 8th September 2016. (Please note the earlier date, advised by the Department).

Teachers should retain a copy of the completed and signed form and also give a copy to the Principal teacher of their school.

Schools where Educate Together is a Patron/Partner/Trustee Partner

- Such schools are categorised as Designated Community Colleges, Community Schools or Voluntary Secondary schools, as follows:

Designated Community College:

Kishoge Community College, Lucan
Clonturk Community College, Whitehall

Community School:

Ballymakenny College, Drogheda
Celbridge Community School

Voluntary Secondary School:

Hansfield Educate Together Secondary School, Dublin 15
Bremore Educate Together Secondary School, Balbriggan
Stepaside Educate Together Secondary School
North Wicklow Educate Together Secondary School
Cork Educate Together Secondary School

TUI members:

- The provisions of CL0045/2016 (set out above) in respect of Designated Community Colleges will apply to TUI members in Kishoge and Clonturk.
- The provisions of CL0045/2016 (set out above) in respect of Community and Comprehensive Schools will apply to TUI members in Ballymakenny College and Celbridge Community School.
- The provisions of CL0045/2016 set out above, as clarified by the DES letter of 12th August (copy attached), in respect of Voluntary Secondary schools will apply to TUI members in Hansfield, Bremeare, Stepaside, North Wicklow and Cork Educate Together Secondary Schools.

The FEMPI Act 2013 and 2015 will apply to teachers in these schools who are not TUI members. The benefits and protections of the LRA will not apply to such teachers.

A letter in regard to this clarification will issue to Branches and to the relevant schools and/or members in the coming week. However, given the significant variations in return dates across schools, I would be grateful if you too would bring the clarification to the attention of the relevant Branches, schools and members in your area.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John MacGabhann', with a long horizontal flourish extending to the right.

John MacGabhann
General Secretary