



Circular Letter 0059/2016

**To: The Managerial Authorities of Recognised Community and Comprehensive Schools and
The Chief Executives of Education and Training Boards**

**REVISED PROCEDURE AND SEQUENCE FOR FILLING AVAILABLE TEACHER
POSTS/HOURS
(REVISION TO CIRCULAR 34/2009)**

Introduction

Arising from the agreement reached between the Department of Education and Skills and TUI in May 2016, a revised procedure and sequence for filling available teacher posts/hours has now been agreed.

This is intended to support the objective of providing security of employment and enhanced teaching hours for teachers in employment on less than full hours, as additional hours become available (having regard to the curricular needs of the school and the qualifications required for the post). The process will be applied having regard to the principles contained in the *Report of Expert Group on Fixed-term and Part-time Employment in Primary and Second Level Education in Ireland (The Ward Report)*.

The revised arrangements are set out in the Appendix to this Circular. These arrangements replace those set out in section 5.1 of Circular 0034/2009 and that section is hereby superseded.

This Circular should be read in conjunction with Circulars 0034/2009 (as revised by this Circular) and 0024/2015.

Employers are advised that where a teacher qualifies for entitlement to an initial CID or enhanced CID on the basis of the Ward Report/Circular 0024/2015, the redeployment scheme set out in that Circular applies to that teacher (in addition to the existing redeployment schemes).

As stated in previous Department Circulars, a teacher employed on a contract of indefinite duration (CID) holds an employment status that is equal to that of a permanent teacher.

Employers are reminded that teachers can be recruited on a permanent basis *ab initio*, once the school/ ETB is within its authorised allocation of teaching posts and the criteria outlined in Department Circulars for filling teaching posts are complied with.

The arrangements set out in this Circular are to be implemented by each employer with immediate effect.

The operation of the arrangements set out in this Circular will be kept under review by the parties.

Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Board and that its contents are brought to the attention of all relevant teachers in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie

All enquiries regarding this circular should be addressed to the employer (school/ETB) or the relevant management body in the first instance. Further enquiries may be addressed to teachersna@education.gov.ie

Alfie Barrett
Teacher/SNA Terms & Conditions
31 August 2016

APPENDIX

Revised Procedure and Sequence for Filling Available Teacher Posts/Hours

5.1.1

The allocation of posts to each school/sector will continue to be determined in accordance with procedures approved from time to time by the Minister.

5.1.2

As stated in previous Department Circulars, a teacher employed on a contract of indefinite duration (CID) holds an employment status that is equal to that of a permanent teacher.

For the purposes of calculating the number of serving teachers to whom there is an ongoing contractual obligation for any academic year, it is necessary to combine the number of permanent teachers with the number of CID teachers (expressed in wholetime equivalents). The combination of permanent and contract of indefinite duration teachers will result in a school/ETB having a total number of permanent teachers below, equal to or in excess of 95% of the school's/ETB's initial allocation (expressed in wholetime equivalents).

5.1.3

Where the combined number of permanent/CID teachers is equal to or in excess of 95% of the school's/ETB's initial allocation (expressed in wholetime equivalents), no recruitment to permanent posts shall be undertaken (though a CID or enhanced CID will be awarded where an entitlement in accordance with 5.1.4.1 (a) or (b) below arises).

5.1.4

1. Permanent Posts

Where the combined number of permanent/CID teachers (expressed in wholetime equivalents) is less than 95% of the school's/ETB's initial allocation (expressed in wholetime equivalents), the filling of a permanent post may arise. Where such a vacancy (whole-time or part-time) occurs, the employer shall apply the following actions in the sequence shown to the filling of such posts:

(a) offer a CID where an existing fixed-term teacher qualifies for such in accordance with the terms of this circular and circular 0024/2015; then

(b) offer an enhanced CID (up to but not exceeding full time hours) where an existing part-time CID holder qualifies for such in accordance with the terms of this circular and circular 0024/2015, having regard to the curricular needs of the school¹ and the qualifications required for the post; then

¹ In the context of this Circular, "curricular needs" relate to subject requirements, the qualifications required for the post and timetable (including geographical) constraints.

(c) submit the vacancy/vacancies for filling by redeployment in accordance with agreed arrangements; then

(d) following the completion of the process in (c), offer unassigned permanent hours to a part-time CID holder on a CID basis, in accordance with this circular and circular 0024/2015, up to but not exceeding full time hours, having regard to the curricular needs of the school and the qualifications required for the post. The employer, having regard to the curricular needs of the school and the qualifications required for the post, shall offer such unassigned permanent hours to the teacher with the longest service to the employer and, subsequently, shall offer any remaining unassigned permanent hours to the teacher with second longest service to the employer, and so on.

2. Fixed-term Hours

Where the process in 1 above has been completed and an employer has remaining **unassigned fixed-term hours**, the employer shall apply the following actions in the sequence shown to the filling of such hours:

(a) offer unassigned fixed-term hours, having regard to the curricular needs of the school and the qualifications required for the post, to a part-time CID holder on a fixed term basis, in accordance with this circular and circular 0024/2015, under a separate fixed term contract up to but not exceeding full time hours. The employer, having regard to the curricular needs of the school and the qualifications required for the post, shall offer such unassigned fixed-term hours to the teacher with the longest service to the employer and, subsequently, shall offer any remaining unassigned fixed-term hours to the teacher with second longest service to the employer, and so on.

(b) where, following the application of 2(a) above, an employer, having regard to the curricular needs of the school and the qualifications required for the post, has remaining unassigned fixed-term hours, they shall be offered to an existing part-time fixed term teacher on a fixed term basis to augment her/his contract up to but not exceeding full time hours, in accordance with the terms of this circular and circular 0024/2015. The employer, having regard to the curricular needs of the school and the qualifications required for the post, shall offer such unassigned fixed-term hours to the fixed-term teacher with the longest service to the employer and, subsequently, shall offer any remaining unassigned fixed-term hours to the fixed-term teacher with second longest service to the employer, and so on.

3. Advertising and filling of remaining posts

The sequences at 1 and 2 above having been completed, any permanent or fixed-term posts remaining unfilled (whether full-time or part-time) shall be advertised as permanent or fixed-term respectively by the employer and filled through a formal recruitment process using the standard procedures and criteria for the filling of such posts.