

Appointment of Teaching, Secretarial and Maintenance Staff

Teaching Staff

3.1) The Teaching Council

The Teaching Council was established on a statutory basis in March 2006 to promote teaching as a profession at primary and post-primary levels, to promote the professional development of teachers and to regulate standards in the profession.

Specifically its functions are as follows:

- to promote teaching as a profession
- to promote the continuing professional development of teachers
- to establish and maintain a register of teachers
- to establish, publish, review and maintain codes of professional conduct for teachers which include teaching knowledge, skill and competence
- to regulate the teaching profession
- to maintain and improve standards of teaching, knowledge, skill and competence.

The Council has set down the qualifications required for registration as a teacher in a recognised school. All existing teachers have been registered and are required to renew their registration on an annual basis with the payment of a fee (currently €90 per annum). When Section 30 of the Teaching Council Act is commenced only registered teachers may be paid out of public monies. Codes of professional conduct for teachers which include standards of teaching, knowledge, skill and competence have been published to which all practicing teachers are obliged to subscribe. The Council may be expected to play an increasing role in the regulation and the promotion of teaching as a profession.

Details of registration procedures and of the work of the Council may be obtained on the Council website at www.teachingcouncil.ie

3.2) Teacher Allocation

The selection and appointment of teaching staff in Community and Comprehensive schools is the responsibility of the Board of Management subject to the needs of the school, to Garda Vetting procedures and to the sanction and approval of the Minister for Education and Science. The Minister's approval is subject to the requirements:

that the school is entitled to such an appointment within its teacher allocation.

that the proposed appointee meets the requirements for registration laid down by the Teaching Council.

that the proposed appointee holds the qualifications prescribed by the Department of Education and Science for such appointment. (See 3.1.18 below).

that the DES prescribed procedures have been followed in making the appointment.

3.2.1) Schedule of Teaching Posts

An initial allocation of Teaching Posts for the following school year is issued in January/February of each year by the Department of Education and Science.

This allocation is calculated in accordance with the school's recognised pupil enrolment on approved courses on 30th September of the previous year. The allocation will include:

- Posts based on the Pupil Teacher Ratio currently in force.
- Additional Ex-Quota Posts
- Principal
- Deputy Principal(s)
- Guidance Counsellor(s)
- Chaplain
- Learning Support
- DEIS allocation
- Other

The specific criteria on which the approved allocations are based from time to time will accompany the schedule.

3.2.2) Teaching resources for pupils with Special Educational Needs.

The provision of teaching resources for pupils with Special Educational Needs is the responsibility of the National Council for Special Education (NCSE). These resources will include the allocation of Resource Teachers and, in particular cases, Special Needs Assistants. The most recent information and guidelines for second level schools for processing applications for these resources may be accessed on the NCSE website at <http://www.ncse.ie/guidelines.html>) It is expected that these guidelines will evolve and be similarly available for consultation during the coming years.

A Special Education Needs Organiser (SENO) is designated for each school, who is authorised to process applications for these resources and to allocate Resource Teachers and Special Needs Assistants on behalf of the Council in accordance with the guidelines.

Boards of Management are authorised to make appointments as allocated by the SENO, unless the existing school staff is in excess of its approved allocation. In such circumstances the approval of the DES is required before engaging any additional teaching resources sanctioned by the Council.

3.2.3) Increased Staffing Applications and Appeals.

Requests for increases in the teacher allocation may be made to the Department of Education and Science in accordance with procedures laid down in the documentation accompanying the allocation.

These additional applications may cover areas such as:

Curricular concessions.

Projected increase in enrolment.

Provision for international students.

Provision for students from the travelling community.

Schools may **appeal** against decisions of the Department of Education and Science regarding initial or additional allocations to an independent appeals committee. Details of this appeal mechanism are contained in documentation accompanying the initial allocation.

3.3) Contracts of Employment.

Teachers, as employees of the Board of Management, have certain statutory rights. These rights are conferred by legislation, notably The Unfair Dismissals Acts of 1977 to 1993, The Minimum Notice and Terms of Employment Acts 1973 to 1991. The Industrial Relations Act, 1990, the Payment of Wages Act, 1991, the Terms of Employment (Information) Act 1994, the Organisation of Working Time Act, 1997, Equal Status Act 2000, Protection of Employees (Part-Time Work) Act, 2001, Protection of Employees (Fixed Term Work) Act, 2003.

(See: Guide to Labour Law, Department of Enterprise, Trade and Employment, 2005)

3.3.1) Contracts

Boards of Management should have contract documents available to be offered to all new employees.

Such contracts fall into two distinct categories:

Fixed-term Contract

Given to a person who enters a contract of employment with an employer where the end of the contract is determined by an objective condition such as arriving at a specific date, or completing a specific task or the occurrence of a specific event.

e.g.

substitute for an employee who is on a career break.

part-time employment which arises from a job sharing arrangement with another employee.

substitute for an employee who is on maternity leave.

Substitution for an employee who is on sick leave

This objective condition(s) must be stated explicitly in the contract.

Contract of In-definite Duration (CID)

Given to an employee where the end of the contract is only determined by the employee attaining a specific age for retirement or who is made redundant due to surplus requirement of a school based on staffing entitlements or curricular/programme needs based on an official staffing allocation.

Since there is, currently, no redundancy scheme applicable to teachers, a CID is, in effect, a permanent contract. A redeployment scheme has been agreed which guarantees continuous employment for teachers in the event of school closure. It is expected that a cross-sectoral redeployment scheme will be agreed during the 2009/2010 school year which will provide for teachers who are over quota in their present positions.

Sample contracts for use in these circumstances are provided on the ACCS website at http://accs.ie/content/publish/members_area/policy_guidelines/index.php.

Terms of Employment

The Terms of Employment (Information) Act 1994 obliges employers to give new employees a written statement containing the particulars listed below within two months of the commencement of employment. When an existing employee so

requests, he or she must be given a written statement within two months of the request.

Particulars to be included in a written statement

- The names of the employer and employee.
- The address of the employer.
- The place(s) of work.
- The title of the job or nature of the work.
- Date of commencement.
- Expected duration and, if it is a fixed term contract, the date on which it expires.
- If it is a fixed purpose contract, the details of the purpose for which it is given.
- The remuneration.
- Frequency of remuneration.
- Details of the hours of work, including overtime.
- Conditions relating to paid leave (other than paid sick leave).
- Conditions relating to sickness/injury, paid sick leave and pensions.
- Notice.
- Reference to any collective agreement in force.

If any change is made or occurs in any of the particulars of the statement, the employer is obliged to notify the employee in writing of the nature and the date of the change. Such notification must take place no later than: one month after the change takes effect, or where the change results in the employee having to work outside the State for more than one month, the time of the employee's departure.

There is no requirement on the employer to notify the employee of a change which occurs as a result of changes in statutory or administrative provisions or collective agreements. It would, however, be good practice to do so, as an employee's ignorance of changes arising from these sources could give rise to unnecessary problems.

3.4) Teacher appointments.

3.4.1) Regular Part-time Posts (RPT).

A Regular Part-Time teacher is a part-time teacher who:

- *Has the basic academic qualifications as for permanent wholtime teachers.*
- *Is timetabled for a fixed number of teaching hours per week for the full school year.*

Such teachers are entitled to a Contract which may be Fixed Term, or Contract of Indefinite Duration. The terms and conditions of such contract are laid down by the Minister and are contained in Circular Letter PPT 19/03. New Regular Part-time Posts must be advertised by the Board of Management provided they fall within the authorised allocation of teachers. No Regular Part-time appointments may be made after 31st October in any given year. Appointments to such posts may be renewed from year to year provided service is satisfactory, the same curricular requirements exist and the post is within the authorised allocation. Where the school management authority proposes to renew a fixed term or a fixed purpose contract, the employee

must be informed in writing of the objective grounds justifying the renewal and the failure to offer a Contract of Indefinite Duration, at the latest by the date of renewal.

Part time teachers whose appointments fall within the approved allocation but who are appointed subsequent to 31st October are entitled to the same salary and conditions as for an RPT teacher. Payment of salary is made as for a non-casual part time teacher (see 3.1.9 below)

Regular Part-time teachers are obliged to sign an appropriate contract as provided for in DES Circular Letter PPT19/03. Copies of this contract should be retained by the teacher and by the school and a copy forwarded with the appropriate form of appointment to the DES. Appointments and renewals of fixed term contracts must be notified to the Department of Education and Science each year on the appropriate form.

Regular Part-time teachers who have held a fixed term contract for four successive years have an entitlement to a Contract of Indefinite Duration (CID) unless there are previously notified objective reasons why such a contract should not be offered. (See Circular Letter 0034/2009 - Protection of Employees (Fixed-Term Work) Act 2003 – Amendment of C.L. 0055/2008) The hours of work included in this Contract of Indefinite Duration must be the number of hours per week worked during the fourth year of the fixed term contract. As and from September 2009 a teacher who has a Contract of Indefinite Duration for 18 hours or more per week and agrees in writing to be timetabled up to 22 hours per week, may be timetabled and paid for 22 hours per week.

The additional hours that may be awarded to any such CID holder must come from the school's allocation.

DES procedures for the award of a Contract of Indefinite Duration are contained in DES Circular Letter 55/2008.

In the event that a teacher who is unqualified for a post, which has been duly advertised, is considered to be the only suitable candidate available, a fixed term contract may be awarded in accordance with conditions set out in DES Circular Letter 55/2008 (Section 2.5), for the duration of the school year only. Payment is made at the first point of the teachers' incremental scale. The teacher should be informed in writing that he/she is not fully qualified and that the contract of employment is for a specified limited period after which the post will be re-advertised. Such a post must be re-advertised with a view to employing a fully qualified teacher for the following year.

Unqualified or partly qualified teachers who were employed before 7th September 2006 may be offered a Contract of Indefinite Duration subject to the conditions set out in DES Circular Letter 56/2008.

3.4.2) Temporary Wholetime Posts (TWT)

A Temporary Wholetime Teacher (TWT) is a whole time teacher who is contracted for a fixed period of time. The terms and conditions associated with a PWT apply to a TWT during the period of contract.

Temporary Wholetime Posts may be advertised by the Board of Management provided they fall within the authorised allocation of teachers. The latest date on which a Temporary Wholetime Teacher may be appointed, subject to DES approval, is the date on which the school reopens after the Christmas vacation. No Temporary Wholetime Appointments may be made after that date in any given year.

Appointments to such posts may continue from year to year provided that the curricular needs of the school continue to be met, service has been satisfactory, the post is within the authorised allocation and the original appointment was made in accordance with the procedures laid down in the Community Schools Deed of Trust for the selection and appointment of teachers. (Second Schedule-Articles of Management, Section 7A) or, in the case of Comprehensive Schools, the appropriate Articles of Management.

Renewals of TWT appointments must be notified to the Department of Education and Science each year on the appropriate form.

Temporary Wholetime Teachers must be offered Fixed Term Contracts under the same conditions as outlined above for Regular Part Time Teachers. Similarly, they have an entitlement to a Contract of Indefinite Duration following four continuous years of employment unless there are previously notified objective reasons why such a contract should not be offered.

3.4.3) Permanent Wholetime Posts (PWT)

A Permanent Wholetime Teacher (PWT) is a wholetime teacher who is employed on a contract of indefinite duration subject to the pay and conditions of service laid down from time to time by the Minister.

The total number of PWT and Part-time Teachers holding Contracts of Indefinite Duration in a school may not exceed 95% of the total initial teacher allocation for the school. No Permanent Wholetime Post may be advertised unless the additional post is within this limit. It is important to note that the 95% limit includes those teachers with Contracts of Indefinite Duration who may be on Career Break or other approved leave of absence. This 95% ceiling may in some instances be superseded by the awarding of CID's where such are otherwise warranted.

Where a Permanent Wholetime Post is advertised during the school year, the Board of Management must ensure that the appointment is within the staffing allocation and must take cognisance of the possibility that the appointment may be from outside the existing teaching staff.

In a situation where a school has awarded a Contract of Indefinite Duration (CID) to a resource teacher as a consequence of Special Needs and where this CID blocks a permanent appointment in a core subject, the school may outline the circumstances and appeal this position to the Staffing Appeals Committee which is independent of the Department.

3.5) Substitution

The school authorities may employ substitute teachers where teachers are absent in the following circumstances:

- Unpaid leave.
- Certified sick leave.
- The full period of paid or unpaid maternity leave and leave in lieu of maternity leave in accordance with Department of Education and Science regulations.
- Paid or unpaid family leave in accordance with Department of Education and Science regulations.
- Jury service.
- Membership of the National Council for Curriculum and Assessment.
- Membership of course committees established by the National Council for Curriculum and Assessment.
- Conduct of State Examination Commission oral and practical examinations and/or assessments.
- State examination conferences organised by the State Examination Commission.

Substitute teachers who are employed in these circumstances fall into three distinct categories:

Non-Casual Part-Time teacher.

A Non-Casual Part-Time teacher is a part-time teacher who:

Is a qualified teacher and,

Is employed for more than 150 hours in the year (e.g. maternity leave, long term illness)

Casual Part-Time teacher

A Casual Part-Time teacher is a part-time teacher who:

Is a qualified teacher and

Is employed for 150 hours or less during the school year.

Unqualified part-time teacher

An Unqualified Part-Time teacher is a part-time teacher who:

Lacks some basic qualification.

Is not properly qualified in the subject area for which he/she is employed.

Is employed in the absence of a suitable qualified teacher.

School management may employ existing RPT teachers to substitute for absent colleagues provided that the hours worked by any individual do not exceed 22 hours in a week.

When engaging a substitute teacher for a period of 26 weeks or more in a given year Boards of Management are required to advertise the post and make an appointment in accordance with the normal procedures for the appointment of teachers. For periods of less than 26 weeks, while it is advisable to follow the same procedure whenever possible, substitutes may be appointed from a panel of available teachers or from a list

supplied by an agency. It is advisable, however, that the Board of Management should put in place an appropriate form of selection process to be used in such circumstances.

It is not permissible to engage, as a substitute teacher, a person who is already in receipt of incremental salary as a teacher. A teacher on Career Break may not be engaged as a substitute teacher except on an intermittent or casual basis (DES CL. 25/99). Teachers absent on Parental Leave may not engage in any type of teaching (DES CL. 17/99).

3.6) Payment of Teachers

All teacher salaries are paid directly by the Department of Education and Science. Permanent Wholetime, Temporary Wholetime and Regular Part-time teachers, on appointment, are obliged to provide details of personal Bank Accounts into which salaries are paid on a fortnightly basis. Teachers must inform the DES salary section of any change in these details.

Payment for substitute teaching hours worked by Regular Part-time, Non-casual or Casual Part-time teachers is made through the DES On Line Claim System (OLCS). Each School is provided with a secure User Name and Password in order to access the system. An OLCS User Manual and Quick Reference Manual have been circulated to all schools by the DES. Other additional documentation includes 'General Guidelines for completion of Leave for the OLCS and OLCS 'Office Notice'. It is important that operation and security procedures set out in the manuals are fully observed.

Newly employed part-time teachers, casual or non-casual, must supply relevant personal information and bank account details as required by the system before any claim for payment may be made on their behalf. Personal details required are:

- Name
- Date of Birth
- Address
- Phone Number
- PPS Number and/or Payroll No. if available
- Bank Account details
- Employment details/Hours already worked during the current claim/payment period
- Qualifications

School management is obliged to enter details on-line of substitute teaching hours worked every 2 weeks together with the details of teacher absences or other reasons which give rise to these hours.

Whenever Regular Part-time Teachers are engaged to teach hours over and above their regular hours (Maximum of combined hours 22 hours per week), payment must be claimed for these additional hours in the same way as for casual or non-casual part-time teachers.

Payment is made fortnightly as for Wholetime and Regular Part-time teachers.

3.7) Supervision and substitution by existing staff.

A scheme for supervision and substitution by existing staff members has been agreed between the parties at the Teachers' Conciliation Council.

Provision is made for:

The contracting of staff members to supervise pupils during break times and during periods before and after school.

The contracting of staff members to provide additional cover where substitution requirements cannot be met under existing arrangements,

The employment of additional external supervisors to supplement these arrangements where required.

The terms and conditions governing this agreement are contained in Circular Letter PPT 01/03.

Records of all teacher absences and the reasons therefor should be kept by the school management and available for inspection by the Board of Management and/or by the DES.

In the context of economic measures introduced to schools in January 2009 provision has been made for the allocation of a limited number of hours to schools to be used at the discretion of school management in the event that the supervision/substitution scheme cannot provide for the substitution needs of the school. These hours may not be exceeded during the course of a school year.

3.8) Job Sharing Scheme for Second Level Teachers (ref C.L. 18/98)

This scheme provides that a Permanent Wholtime Teacher may make application to share a whole-time teaching post on a 50:50 basis for a minimum period of one school year. Successful applicants will then be timetabled for 50% of the teacher's contracted hours per week. Regular Part-time Teachers who have a CID may equally apply to have their hours of work reduced to eleven hours per week for a minimum period of one school year. On the expiry of this time they are entitled to return to the full terms of their contract.

The Board of Management is 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. In developing a policy, the welfare and educational needs of the pupils should take precedence over all other considerations. The Board should also consider other factors, such as the number of approvals for job sharing, career breaks, secondments and other non-statutory absences in any school year and the arrangements available for the teaching of classes.

Boards should note that job-sharing service reckons as full service for the purpose of seniority in relation to post of responsibility appointments.

3.9) Career Breaks Scheme (ref. CL 22/99)

This scheme provides an opportunity for a Permanent Wholtime Teacher or a Regular Part-time Teacher with a Contract of Indefinite Duration to take a Career Break for a period of up to 5 years. The objectives of the Career Breaks Scheme are to

provide new employment opportunities in the teaching sector and to facilitate teachers who wish to take time out for personal or business reasons. A career break may be allowed for most purposes such as child-rearing, other domestic responsibilities, starting a business, educational purposes and travel abroad.

Policy on Career Breaks

The Board of Management is required to develop a policy for granting career breaks specific to the needs of the particular school. In developing a policy, the Board should take account of the objectives of the Scheme, and have due regard for any difficulties that might be created by permitting a number of career breaks and/or other non statutory leave of absence at the same time. Over and above all other considerations, the welfare and educational needs of the pupils must take precedence.

Length of Career Break

A career break is special leave without pay for a period of not less than one school year and not more than five school years.

In exceptional circumstances, the Board of Management may authorise a teacher to commence a career break during the course of a school year, but, in this case, the period of special leave will terminate not earlier than the end of the subsequent school year.

NOTE: 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 s/he may be granted leave of absence for study purposes.

Application Procedure

An application for a career break, including details of duration and purpose, must be submitted to the Board of Management not later than 1st March prior to the school year in which it is proposed to commence the career break. Applications for extensions and notification of intention to return to teaching must also be submitted by the 1st March.

A lesser period of notice may be accepted by the Board in exceptional circumstances. It should be noted that career breaks are not available to teachers after reaching the age of sixty.

Filling of Vacant Teaching Posts

Posts vacated by teachers on career breaks may be filled on a temporary basis from school-year to school-year provided the posts can be accommodated within the school's normal staffing allocation. If this is not the case, the Department's written approval is required to fill a "vacancy" created by a career break. Substitute teachers engaged in these circumstances must be issued with Fixed Term Contracts which clearly state that they will terminate on the return of the teacher on career break.

Boards should note that teachers on career break are precluded from taking up an appointment as a Permanent Wholetime, Temporary Wholetime or Regular Part-time

teacher within the State. They are also precluded from engaging in substitute teaching except on an intermittent or casual basis.

Health Declaration

Where a teacher, appointed or re-appointed to a permanent post after the 1st August, 1998, is on career break for two years or more and plans to resume teaching duties, s/he must undergo a medical “Fitness to Teach” assessment in accordance with procedures set down in DES Circular Letter 65/2008. Similar arrangements apply where a career break of less than two years is preceded by a period of exceptional ill health.

Teachers appointed as PWT prior to 1st August 1998 may be required by the Board to undergo a fitness to teach assessment prior to resuming teaching duties where the period of absence exceeds two full years.

3.10) Advertising of Teaching Posts

Principalships, Deputy Principalships, Permanent Whole-time (PWT), Temporary Whole-time (TWT), Regular Part-time (RPT) and Non-Casual teaching posts of 26 weeks or more must be advertised in the public press. The advertisement must appear in at least one newspaper with national circulation (See sample advertisements in Appendix 6). In wording the advertisement, care should be taken to: -

1. state that registration by the Teaching Council will be required for appointment
2. state clearly the subject/s to be taught;
 - a. In the case of single subjects, the subject required must be clearly stated. The term ‘general subjects’ is not acceptable. Applicants must have an acceptable degree with the named subject at degree level.
 - b. Posts which show subjects linked by **and**, e.g. Irish **and** History, require the applicant to have an acceptable degree with both subjects, Irish and History, at degree level.
 - c. Subject titles to be used in advertisements are those set out in the approved curricular programme at senior cycle. It should be noted that some subjects have different titles at Junior Cycle Level from those at Senior Cycle Level and in these cases the title of the Senior Cycle subject must be used:
 - d. e.g. Science at Junior Cycle is divided into Biology, Physics, Chemistry, Physics and Chemistry, Agricultural Science at Senior Cycle.
 - e. Where the teaching of additional subjects up to Junior Cycle level is desirable this should be reflected by including an additional criterion as a subtext to the post title i.e. “It would be an advantage to have qualifications/experience in one or more of the following areas History, Geography etc”
3. state the format of application to be submitted (letter with C.V. or completed application form, whether references or the names of referees should be submitted, etc.);

4. state the closing date for receipt of applications (Boards are advised that a minimum period of two weeks should be allowed between the publication of the advertisement and the closing date);
5. state that short-listing is likely to be part of the selection process;
6. state the duration for which the appointment is to be made if it is not permanent whole-time;
7. state that canvassing will disqualify;
8. avoid any semblance of discrimination;
9. state the category of allowance in the case of Principals and Deputy Principals;
10. state that all appointments are subject to the sanction and approval of the Department of Education and Science and to Garda Vetting;

specify the name and address of the school, the type of school, the name of the managerial authority and the current enrolment.

It may be helpful to use an agency for wording, laying-out and placing the advertisement. The agency's commission is normally earned from the newspaper and not from the client.

3.11) Appointment Procedures

3.11.1) Selection Committee for the appointment and promotion of teachers

The Selection Committee is constituted from time to time as required by the Board of Management.

In Community Schools it consists of five persons, as follows:-

- 2 Nominees of the Religious Trustees;
- 1 Nominee of the Vocational Education Committee;
- the Chief Executive Officer of the VEC or her/his personal nominee;
- an Inspector of the Department of Education and Science nominated by the Minister. (The nominated Inspector should be drawn from an approved list of retired inspectors except where the appointment is that of Principal of a school with a student enrolment in excess of 500, in which case a practicing inspector must be nominated)

In Comprehensive Schools which are under the joint patronage of the local VEC and of the Catholic Bishop of the diocese, the Selection Committee consists of:

- 2 Nominees of the Bishop Trustee;
- 1 Nominee of the Vocational Education Committee;
- The Chief Executive Officer of the VEC or her/his personal nominee;
- A DES Inspector or an agreed person with appropriate educational experience.

In the current 5 “Protestant” Comprehensive Schools the Selection Board consists of :

- 3 nominees of the Religious Trustees
- The Chief Executive Officer of the local VEC
- A DES Inspector or an agreed person with appropriate educational experience.

The Trustees should have regard for gender representation when establishing a Selection Committee. The Secretary should advise the Trustees of their obligations in this regard.

To function in its role the Committee must have at least three of its members present. It must at all times, irrespective of numbers present, include the nominated Inspector of the Department of Education and Science (or the educationalist in the case of Comprehensive Schools). The Chairperson of the Selection Committee is appointed from among its members and as agreed by them.

The role of the Selection Committee is to consider applications received, to short-list and to place all suitable candidates in order of merit. [Deed of Trust, Articles of Management, Pars. 7A(iii) and (iv)]

Note 1: The Selection Committee, as described above, must be used for all appointments to Permanent Wholetime, Temporary Wholetime, Regular Part-time and Part-time teaching posts of 26 weeks or more and for appointments to Posts of Responsibility.

3.11.2) The Interview

The Selection Committee interviews applicants on behalf of the Board of Management. The Board, through the Principal, should apprise the Committee of its requirements. Arrangements should be made for the Selection Committee to hold a preparatory meeting of at least 30 minutes prior to the commencement of interviews. The Secretary should retain a minute of this meeting.

The functions of this meeting should include:

- election of a Chairperson;
- agreeing criteria for appointment;
- allocating responsibility for areas of questioning;
- agreeing a method of scoring the performance of candidates;
- clarifying the requirements of the school.

Selection criteria would normally take into consideration factors such as: qualifications, experience, performance at interview, insight into the job, commitment and enthusiasm, interest in extra-curricular activities, etc.

The interview must not include any questions which could be deemed to suggest bias of a gender, religious, racial, political or ageism nature. Questions about marital status, family and children, political allegiance and religious affiliation are not permitted, and, if asked, can cause claims to be taken under Equality Legislation.

Each candidate should be asked questions similar in nature to those asked of other candidates.

It is advisable that the Secretary to the Selection Committee should retain a record of the areas of questioning in the case of each applicant interviewed.

3.11.3) Selection Process

The following procedure should be followed in the appointment of teachers.

Applicants shall be invited to submit Curriculum Vitae or be furnished with an application form (**as appropriate**). A copy of the conditions and terms of the appointment shall be available on request. Application forms shall not have any questions which seek to elicit information about a candidate's religious or political affiliations, sexual orientation or marital status.

The applications received for a vacant post shall be considered by the Board of Management who shall forward all applications to the Selection Committee. This task is normally delegated to the Secretary of the Board of Management or to the Principal of the school.

The Selection Committee shall establish criteria for short-listing, which shall take cognisance of such factors as eligibility and qualifications, shall draw up a short-list from applications received and shall call for interview the candidates on that short-list. Candidates should be given a minimum seven days notice in writing of interview.

Note: The Teaching Council is the designated authority for the recognition of professional teaching qualifications in Ireland and is the competent authority for the recognition of qualifications gained in a State outside of the EU. Where any doubt exists with regard to the acceptability of qualifications, the Department of Education and Science should be consulted before an appointment is made.

The Selection Committee shall interview the short listed candidates to determine their suitability for appointment and to list suitable candidates in order of merit. The list shall be submitted, with a report signed by all members of the Committee, to the Board of Management. The Committee's report shall state the number of applications for the post, the number of applicants short-listed and invited to interview and the number of those who attended.

The Board of Management "shall have regard to the order of merit settled by the Selection Committee and shall make appointments in accordance therewith" [Deed of Trust, Articles of Management, 7A (c) (v)]. This in effect means that the Board should appoint the person named as first in the order of merit. If the Board decides there is good and sufficient reason for not accepting the order of merit, the matter must be referred to the Minister for Education and Science for determination.

If the first person in the order of merit, having been offered the appointment by the Board, declines to accept the appointment, the Board may then offer the appointment to the second person in the order of merit and thus continue the process until the post

is accepted. If the order of merit is exhausted without anyone accepting the post, then the post should be re-advertised.

Letters of offer from the Board of Management should clearly state that the appointment is subject to the subsequent approval of the Department of Education and Science and to appropriate Garda Vetting. The letter should also advise the candidate that resignation from any current appointment should await the Department's confirmation of the post being offered.

Garda Vetting of teachers will normally be arranged by the Teaching Council at the time of registration.

If the appointment is for a fixed term, the terminal dates of the period of appointment should be stated.

On accepting the post, the successful candidate should be required to sign a contract as outlined in sections 3.1.6.

Letters of offer should specifically state that written confirmation of acceptance of the offer is required by a certain date.

All unsuccessful candidates, whether interviewed or not, should receive a letter from the Board of Management thanking them for their applications and informing them of the result of the applications.

3.11.4) Seeking Sanction for Appointment

The Department of Education and Science (Teachers' Section), Athlone, should be informed by letter, without delay, of the offer/s made and accepted. The letter should request the DES to formally sanction the appointment/s.

This letter should be accompanied by the following documentation:-

- Completed Appointment Form/s.
- Form S/CC for new incremental teachers (PWT, TWT, RPT) including Principal and Deputy Principal.
- Form S/CC1 for reappointed, or upgraded, incremental teachers.
- Documentary evidence of Teacher Registration with the Teaching Council and of Garda Vetting.
(The Board of Management is required to verify original evidence of qualifications as set out in the application form and should retain copies of certificates, etc.)
- Confirmation of Medical Fitness to Teach
The Department of Education and Science requires that any new appointee to an incremental position should undergo a "Fitness to Teach" assessment in accordance with procedures set down in DES Circular Letter 65/2008. Such assessment is provided by Medmark Occupational Healthcare which has been contracted by the DES to supply an Occupational Health Service for teachers. The Department of Education and Science will require any teacher who is resuming teaching after a 2-year break in service to undergo a medical examination.
- Copy of Selection Committee's Report.

- Copy of the Minutes of the Board of Management meeting at which the Selection Committee's Report was considered and the appointment/s made.

3.11.5) References

It is a requirement of the appointment process that character references in respect of each proposed appointee are furnished to the Board of Management. References from relatives are not acceptable and applicants should be advised that all referees and previous employers may be contacted unless the applicant requests otherwise.

3.11.6) Teacher Qualifications

The numbers and classifications of teaching staff in the school are decided by the Board of Management from time to time, subject to the prior approval of the Minister for Education and Science.

For appointment to a Community or Comprehensive school, a teacher must be eligible for registration as a second level teacher by the Teaching Council. Full details of registration requirements are set out on the Teaching Council website at [www.teachingcouncil.ie/registration information](http://www.teachingcouncil.ie/registration%20information).

Appointments of teachers in Community and Comprehensive Schools are "Subject Specific". This means that the teacher to be appointed must have the subjects specified in the job specification to degree level.

Eligibility for appointment as a Learning Support (formerly Remedial) Teacher requires:

- Eligibility for Registration as a Second Level Teacher as above.
- and
- An approved qualification in Special Education

In appointing teachers to cater for students with Special Educational Needs preference should be given to applicants who, while suitable in all other respects, hold a relevant post-graduate qualification in the area of special needs education. This does not preclude the appointment of otherwise qualified teachers to teach students with special educational needs. (see DES CL PPT 06/04)

Details of approved training courses in Learning Support and in Special Educational Needs are contained in DES CL's 13/03 and 16/03 respectively

Qualifications, which do not fall within the scope of those specifically listed as acceptable, should be cleared in advance of interviews with the Teachers Section of the Department of Education and Science, Athlone. In this respect, Boards of Management should note that the recognition of the qualifications of teachers recognised in other member states of the EU is regulated by Council Directive 89/48 which was transposed into Irish Law by the Statutory Instrument No. 1 of 1991. Under the regulations laid out in this Instrument, it is the responsibility of the designated authority to consider applications to take up or pursue professions within the State subject to certain conditions set out in the regulations in accordance with the Directive. The designated Authority in the case of Community and Comprehensive Teachers is the Minister for Education and Science. Accordingly, any application from a teacher with an EU qualification should be referred to the Minister in advance of interview.

3.11.7) Probation

All appointments made to permanent whole-time teaching posts are made on a probationary basis for a period of one year. This should apply whether the appointee is an entrant to the teaching profession or an experienced teacher transferring from another school.

Appointments to temporary whole-time teaching posts are usually for a fixed term or for a specified purpose. The application of the Unfair Dismissals Acts to such contracts of employment may be excluded if the termination of the contract consists only of the expiry of the fixed term without it being renewed and the contract:

- is a genuine fixed term /specified purpose contract;
- is in writing;
- is signed by both parties, and
- expressly provides that the Unfair Dismissals Act shall not apply to a dismissal consisting only of the expiry of the said term.
- If the temporary whole-time appointment is for a period exceeding one year, the appointment may be made on a probationary basis for one year.

This provision may also apply to Regular Part-time appointments.

Once the probationary period is satisfactorily served, the appointment is deemed complete and the teacher should be informed of this in writing.

With regard to probation, it is essential that at the time of appointment a teacher is advised by the Board of Management in writing: -

- that the appointment is probationary;
- the period of the probation;
- the expectations related to the probationary service in terms of teaching competence/skills, discipline, relations with pupils and colleagues;
- that service will be assessed regularly during the year of probationary service by the Principal in accordance with the expectations of the Board.

It is important that probationary teachers are given regular reports on their service. Such reports, especially if they are negative, should be in writing, and the probationary teacher should be afforded an opportunity to respond to them. The teacher should also be given advice and assistance by the Principal, or by experienced teachers nominated by the Board for that purpose, on how to meet the expectations of the Board of Management.

3.11.8) Induction

Boards of Management are advised to provide formal induction for newly recruited staff. Induction should cover: -

- terms and conditions of the appointment, which, in accordance with the Terms of Employment Information Act, 1994, must be given to the employee within two months of appointment
- rules and regulations (both Department of Education and Science and in-house)
- the professional codes of conduct set down by the Teaching Council.
- school procedures in respect of teacher/pupil relations, teacher/teacher relations and teacher/management relations
- the School Plan
- teaching competence and skills required for the position.

Many schools provide teachers with handbooks which contain details of procedures, personnel roles, calendar of events, etc. Boards may also decide to establish a support system, such as mentoring, and to organise an Induction Day for newly appointed teachers.

3.12) Suspension and/or Dismissal of a Teacher

Section 24 (3) of the Education Act 1998 provides that:

“a Board of Management of a school may suspend or dismiss teachers in accordance with procedures agreed from time to time between the Minister, the Patron of the school, recognised School Management Organisations and any recognised Trade Union representing teachers.”

Agreement has been reached through the Teachers’ Conciliation Council on a procedure for the suspension and Dismissal of Teachers. This procedure is effective as and from 1st September 2009. Details of this agreement will be published by the DES and will be available for consultation on the ACCS website at www.accs.ie.

3.13) Posts of Responsibility.

3.13.1) Principals and Deputy Principals

Eligibility and Selection

In the case of a vacancy occurring in the Principalship or Deputy Principalship, the post must be filled through open competition, following advertisement in the national press. Applicants must have a minimum of five years of whole-time teaching experience, and the selection process must be in accordance with that described in paragraphs 3.1.13 to 3.1.17 above.

Rates of Allowances

Rates of Allowance payable to Principals and Deputy Principals are determined by a schedule which categorises schools by reference to the number of approved teacher posts in the school. There are seventeen categories. The number of approved teacher posts is defined as the number of whole-time teacher equivalents allocated by the

Department to the school, that is, all sanctioned ex-quota posts, all supernumerary teaching posts of a permanent nature, notional teacher allocation based on the Pupil Teacher Ratio and surplus posts or concessionary posts (subject to certain conditions). [ref. C.L. 24/98]

3.13.2) Assistant Principals and Special Duties Teachers.

Assistant Principal and Special Duties posts of responsibility are open to all qualified teachers on the staff of the school with a minimum of three and one years' wholetime teaching service respectively or its equivalent and who are contracted by the school for the full school year.

The following service will reckon as a full years' service:

Permanent, Temporary, Regular Part-time, substitute or part-time service which collectively or separately amount to 22 weeks or more in any one school year

Permanent, Temporary, Regular Part-time, substitute or part-time service which collectively or separately amount to 200 hours or more in any one school year

NOTE: The Selection Committee, as described in par. 3.1.4 above must be used for all appointments to Posts of Responsibility.

3.13.3) Terms and conditions for appointment to Posts of Responsibility in Community and Comprehensive Schools

The terms and conditions which currently pertain to appointments to Posts of Responsibility in Community and Comprehensive Schools are set out in CL 23/98, 24/98, 25/98, 15/97 as amended by CL 32/00, 32(a)/00, PPT 07/02, and PPT 21/02.

A new revised scheme for such appointments is expected to commence in September 2009 details of which await clarification in a DES Circular Letter. This new scheme will include a revised appeal process. A moratorium on appointments to Assistant Principal and Special Duties Posts took effect on March 27th 2009 and will delay any further appointments for the foreseeable future.

Schedule of Posts.

The duties assigned to holders of Posts of Responsibility should be in accordance with the school's Schedule of Needs as referred to in Appendix One of C.L. 23/98. Each Board should draw up its own Schedule of Posts and duties in consultation with the Principal and Staff. The schedule of posts and the duties may be reviewed through consultation from time to time in accordance with changing school needs.

The Principal, having consulted the staff through the appropriate mechanism, should draw up a schedule of posts to cater for the curriculum and organisational needs of the school. The Schedule of Posts should be submitted to the Board where they may be amended or approved. The duties attached should be such as to be inclusive in order not to preclude applicants from attaining a post. (ref. 7.1 C.L. 15/97)

Contracts

The terms and conditions include that appointees must be furnished with contracts relating to their Post of Responsibility duties and that these contracts are duly signed. A draft contract for this purpose is included in DES CL 23/98.

Personal Entitlement to a Post of Responsibility

Once a permanent teacher has held an appointment to a permanent post of responsibility, that teacher gains a personal entitlement to that post. Therefore, if enrolment drops, no post holder loses a post. It is only when one of the school's post holders resigns or retires that the school will effectively lose the post which is no longer justified by the school's allocation of wholetime teaching staff.

3.13.4) Appointments to Acting Posts

The Board of Management, same selection process, may appoint a qualified teacher to carry out the duties of a Principal, Deputy Principal, Assistant Principal or Special Duties Teacher while the post holder is absent on approved paid or unpaid leave of absence.

In the case of "short term" absences of a post holder, a teacher who carries out the duties for a minimum consecutive period of one month may be paid the appropriate allowance subject to the Board of Management certifying that s/he carried out the duties for a minimum consecutive period of one month and specifying the duties. Payment of the allowance is only allowed where the post is warranted by reference to the schedule of posts of responsibility of the school and where the Board of Management certifies that the duties cannot be distributed among the other holders of posts of responsibility in the school.

Procedures for appointment to short term "acting posts" (within the period of a school year) may be the subject of local agreement between management and all teaching staff.

Payments of allowances are made retrospectively.

Note: Supernumerary posts are excluded from these arrangements. (See C.L. 25/99)

3.13.5) Adult Education Posts of Responsibility Ref CL 46/00.

The entitlement of a school to appoint post holders to service a part-time self-financing adult education programme is set out in CL 46/00. Provision is made for the appointment of an Adult Education Director and Assistant Adult Education Directors in accordance with the number of "enrolment hours" in the programme. The number of enrolment hours is determined by the number of people who have registered for an approved course, and in respect of whom a refund has not been issued, multiplied by the course duration.

The post of "Director of Adult Education" may be established in a school offering a part time Adult Education programme for a minimum of 1500 enrolment hours. Further posts of responsibility of Assistant Directors of Adult Education may be established with allowances at Assistant Principal and Special Duties Teacher level. The entitlement of a school to make these appointments together with the

remuneration and conditions of service attaching to these posts is set out in Appendix A of CL 46/00.

3.13.6) Programme Co-ordinator Posts. Ref CL PPT 18/02.

Provision is made to establish a post of Programme Co-ordinator in Community and Comprehensive Schools which offer any of the following programmes:

- Leaving Certificate Applied Programme
- Leaving Certificate Vocational Programme
- Transition Year
- Junior Certificate Schools Programme

The criteria, terms and conditions of appointment and the duties attaching to this post are set down in DES CL 18/02.

Particular provisions include:

- This post does not form part of the normal cohort of school posts of responsibility and lapses when none of the programmes listed above is being provided by the school.
- Provision is made for a reduction in teaching hours.
- A Post of Responsibility holder who is appointed to this post retains personal entitlement to his/her post of responsibility in the event that the co-ordinator post should lapse. A temporary appointment may be made to a post of responsibility left vacant by such appointment.
- The holder of a Programme Co-ordinator post may apply for and be appointed to a vacant SDT or AP post of responsibility. If appointed the teacher may retain the duties of Programme Co-ordinator and the higher of the relevant allowances. The post of responsibility may be filled on a temporary basis for as long as the teacher appointed to the post of responsibility is carrying out the duties of Programme Co-ordinator.

3.13.7) Posts of Responsibility and career breaks

Posts of responsibility falling vacant as a result of the holder/s going on career break may be filled in an acting capacity from school year to school year provided the posts are warranted by reference to the schedule of Posts of Responsibility for the school. If the school's number of approved whole-time equivalent teaching posts has fallen, the school may lose the post(s) until the return of the teacher(s) on Career Break who may have a personal entitlement to the post(s).

The filling of such acting posts is subject to the current moratorium on appointments to Posts of Responsibility.

The period of career break is not reckonable towards the minimum qualifying period of service prescribed for appointment to Posts of Responsibility or for the calculation of "service to the school" in the criteria for appointment.

A teacher on career break is entitled to apply for any post of responsibility which occurs in the school. This is subject to the minimum qualifying service having been already completed before the commencement of the career break. It follows that post of responsibility vacancies arising should be advised to eligible teachers on career break. If her/his application is successful, it is a matter for the Board of Management, in consultation with the teacher as to whether s/he may be required to return to teaching at the end of the school year in which s/he accepts an appointment to a Post

of Responsibility. Alternatively, the Board may decide to fill the post by the appointment of another teacher in an acting capacity from school year to school year, provided the post is warranted by reference to the schedule of posts of responsibility for the school.

3.14) Notice of Resignation and/or Retirement

Permanent whole-time and temporary whole-time teachers are expected to give one month's notice of intention to resign. Part-time teachers are required to give at least one week's notice.

Compulsory Retirement

A teacher must retire at the end of the school year in which s/he reaches the age of sixty-five years. If the teacher reaches sixty five on August 31st, s/he must retire that day, but, if s/he does not reach sixty five until September 1st (i.e. the first day of the school year), s/he may continue in service until the following August 31st, i.e. until the actual eve of her/his sixty-sixth birthday.

Voluntary Early Retirement

A teacher is eligible for early retirement and immediately qualifies for payment of gratuity and pension on reaching her/his fifty-fifth birthday having served a minimum of thirty-five years subject to a reduction of up to two years in lieu of training. There is provision for Early Retirement of Post-Primary Teachers under various strands. The terms governing early retirement are set out in CL 53/98 as amended annually thereafter.

Retirement because of ill health.

A teacher with not less than five years pensionable service who feels, or is deemed to be, not capable of performing his/her duties due to infirmity of body or mind may retire on grounds of disability. In order to qualify, such teachers are obliged to undergo assessment by the Department's Occupational Health Service (currently provided by Medmark). If this assessment confirms that the teacher is incapable of continuing he/she will be entitled to appropriate pension payment and may be entitled to added years up to a maximum of 6 years and 243 days.

3.15) Special Needs Assistants

Special Needs Assistants (SNA's) are appointed by Boards of Management in accordance with the annual staffing allocation of the Department of Education and Science, as informed by the advice of the SENO/NCSE. Their duties involve tasks of a non-teaching nature to assist pupils with assessed educational / physical / behavioural needs with their participation in school. SNA's are employed on an annual fixed term contract.

Approved Special Needs Assistants are related to the special needs of one or more pupils in respect of whom the posts are sanctioned and the allocation is renewed annually by the National Council for Special Education (NCSE). The employment of a Special Needs Assistant may be terminated by a reduction in allocation or through the 'special needs' pupil(s) ceasing to attend the school. It is important that Boards of Management have adopted selection criteria for such redundancies when they occur.

The DES in conjunction with NCSE is currently engaged in a review of all SNA allocations in primary, special and post-primary schools by the National Council for Special Education with a view to ensuring that the criteria governing the allocation of such posts are properly met. Pending the outcome of this review which is expected

before the end of 2009, transitional arrangements have been put in place which are set out in CL 0037/2009. Schools are advised to note these arrangements in making appointments during the interim.

Secretarial and Maintenance Staff.

3.16) Allocation of Secretarial Staff

Secretarial staff are allocated to Community and Comprehensive Schools by the Department of Education and Science in accordance with the number of pupils enrolled. Where the student enrolment is up to 500, one Clerical Officer is allocated, and, where enrolment is in the range from 500 up to 750, additional secretarial hours are allocated. Over 750 students two full-time posts are allocated. Prior approval must be obtained from the Department of Education and Science for all appointments to the secretarial staff, and appointments must be made on the basis of public competition and selection.

The Grade at which the Clerical Officer is appointed is determined by the total teacher allocation for the school, i.e. less than 41 teachers - Grade 3 and 41 teachers (including the Chaplain) or more - Grade 4. Where two full-time officers are employed, and the number of teachers is 41 or more, the senior officer is designated as Grade 4 and the junior officer as Grade 3.

3.16.1) Appointment of Secretarial Staff

When approval has been obtained from the Department of Education and Science, the appointment of secretarial staff is a matter for the Board of Management. (Deed of Trust - Articles of Management, Section 9). Boards are advised to draw up a procedure for such appointments, including advertising in the public press, appointment of a selection committee and criteria for appointment. Regard should be had for gender balance in the appointment of a selection committee.

In the case of the appointment of a Clerical Officer, the Board should be aware of the Conditions of Service and Statement of Duties of Whole-time Clerical Officers in Comprehensive and Community Schools as issued by the Department of Education and Science from time to time. In particular, it should be noted that the appointment is permanent and pensionable. Secretarial staff are expected to give at least two weeks notice of intention to resign, and retirement is compulsory on reaching the age of sixty five years.

Recruitment procedures, conditions of appointment, statement of duties and remuneration for secretarial staff are generally determined in accordance with central agreements and through central negotiations involving the schools, Government Departments and staff interests. Any amendment to existing provisions is subject to the approval of the Minister for Education and Science. Current conditions of appointment and statement of duties must be signed by the appointee prior to appointment.

Appointment to the post of Clerical Officer is conditional on the person selected furnishing the following to the Board of Management: -

- satisfactory evidence of age,
- a certificate of health at her/his own expense from a medical practitioner nominated by the Minister for Education and Science, and
- two satisfactory references as to character.

Note: Subject to compliance with relevant legislation and Departmental Circulars, temporary appointments, whole-time and/or part-time, may be made by the Board of Management on fixed term contracts or for specified purposes provided the appointments are made within the approved allocation and the selection procedures are in accordance with those detailed above for permanent appointments.

3.16.2) Probation of Clerical Officer

On appointment, the Clerical Officer is on probation for a period of 12 months. At the end of that period, the appointment may be confirmed, continued on probation for a further period or terminated, as the Board of Management may decide. Boards are advised to provide formal induction for Secretarial staff as for teachers.

3.16.3) Career Breaks for Secretarial Staff

Applications by Secretarial staff for special leave without pay for career breaks may be granted, as a general rule. An application should be refused only where the Board of Management is satisfied that the services of the person are such that release would not be possible owing to the exigencies of the service. A career break may be allowed for most purposes such as child rearing, other domestic responsibilities, educational purposes and travel abroad. A career break may not be allowed for the purpose of taking up alternative employment within the State. Posts vacated by staff on career break may be filled on a temporary basis and on fixed term contracts.

Health Declaration: Where a career break is preceded by a period of ill-health leave, a medical certificate of fitness to resume duty must be submitted prior to resumption of duty.

Detailed provisions governing career breaks are outlined in C.L. 9/93.

3.16.4) Leave entitlements.

Provision is made in the Terms and Conditions of Clerical Officers for Annual Leave, Sick Leave, Special Leave and Maternity Leave.

Clerical Staff have, in addition, statutory entitlements to Parental, Adoptive and Carers' Leave. It is expected that detailed provision in this regard will be communicated to schools by the Department of Education and Science in due course.

3.16.5) Salary of Clerical Officer

The starting salary is the minimum point of the salary scale applicable at the time of appointment, unless a higher rate is approved by the Minister for Education and Science. Subsequently, the award of each annual increment is subject to satisfactory service and the adoption of a resolution by the Board of Management.

The salary payable to temporary, part-time or substitute clerical staff is calculated on a pro rata basis with that of a Grade 3 Clerical Officer.

Boards of Management may decide to appoint additional clerical staff under the schemes of Student Support Grants, School Completion Programme, or other such schemes which are outside the scope of the normal DES allocations. The pay and conditions of such staff are at the discretion of the Board but it is advisable to maintain relativity with the terms and conditions set down by the DES for core non-teaching staff.

3.16.6) Duties and Rights of Clerical Officer

A Clerical Officer is required to perform duties, appropriate to the post, such as may be assigned to her/him by the Principal of the school on behalf of the Board of Management from time to time. These duties, detailed in the Conditions of Appointment and Statement of Duties, include accounts, audit requirements, supervision of temporary or part-time clerical staff, reception, typing, recording, filing, etc., and should form part of the conditions of service signed by the Clerical Officer.

Clerical staff, like other employees of the Board of Management, have certain statutory rights conferred by employment legislation. For further information see 3.1.11 above.

3.16.7) Termination of Employment of Secretarial Staff

The employment of Secretarial staff may be terminated by the Board of Management in accordance with relevant legislation and the general principles of natural justice. The thrust of 3.1.12, Dismissal of a Teacher, above may also be applied in the case of Secretarial staff.

3.17) Allocation of Caretaking Staff

Caretaking staff are allocated to Community and Comprehensive Schools by the Department of Education and Science on the basis of the number of students enrolled in the school. Where the enrolment is up to 500 one Caretaker is allocated, and where the enrolment equals or exceeds 500 two Caretakers are allocated. Prior approval must be obtained from the Department of Education and Science for all appointments to the caretaking staff.

3.17.1) Appointment of Caretaking Staff

When approval has been obtained from the Department of Education and Science, the appointment of a Caretaker is a matter for the Board of Management. As for

secretarial staff, Boards are advised to draw up a procedure for the appointment of caretaking staff. In this context, Boards should be aware of the Conditions of Appointment and Statement of Duties of Whole-time Caretaker at Comprehensive/Community School as issued by the Department of Education and Science. It should be noted that there are separate agreements on terms and conditions for the City and County of Dublin and for the rest of the country. The appointment is permanent and pensionable. Caretaking staff are expected to give at least two weeks notice of intention to resign, and retirement is compulsory on reaching the age of sixty five years.

Appointment is subject to the provision by the appointee to the Board of Management of satisfactory evidence of age, two satisfactory character references and a certificate of health at her/his own expense from a medical practitioner nominated by the Minister for Education and Science.

3.17.2) Probation of Caretakers

The probationary conditions are as for Clerical Officers at 3.2.3 above.

3.17.3) Career Breaks for Caretakers

The provisions governing career breaks for Caretakers are the same as those for secretarial staff as described at 3.2.4 above.

3.17.4) Salary of Caretakers

Salary scales are determined by the Department of Education and Science from time to time, and Caretakers on appointment start on the minimum point of the salary scale unless a higher starting point is specifically approved by the Department of Education and Science. It should be noted that salary scales vary between the City and County of Dublin and the rest of the country.

Boards of Management may decide to appoint additional caretaking and maintenance staff under the schemes of Student Support Grants, School Completion Programme, or other such schemes which are outside the scope of the normal DES allocations. The pay and conditions of such staff are at the discretion of the Board but it is advisable to maintain relativity with the terms and conditions set down by the DES for core non-teaching staff.

3.17.5) Duties and Rights of Caretakers

The duties of Caretakers are determined by centralised agreements and are specified in the Conditions of Appointment and Statement of Duties of Whole-time Caretaker at Comprehensive/Community Schools which is issued by the Department of Education and Science. These duties vary between schools in the City and County of Dublin and schools situated in areas outside of Dublin. In all areas, a Caretaker is required to carry out other duties, appropriate to the post, such as may be assigned to her/him by the Board of Management, the Principal or other responsible officer from time to time.

Caretakers, like other employees of the Board of Management, have certain statutory rights conferred by employment legislation. For further information see 3.1.11 above.

3.17.6) Security Alarm Callouts.

A minimum payment of three hours pay, at the appropriate overtime rates, may be paid where the school caretaker returns after normal working hours (includes shift arrangements) in response to a security alarm call out.

In addition, where the caretaker is obliged to answer call-outs and is a key-holder, (s)he may also be paid an annual honorarium to cover:-

- A contribution towards the cost of installation of a telephone where the caretaker does not already have a phone, and
- A contribution towards the annual phone rental payment.

In circumstances where the caretaker uses his/her phone for calls concerning response to call-outs, (s)he may be recouped the cost of such calls.

3.17.7) Termination of Employment of Caretakers

As for Secretarial staff at 3.2.8 above.

3.17.8) Amalgamation of schools.

Where an amalgamation of schools has taken place to facilitate the establishment of a new school, and in other special circumstances, the number of Secretarial Staff and the number of Caretakers employed may vary from the norm described in this section subject to the approval and sanction of the Department of Education and Science.

3.17.9) Garda Vetting

As and from 1st September 2006 all staff appointments are made subject to Garda Vetting. ACCS is the authorised body appointed to process applications for Garda Vetting on behalf of Community and Comprehensive Schools. Full details of these arrangements are outlined in DES CL 0094/2006 and in ACCS info bulletins 34/06 and 39/06.