

Human Resources Manager's Report 2019/2020

The HR Service in ACCS supports and advises Boards of Management and senior school management in employment related issues and queries.

The queries and issues vary from providing advice on the appointment of staff, contracts of employment, promotion to leadership and management posts, HR policies and procedures and employment law, to supporting schools through employee relations issues including grievances, discipline, workplace investigations and bullying and harassment.

Assistance is also provided with 3rd party representation at Adjudication/WRC hearings, in the preparation of cases coming before such bodies and representation in the Department of Education & Skills on employment matters.

2019 in Review

As we enter the next decade of the millennium, teacher supply remains one of the biggest challenges facing schools. Boards are greatly challenged by the ability to attract and retain teachers, fill substitute vacancies and grant career breaks/job-sharing or secondments when requested.

ACCS is acutely aware of the difficulties being experienced by schools and continues to work with the DES through the Teacher Supply Working Group on measures to alleviate the situation. One such measure in 2019 was the development of a website, Turas Abhaile, to provide an opportunity for teachers who are working overseas to express an interest in applying for teaching jobs in Ireland. ACCS will continue to work with the DES on measures to improve the teacher supply situation.



From a HR perspective the relaxation of the moratorium on clerical officer and caretaker vacancies and the measures introduced in Budget 2020 have been greatly welcomed by schools. Many of our schools have benefitted from these developments and we hope that a resolution can be reached through talks at the WRC to the current pay claim by grant-funded secretaries in order to avoid any further industrial action in schools.

Without doubt, 2019 has been another particularly busy on the employment legislation front with a number of significant amendments to employment legislation, in particular the Employment (Miscellaneous Provisions) Act 2018. This legislation introduced more stringent requirements to provide written statements of employment to employees on commencement of their roles.

2019 also saw further amendments to statutory family leave provisions/work life balance with amendments to the existing parental leave legislation and introduction of new legislation to provide for paid parent's leave.

A considerable part of my work in 2019 in ACCS involved the recruitment and selection of additional staff to the ACCS team. In February 2019, Hilary Treacy joined as Data Protection Advisor, Catherine O'Sullivan joined in September as Further Education & Training Co-ordinator and Elaine Mooney came on board in October as Vetting Administrator. We welcome all three to the ACCS team.

Relaxation of the Moratorium on Clerical Officer/Caretaker recruitment

In March 2019 the Minister for Education & Skills announced the relaxation of the moratorium on Clerical Officers recruitment for schools with enrolment of 700 or more students, allowing these schools to employ an additional Clerical Officer up to a maximum of two per school. Schools that fell into this category were allowed to fill vacancies immediately.

Budget 2020 extended this alleviation further by allowing:

- Schools with enrolments of 700+ students to employ an additional caretaker provided they have fewer than 2 caretakers.
- Schools with enrolments of 626 to 699 students to fill Clerical Officer vacancies provided they have fewer than 2 Clerical Officers.
- Schools with enrolments of 500 to 625 students to fill Clerical Officer vacancies provided they have fewer than 1.5 Clerical Officers

The alleviation measures in Budget 2020 are effective from 1st September 2020 and schools have been advised to plan in a timely manner to fill their vacancies.

Industrial Action by secretaries in grant-funded posts

The FÓRSA union tabled a pay claim on behalf of secretaries in grant funded (SSSF funded) posts during 2019 which resulted in strike and industrial action (non-compliance with Esinet systems, boycott of OLCS) in schools during the past six months.

The FÓRSA union is seeking public service pay scales, increments, public service pension, access to the public service sick leave scheme and year round working patterns for secretaries and caretakers who are employed directly by schools and whose salaries are funded by state grants (SSSF in the community and comprehensive sector). Talks took place at the Workplace Relations Commission during the autumn in an attempt to resolve matters. These talks will resume in March 2020 under the auspices of the WRC conciliation.

Other industrial action in schools

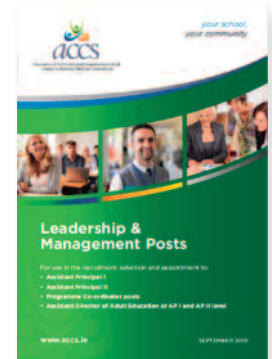
TUI members in schools took part in a strike in February 2020 over the issue of pay inequality in the education sector.

Leadership and Management Posts

Circular letter (CL03/2018) which issued in January 2018 on Leadership and Management posts began the process of the restoration of Posts of Responsibility in our schools.

Many schools have made appointments since then at both Assistant Principal I and II levels under the revised criteria for selection and marking and using a competency-based model. Seniority/Length of Service as a stand-alone criterion was phased out in September 2019.

The Guide on Leadership & Management posts has been updated to reflect the changes to the criteria. This Guide be accessed on the ACCS website within the Leadership and Management section. Further materials will be available shortly on preparing for the Report and Review meetings as provided for in CL 03/2018.



Appeals

One appointment was appealed in our sector in 2019. The appeal was not upheld by the Appeal Board. This low number of appeals in our sector is a true reflection of the competence of Interview Boards and the fairness and transparency of the appointment process.

The **agreed Independent Panel** for post of responsibility appointments consists of 30 members as follows:

Dublin / Leinster Region:	Munster Region:	Connacht Region:	Ulster Region:
Brian Cannon	John Hurley	Malachy Molloy	Andrew Kelly
Valerie Mc Cormick	Seán Kelleher	Mary Mullarkey	Gerry Breslin
Catherine Galton	Mick Mc Nulty	Michael Brett	Joe Carolan
Maureen Black	Mary Jones	Tommy Glynn	Patsy McVicar (Irish speaker)
Frank Moran	Mary Scriven		
Patricia McDonagh	John Hourihan		
Austin Naughton	Seán Ó Broin		
Eileen Salmon	Antoinette Nic Gearailt (Irish Speaker)		
David Dwyer	Rock Kirwin		
John O'Reilly	Anne MacMahon		
Denis Magner			
Eleanor Parks			

ACCS greatly appreciates the valuable and excellent work that the panel members do with schools in the appointment to leadership and management posts in schools.

Dignity at Work Policy

The Dignity at Work Policy was communicated to schools during the Spring of 2019. Schools have since nominated Contact Persons for their schools and training took place regionally during the months of September and October for both the Contact Persons and Designated Persons (i.e. Deputy Principals). This training was delivered by Dr Gerard McMahon and we welcomed over 200 delegates, including members of the trade unions to the three venues. The training was designed to provide nominated Contact Persons and Designated Persons (Deputy Principal(s)) with a clear understanding of their respective roles within the Policy and the knowledge required to discharge their role in an effective manner.

Further training is planned for March 2020 for Deputy Principals in their role as the Designated Person. This training will focus on the Designated Person as a key point of contact in ensuring that concerns are dealt with in a timely, fair and appropriate way.

Employment (Miscellaneous Provisions) Act 2018

This Act came into effect in March 2019 and requires that employers provide a written statement to employees of **5 core terms** (name, address, duration of contract, rate of pay and number of hours the employer reasonably expects the employee to work per normal working day and per normal working week) **within 5 days of the commencement of their employment**. It prohibits zero hours contracts except for genuine casual work, emergencies or short-term relief absence and proposes banded hours contracts for employees whose actual hours do not reflect their contracted hours.

The other terms of employment required to be given to an employee under the Terms of Employment (Information) Act 1994 will continue to be required within the existing 2-month period.

ACCS advises that if schools normally issue a contract of employment (which sets out the terms and conditions of employment) to new employees before or within the first 5 days of commencement of employment, then the school will be compliant with the new requirements in relation to written statement of terms. Schools should, therefore, review their existing systems/processes to ensure that new employees are provided with a contract of employment preferably prior to the commencement of employment but, in any case, no later than 5 days from the commencement of employment.

The 2018 Act makes the failure to provide the Day 5 statement a criminal offence where the employer fails to provide the Day 5 statement within 1 month of commencement of employment.

Template contracts of employment are available in the HR section of the ACCS website.

Redeployment

There was limited redeployment out of the community and comprehensive sector in 2019.

A total of forty-six teachers were redeployed in 2019 in the post primary sector, ten of which were redeployed into community and comprehensive schools.

One teacher was redeployed from a community and comprehensive school under compulsory redeployment.

The voluntary redeployment scheme operated in 2019 for teachers employed in a post primary school in counties Waterford, Wexford, Carlow, Kilkenny, Galway and Roscommon.

The voluntary redeployment scheme allows permanent/CID teachers who were employed in schools in these counties to express an interest in being redeployed to another post primary school anywhere in the country.

The redeployment scheme (where a school is closing or has teachers in employment surplus to its overall allocation or surplus in specific subjects) will operate as usual in 2020 and schools will have been notified of this during the month of January.

Health and Wellbeing

The Occupation Health Strategy was put in place as a supportive resource for both staff and employers in a school. Its aim is to promote the health and wellbeing of employees in their workplace. The Occupational Health Strategy comprises the Occupational Health Service and the Employee Assistance and Wellbeing Programme.

Medmark Occupational Healthcare is the current provider of the Occupational



Health Service (OHS) to schools. The service provides professional occupational health advice and services on employee medical fitness as follows:

- pre-employment health assessments,
- sickness absence assessment,
- medical fitness to return to work assessments,
- ill health retirement assessments and
- Critical Illness Provisions (CIP).

The service can be accessed by logging on to www.medmark4teachersna.ie or contact the telephone advice line at 1890 235 711.

Employee Assistance & Wellbeing Programme

Inspire Workplaces is the current providers of the Employee Assistance and Wellbeing Services which includes a **free confidential service** accessible by means of a free phone telephone helpline available 24 hours a day, 365 days a year, providing counselling on a range of personal health and wellbeing issues given by qualified clinicians.



Up to 6 face-to-face counselling sessions are available to provide supportive and solution-focused care based on an individual's clinical needs.

The telephone service also provides specialist information, support and advice in relation to family, financial, legal, work-related and consumer information services as well as providing management support.

The service is accessible through the Freephone Helpline at **1800 411 057** for teachers, SNAs and non-teaching staff in DES approved roles and is available 24 hours a day, 365 days a year. Full details of the Inspire Service are also available on DES website.

Boards should be aware that non-teaching staff not covered by the DES scheme also have access to the Employee Assistance and Wellbeing Programme provided by **Inspire Workplace**. ACCS has retained Inspire to provide this EAP assistance to clerical officers, caretakers, cleaners and other staff employed in our schools who are not in Department approved posts.

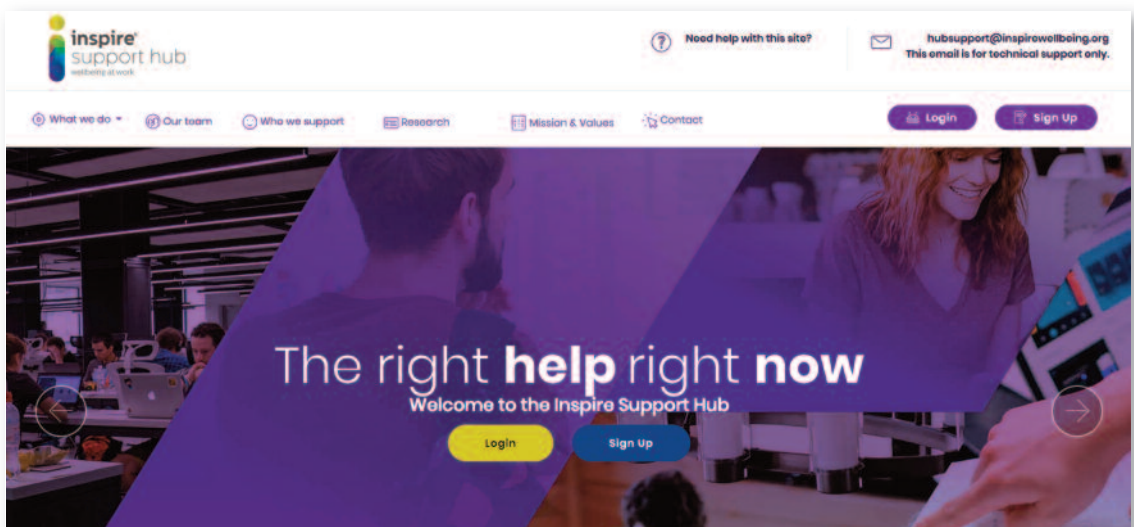
These members of staff can access the service on 1800 409 673 or

email: workandstudy@inspirewellbeing.ie.

Online Support Hub

As part of their service, Inspire launched a new Employee Resilience Programme in 2019 in the form of an Online Support Hub. The objective of this Hub is to ensure best practice in early intervention and prevention for supporting positive occupational health and wellbeing.

An employee wishing to use the hub can get started by signing in as indicated below:



Garda Vetting

In recent years there has been increased attention on child protection legislation with the Children's First Act 2015 and the National Vetting Bureau Act (children and vulnerable persons) 2012.

Boards are reminded that it is compulsory to have a vetting disclosure from the National Vetting Bureau in respect of persons in the school who are carrying out *relevant work or activity, a necessary and regular part of which consists of having access to or contact with children* in the school. This vetting disclosure must be obtained prior to commencement of employment/work. Failure to comply with vetting requirements is a criminal offense.

The Teaching Council is the authorised body for administering vetting for teachers.

The first phase of the re-vetting of teachers has now been completed and it is expected that the Minister for Justice will shortly announce re-vetting on a 3-year cycle. The re-vetting of teachers is linked to registration renewal.

The re-vetting of non-teaching staff is likely to commence at some stage in 2020 and ACCS, as the registered organisation for the processing of garda vetting applications for all non-teaching employees/volunteers/host families/TY students and others in Community & Comprehensive Schools, will be in touch with schools when this happens.

Competency Based Recruitment Training - Principal and Deputy Principal appointments

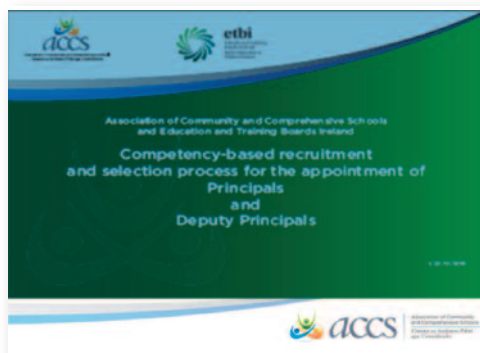
Fourteen new Principals (including acting) and twenty new Deputy Principal (including acting) were appointed in our sector in 2019. We welcomed twenty eights of these newly appointed Principals and Deputy Principals to a two-day Induction programme in Mullingar in August.

Training was held for members of Selection Committees on the Competency Based Recruitment and Selection Process appointment process in January 2019. Twenty-two people attended this one-day programme.

We are grateful to Ciarán Flynn and Antoinette Nic Gearailt for their continued work with ACCS in the delivery of the competency training and their individual and dedicated work with Boards of Management and members of Selection Committees in this area.

Training and support continue to be available to Boards of Management and Selection Committee members on the appointment of a Principal or Deputy Principal. Board members wishing to avail of this training or support should contact ACCS Head Office.

The updated Manual on the appointment process is available on request from ACCS.



Circular Letters

Boards should be aware of the following circular letters in relation to teachers:

Circular 15/2019 – Scheme to Share Teachers between post-primary schools for the 2019/20 school year

This Scheme facilitates an arrangement whereby two schools can share a teacher to teach subjects in both schools. The objectives of the Scheme are to assist schools in filling vacancies in high priority subjects and to enhance teaching hours for teachers in employment on less than full hour. The scheme is in place on an initial basis and will be reviewed at the end of this school year.

Circular 16/2019 – Home School Community Liaison Scheme – Assignment of HSCL Coordinator within DEIS schools

This circular letter issued in February 2109 and the allocation of Home School Community Liaison posts to DEIS schools and the retention of these posts is contingent on schools complying with the contents of this Circular.

This circular outlines for school management and staff the process for assigning teachers as HSCL Coordinators, the reporting arrangements in DEIS schools, outline the attributes required for the HSCL post and includes the job description/role of the HSCL Coordinator. Boards should familiarise themselves with the contents of this circular letters and follow the procedures therein when appointing a HSCL Coordinator.

A new SNA IR Forum

A new SNA Industrial Relations Forum was established in the autumn of 2019. There are now approximately 15,000 SNAs working across the Education Sector (primary and post-primary) and this new IR Forum has been established at which Industrial Relations matters relevant to SNAs can be considered and discussed on a formal basis, under an agreed Terms of Reference, similar to the Forum existing for teachers (Teachers Conciliation Conference).

The SNA IR Forum is operated by the DES and will meet four times per year. It is made up of representatives of the DES, management bodies and unions representing SNAs. Its purpose is to provide a means for dealing with claims and proposals relating to the salaries, other benefits and the conditions of service of SNAs and to secure the fullest co-operation between the parties in maintaining and improving the quality of the service provided by SNA in schools.

SNA Supplementary Assignment Panel

The SNA Supplementary Assignment Panel has been in operation for the past 8 years to facilitate eligible Special Needs Assistants who are being made redundant by a school in filling SNA vacancies that may become available in another school. The SNA Panel has worked well for SNAs and schools affected by redundancy to date.

A review of the operation of the Panel takes place on an annual basis and any changes are notified to schools via circular letter. This circular letter is usually issued in advance of the SNA allocation being published on the NCSE website. Principals were able to view their school's allocation prior to it being available for public viewing for the first-time last year.

Recruitment and Appointment of an SNA

A new circular letter (CL 51/2019) issued in August 2019 regarding the recruitment and appointment procedures for Special Needs Assistants. Boards are advised that appointments to SNA positions must be in accordance with the procedures detailed in this circular letter.

Key Employment Developments in Ireland

It has undoubtedly been a significant year for employment developments in Ireland and the following is a brief summary of developments most relevant to schools:

Employment (Miscellaneous Provisions) Act 2018

The objective of this Act, which came into effect in March 2019, is to improve the security and predictability of working hours for employees on insecure contracts, and those working variable hours. Currently, the Terms of Employment (Information) Act 1994 requires that a written statement containing 16 items of information on the terms of employment be provided to a new employee within two months of the start of employment.

This Act puts an onus on employers to provide a written statement to employees of 5 core terms (name, address, duration of contract, rate of pay and number of hours the employer reasonably expects the employee to work per normal working day and per normal working week) within 5 days of the commencement of their employment. It prohibits zero hours contracts except for genuine casual work, emergencies or short-term relief absence and proposes banded hours contracts for employees whose actual hours do not reflect their contracted hours.

The two-month obligation would continue to apply for the remaining pieces of information.

Boards are advised that if schools normally issue a contract of employment (which sets out the terms and conditions of employment) to new employees before or within the first 5 days of commencement of employment, then the school will be compliant with the new requirements in relation to written statement of terms. Schools should, therefore, review their existing systems/processes to ensure that new employees are provided with a contract of employment, preferably prior to the commencement of employment but, in any case, no later than 5 days from the commencement of employment.

Template contracts of employment are available in the HR section of the ACCS website.

Benefits for Parents

Benefits for parents was a key focus of 2019 with the introduction of Parent's Leave & Benefit Act and an increase in Parental Leave.

➤ A New Leave for New Parents

The Parent's Leave & Benefit Act was signed into law on 1st November 2019. This new family leave type provides each relevant parent of a child born after 1st November 2019 with an additional 2 weeks Parents Leave to be taken within 12 months of the date of birth or adoption of the child.

It also provides for a corresponding social insurance benefit, called Parent's Benefit (€245 per week for 2 weeks subject to PRSI contributions).

The leave may be taken in a 2-week period or in separate periods of no less than one week.

Parents Leave is in addition to the rights already in place for Maternity, Adoptive, Paternity and Parental Leave but can only be taken after any period of Maternity or Adoptive Leave has expired.

The Minister for Employment Affairs and Social Protection has indicated that Parent's Leave will increase incrementally up to seven weeks' leave by 2021.

➤ Increase in Parental Leave

Entitlement to Parental Leave has been increased from 18 to 22 weeks since 1st September 2019. There will be a further increase from 22 to 26 weeks from 1st September 2020.

Leave

There are many different types of leave to which teachers, SNAs and other non-teaching staff may be entitled to in the course of their employment. Boards are reminded that a **summary of the leave types** for both teachers and SNA is available in the HR section of the ACCS website. We are aware of the practical difficulties that can sometimes arise with managing the various types of statutory and non-statutory leave in the workplace, especially in the context of current teacher supply situation. ACCS is always available to provide practical advice as to how best to manage requests for leave.

The Department issued circular letter 54/2019 in September which is the revised consolidated web book of most leave types for teachers.

Changes to Career Break Scheme for school year 2019/20

In order to ease the problems facing schools in hiring qualified teachers, certain restrictions imposed in the Career Break Scheme have been suspended for the remainder of the 2019/20 school year. This means that teachers on career break can be employed as substitutes without a restriction on the days/hours worked.

Although considered, Job-sharing teachers are not permitted to undertake substitute work/extra teaching hours.

The Use of Social Media

The rapid development of social media over the last decade has presented many challenges at school level. We understand that the Teaching Council's Guidelines for Teachers on the Use of Social Media will issue shortly and will provide useful guidance and best practice for teachers on the use of social media.

Other developments in 2019 that Boards should be aware of:

Revised salary rates and other measures for staff

A number of circular letters issued in 2019 in relation to the revision of salaries for staff in our schools. Full details of the relevant circular letters can be found on both the Department and FSSU websites.

Other matters to note:

- PRD (Pension Related Deduction) has been replaced by ASC (Additional Superannuation Contribution) from 1 January 2019.
- Illness Benefit is now not payable for the first 6 days of a claim, there are new forms for claiming illness benefit and illness benefit is no longer taxed through the school's payroll system. The Financial Support Services Unit (FSSU) is available to assist schools with any queries related to illness benefit, payroll and taxation.

- The introduction of real time reporting (RTR) for employers as part of a Revenue initiative to modernise the PAYE system commenced in January 2019. The new system has seen forms P30, P35, P45 and P60 eliminated.

National Minimum Wage

- The national minimum wage increased to €10.10 per hour with effect from 1 February 2020.

In-Service Programme

The Report on ACCS' In-Service programme is detailed in the CPD Report in this handbook and we hope that participants found these In-Services beneficial and worthwhile.

I would like to thank John, Aine, Hilary and Catherine for their support, advice and collegiality as we work our way through the myriad of issues and queries that come our way. My sincere thanks also to Susan, Debbie, Eileen and Elaine, our President Paul Fiorentini and members of the ACCS Executive for their unstinting support of our work. Thanks also to my colleagues in the other management bodies and the staff of the DES who are always helpful and obliging. A special word of thanks to Liam Ryder for his assistance in keeping the HR section of the website up to date.

Many thanks to all schools who contacted ACCS in 2019 with their queries.

I look forward to working with schools throughout 2020.

*Ms. Anne Marie Dillon,
Human Resources Manager, ACCS.*