

Human Resources Manager's Report 2017/2018

The HR Service in ACCS is there to assist and support school management in employment related issues and queries. In my role as HR Manager at ACCS I provide support, advice and guidance to Boards of Management and Principals in the following areas:

HR Management

- The appointment of staff
- Contracts of employment
- Performance and conduct issues
- HR policies and procedures
- Managing discipline and grievance issues
- Sick leave and employee welfare
- Leave and Working Time
- Dignity at Work

IR/HR Representation

- Preparing cases and representing school management at adjudications/WRC hearings
- Representing school management in DES on employment related matters

Training/In-Service

- Providing training/in-service to Boards of Management/Principals/Deputy Principals in HR Management and employment law matters.

The queries that I deal with on a daily basis from the schools continue to be varied and at times complex and can cover any of the above areas. It is, however, through these queries that I get a view of the life of the school and the issues that can arise for Principals and Boards of Management from time to time.

Looking back at 2017

The second half of 2017 brought stability to our schools. In June 2017 we welcomed the suspension of industrial action in schools which has allowed school management the time and space in this academic year to focus and progress on other areas such as teaching and learning and school improvement.

New Deputy Principal Additions

One of the highlights of the past year has been the appointment of over 50 new Deputy Principals in our schools for the start of the 2017/18 school year. Arising from the provisions of Budget 2017, over thirty of our schools were in a position to appoint an additional Deputy Principal, while five of our schools appointed two additional Deputy Principals. In preparation for these appointments and also those arising from retirements/resignations, ACCS provided an In-Service at the beginning of 2017 on Emotional Intelligence for Leadership and looked at the Quality Framework produced by DES for Leadership and Management. We also organised and delivered competency based recruitment and selection training for Selection Committee members in various locations throughout the country in the spring of 2017. These training sessions were well attended and we are very grateful to Mr. Ciarán Flynn and Ms. Antoinette Nic Gearailt for delivering this training and for their continued excellent work in this area.

As a result of these appointments we had the largest ever group (51 new Deputy Principals and 6 new Principals) at our Induction of newly appointed Principals and Deputy Principals in August 2017.

ACCS will continue to provide training in Competency based Recruitment and Selection in 2018 and we would encourage Selection Committee members who have not already been trained in the competency approach to participate in this ACCS designed training programme. The dates and the venues for the 2018 training are detailed on ACCS' CPD programme which is available on the ACCS website.

Posts of Responsibility

A new circular letter (CLO3/2018) on Leadership and Management issued in January 2018. This is a much welcomed development and begins the process of the restoration of Post of Responsibility posts in our schools under the new leadership and management framework (as set out in Looking at our Schools 2016 – a Quality Framework). In line with the principles of distributed leadership, Assistant Principals will work in teams in collaboration with the senior management team and have a shared responsibility in a variety of areas.

Some of the changes introduced in the new circular letter include:

- A revised allocation of Assistant Principals posts based on the final teacher allocation in the previous school year.
- A school must undertake a review to establish the needs and priorities of the school in accordance with the terms of CLO3/2018 and comprehending Looking at our School 2016.
- Revised criteria for selection and marking using a competency based model. Seniority/Length of Service as a stand-alone criterion will be phased out by the school year 2019/20.
- Redesignation of the current post of Assistant Principal as Assistant Principal I and the current post of Special Duties as Assistant Principal II.
- An appeals procedure confined to an alleged breach of procedures.
- Provision for reporting and review.

The new framework and the restoration of posts at middle management level are a very positive development for schools and a great relief for Principals and Deputy Principals who have been overburdened over the past number of years.

ACCS held an In-Service in February on the process of identifying the leadership and management needs and priorities of the school and we have also revised the Guide on the appointment of a Post of Responsibility for those involved in the process.

A number of our schools had POR appointments in 2017 which were filled according to the circulars/procedures existing at that time. Schools worked closely with ACCS in preparation for these appointments and fortunately we had only one appeal in the last year.

The agreed independent panel for post of responsibility appointments has 11 members at present. The members of the panel are:

We thank the panel members for their excellent work with our schools in the POR appointment process. We are working with the unions to have the Panel increased to cater for new appointments at middle management level in our schools.

Ms. Maureen Black

Mr. Gerry Breslin

Mr. Brian Cannon

Mr. Joe Carolan

Ms. Catherine Gralton

Mr. John Hurley

Mr. Andrew Kelly

Mr. Sean Kelliher

Mr. Mick McNulty

Mr. Malachy Molloy

Ms. Valerie McCormick

Garda Vetting

Significant changes were introduced to garda vetting with the commencement of the National Vetting Act in April 2016. From that date, persons employed/working in a relevant organisation who undertake *'relevant work or activity in respect of children/vulnerable adults'* must be vetted prior to commencing employment. Failure to do so is a criminal offence. Schools have certainly become vigilant in this area and the importance and necessity of vetting prior to appointment is now well understood by school management.

The process of the retrospective vetting of employees began in 2017 (i.e. for those who had not previously been vetted) and must be completed by April 2018. The retrospective vetting of teachers is carried out through the Teaching Council while the vetting of all non-teaching staff is done through ACCS. The administration staff in ACCS have had to deal with a significant increase in the volume of applications for garda vetting this year (due to increases in Transition Year and retrospective vetting) and Susan, Debbie, Eileen and Fiona are to be commended for their tremendous work in ensuring that the process is carried out effectively in ACCS.

Scheme for Leave of Absence following Assault

A new Scheme for Leave of Absence following Assault was introduced at the beginning of the new school year for teachers, CL 61/2017 and Special Needs Assistants, CL 62/2017. Assault is defined in the scheme as *'physical contact from a third party causing physical injury to the teacher/SNA in the course of their duties and during approved physical activities'*. The maximum leave available is three months on full pay in a rolling 4 year period.

Data Protection and the new GDPR

School will have to comply with the new General Data Protection Regulation which comes into force on 23 May 2018. GDPR will introduce significant changes in terms of data protection compliance measures including enhanced data security standards, mandatory breach notifications, enhanced consent requirements and significant fines for breaches.

Training is scheduled to take place in various locations in February 2018 to prepare Boards of Management, Principals and those involved in Data Protection in schools for GDPR. This training will be delivered, as in previous years, by Millett & Matthews Solicitors.

In addition to this training, the Data Protection Working Group, which is made up of representatives from the various management bodies, has produced an eLearning tool to create awareness that the law is changing to GDPR, the impact this is likely to have and how the schools need to plan before May 2018. The new GDPR places significant emphasis on compliance with data protection principles and schools will have to demonstrate compliance under GDPR. The key to compliance is to understand the data landscape within the schools and in this regard schools need, as part of the preparation, to identify:

- What data it holds
- Whose data it holds
- Why it holds the data
- Who the data is shared with
- Where the data is held or stored
- How long the data should be retained for

We have also updated the dataprotectionschools.ie website to reflect the changes coming into effect with GDPR and we encourage Board Members, senior management and those involved in Data Protection in schools to refer to and use this website.

CIDs and the Ward Report/Circular 24/2015

With the suspension of industrial action by the ASTI union in June 2017, teachers not previously covered by the Lansdowne Road Agreement, gained access to the provisions of the Ward Report (CL24/2015). This meant that these teachers were/are eligible for assessment for entitlement to a CID if he/she has in excess of 2 years continuous teaching service with the same employer. Also, CID holders with additional fixed term hours worked for the full year (without objective grounds) may be entitled to have these hours added to their existing CID after 1 year if the post continues to be viable.

Under the terms of CL59/2016 a revised procedure and sequence for filling available teaching posts/hours and for providing enhanced teaching hours to teachers on less than full hours was introduced and school management should familiarise themselves with the arrangements outlined in this circular before proceeding with any teacher appointments in 2018. Schools were reminded of the terms of CL 24/2015 and CL 59/2016 at the Allocations/Redeployment In-Service in February 2018.

Redeployment

There was limited redeployment out of the Community and Comprehensive sector in 2017. There was no compulsory redeployment in our sector last year. Some of our schools received teachers from the voluntary redeployment system. The Pilot voluntary redeployment scheme operated in 2017 for teachers employed in a Post Primary school in counties Tipperary, Laois, Offaly, Westmeath and Longford.

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 2018 and schools will have been notified of this during the first week of January. The voluntary redeployment scheme will operate in 2018/19 in the following counties: *Galway, Roscommon, Donegal, Cavan, Monaghan, Louth and Meath.*

Pay increases for school secretaries, caretaker and other maintenance staff

School secretaries, caretakers and other maintenance staff in Community and Comprehensive schools salaries increased on 1st April 2017. The increases came from two sources - some staff were due increases according to LRA/FEMPI, others not covered by FEMPI got increases due to the WRC Arbitrators finding decisions. Full details can be found in ACCS Info Bulletin 17/17.

Revised salary rates for teachers and SNAs

A number of circular letters issued in 2017/18 in relation to the revision of salaries, PRD thresholds and other measures for staff in our schools. Full details of the relevant circular letters can be found on the Department and ACCS websites.

SNA Supplementary Assignment Panel

The SNA Supplementary Assignment Panel has been in operation for the past 5 years to facilitate eligible SNAs who are being made redundant by a school in filling SNA vacancies that may become available in another school. The Panel is working well for our schools. 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 in June/July.

Teacher's Web Book

The DES published a very useful, consolidated book on leave for teachers in electronic format in September 2016 and a 2nd edition of this Web Book was issued in June 2017. The Web Book covers ten leave types – Annual Leave, Sick Leave, Maternity Leave, Paternity Leave, Adoptive Leave, Career Break, Job-Sharing, Carer's Leave, Parental Leave and Unpaid Leave. This book supersedes all previous circular letters in relation to any of the above leave types.

The opening chapter of the book deals with the requirement to register with the Teaching Council. A point to note on the Sick Leave Scheme is the reference to reasonable accommodation to accommodate the needs of employees with disabilities and the provision of partial return to work to facilitate a teacher recovering from an illness to transition back to full duties over an agreed limited period of time.

Schools should note that applications for both career break and job sharing for teachers must now be submitted to the school by the 1st February of each school year.

This web book is available on both the DES and ACCS websites. Schools can also find sample Job-Sharing, Career Break, Secondment and Parental Leave Policy documents on the ACCS website.

Protected Disclosures

The Protected Disclosures Act came into effect in July 2014 and it is mandatory for public bodies (encompassing schools) to have a Protected Disclosures Policy in place. Boards were reminded (if the school has not already done so) to consider and ratify the template Protected Disclosures Policy developed by ACCS at a Board meeting and ensure that the policy is communicated to all staff so that individuals are aware that it exists.

Data Entry and the Junior Cycle Profile of Achievement (JCPA)

A once off administration grant was made available to schools in 2017 to support the data entry requirement on schools for 2017/18 in respect of the production of the JCPA. ACCS Info Bulletin 46/17 gives details of the arrangements in place.

Occupational Health Service and Employee Assistance and Wellbeing Programme

The occupational health service encompasses health management and incorporates pre-employment health assessments, medical assessment of fitness for work, critical illness assessment and ill-health retirement assessment and appeals. The OHS service is provided by Medmark. The Medmark Activity Report for 2017 shows that there has been an increase in pre-employment medicals (up from 9,000 to 11,000+) in the education sector in 2017 (primary and post-primary) indicating that the sector is growing. Applications for ill-health retirement and critical illness remain static.

In addition to the OHS provided by Medmark, teachers and SNAs have access to an Employee Assistance and Wellbeing Programme provided by Inspire (formerly known as Carecall). Details of the programme are available on the DES website. The 24/7 confidential helpline is 1800 411 057. The service includes:

- Telephone counselling.
- Face to face counselling where required for any 'life event' at work or in an individual's personal life. The number of sessions available has increased from 4 to 6 sessions.
- Family life advice – an employee can obtain information on parenting, eldercare or special needs care.
- Specialist Information Services – an employee can obtain advice on personal, family, financial, legal, work-related and consumer information services.
- Manager support.

Utilisation of the service increased in 2017 which may reflect the fact that the service provided by Inspire is not just seen as a counselling service alone but can offer support in other areas such as financial service, family life etc. as outlined above.

Inspire service is also available to clerical officers and caretakers comprehended by the 1978 Scheme. ACCS has retained Inspire to provide EAP assistance to clerical officers and caretakers employed in our schools, the details of which have been provided to schools.

In-Service Programme

Over the course of the year, I have been involved, together with John, Áine and Eileen (prior to retirement) in the co-ordination and delivery of a number of In-Service programmes for Principals, Deputy Principals, Boards of Management and Clerical Officers. These include CPD on:

- Induction of newly appointed Principals and Deputy Principals
- Competency based Recruitment for the appointment of a Principal/Deputy Principal
- Posts of Responsibility appointments
- Area Information Meetings
- School Governance – A legal perspective covering Education and Employment Law
- Clerical Officer/School Secretary training

To note for 2018:

National Minimum Wage

The national minimum wage increased to €9.55 per hour with effect from 1 January 2018.

A case of interest in education in 2017:

- Lyons V Longford Westmeath Education and Training Board. Schools who are considering completing an internal investigation should be cognisant of this case and should consider whether the outcome of that process could result in dismissal, suspension or have an adverse effect on the accused Employee's good name.
- Ruffley – Court of Appeal overturned the largest ever award of bullying in Ruffley V Board of Management of St Anne's School.

The year 2017 brought some significant changes to ACCS Head Office personnel. In August Ms. Eileen Salmon retired as General Secretary and I thank her most sincerely for her support and guidance to me during her time as General Secretary and Assistant General Secretary. We welcomed Ms. Áine O'Sullivan to the team in September and I am grateful to John, Áine, Susan, Debbie, Eileen and Fiona for their support, collegiality, and professionalism in ACCS. I would also like to thank the staff of the DES who have always been most helpful in their dealings with me. A special word of thanks to Mr. Liam Ryder for his assistance in keeping the HR section of the website up to date.

I look forward to working with the schools throughout 2018. Many thanks to all the schools who contacted ACCS in 2017 with their queries.

*Ms. Anne Marie Dillon,
HR Manager ACCS.*