



**Circular 0041/2017**

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

## **Supervision and Substitution Scheme – Opt-out and Opt-in**

### **Lansdowne Road Agreement**

#### **Introduction**

1. The purpose of this Circular is to notify Managerial Authorities, Education and Training Boards, Principals and Teachers of the amendments to the Supervision and Substitution Scheme to take effect from 1 September 2017, arising from the agreement reached between the Department of Education and Skills and TUI in November 2016 in the context of the Public Service Stability Agreement 2013 – 2018 (Haddington Road Agreement/ Lansdowne Road Agreement).
2. As stated in [Circular 0006/2014](#), with effect from the beginning of the 2013/14 school year, participation in the Supervision and Substitution scheme is compulsory for all teachers, save for those who availed of the opt-out arrangement under that Circular.
3. Under the Lansdowne Road Agreement and the November 2016 Department of Education and Skills and TUI agreement, a further opt-out from compulsory participation in the Supervision and Substitution scheme is being made available to teachers who satisfy the criteria set out in this Circular and who are covered by the Lansdowne Road Agreement – see Part A of this Circular.
4. In addition, under the terms of the agreements, teachers who previously opted out from compulsory participation in the Supervision and Substitution scheme under [Circular 0006/2014](#) and who are covered by the Lansdowne Road Agreement are being offered the option to opt back in to the Supervision and Substitution scheme – see Part B of this Circular.
5. For the avoidance of doubt, where a teacher opted out of S&S duties with effect from 1 January 2014 under [Circular 0006/2014](#), that opt-out remains in place unless the teacher opts back in to the S&S scheme under the terms of this Circular.
6. This Circular should be read in conjunction with [Circular 0045/2016](#), which sets out the application of the Public Service Stability Agreement 2013 – 2018 (Haddington Road Agreement/ Lansdowne Road Agreement) for second-level teachers.

7. As set out in [Circular 0045/2016](#), the Agreement applies to teachers employed in Education and Training Board schools and centres (apart from Designated Community Colleges). The Agreement also applies to TUI member teachers employed in Designated Community Colleges, Voluntary Secondary schools and Community and Comprehensive schools who have identified themselves as such through the submission of the form at Appendix 1 of [Circular 0045/2016](#) to their employer.

### **Circulation and Queries**

8. Please ensure that copies of this Circular are provided to all members of the Board of Management/ Education and Training Board and its contents are brought to the attention of all teachers in your employment including those on leave of absence.
9. This Circular can be accessed on the Department's website under <http://www.education.ie>
10. All queries should initially be brought to the attention of the school management who may wish to consult with their management representative organisation/ ETB. Any further queries may be directed to the following email address: [Lraqueries@education.gov.ie](mailto:Lraqueries@education.gov.ie)

Padraig Maloney  
Payroll Division  
17 May 2017

## PART A – SUPERVISION AND SUBSTITUTION SCHEME OPT-OUT

11. A person who is employed as a teacher in an Oireachtas-funded post during the 2016/17 school year, who is covered by the Lansdowne Road Agreement and who has a minimum of 15 years teaching service in Oireachtas-funded posts at the commencement of the 2017/18 school year may opt-out of the requirement to carry out supervision and substitution duties. In order to fulfil the 15 years teaching service requirement, the person must at a minimum:
  - (i) have commenced employment as a teacher in an Oireachtas-funded post at or before the commencement of the 2002/03 school year; and
  - (ii) have been in continuous employment in Oireachtas-funded posts since the commencement of the 2002/03 school year<sup>1</sup>.
12. The opt-out will be effective from 1 September 2017.
13. Where a teacher opts for this arrangement, he/she will not be required to carry out S&S duties and will have a reduction applied to his/her salary from 1 September 2017 on an ongoing basis until retirement. This reduction will be €1,769 as at 1 September 2017 and will subsequently change in line with changes to teacher salaries. It should be noted that opting for this arrangement will therefore have the effect of reducing the teacher's retirement lump sum and pension following his/her retirement (except where a teacher retires on or before 1 April 2019 as set out at paragraph 17 below).
14. Where a teacher opts for this opt-out arrangement and has an annualised remuneration of €65,000 or greater (inclusive of allowances in the nature of pay) and has had his/her pay reduced, the higher pay cut alleviation measures contained in the Haddington Road Agreement will continue to apply (see [Circular 0005/2014](#)). However, the reduction in salary outlined at paragraph 13 above will also apply, even in cases where such reduction causes his/her salary to reduce to below €65,000.
15. The opt-out is irrevocable and, having so opted, a teacher may not subsequently opt back in to the requirement to carry out S&S duties. A teacher who previously entered a commitment to undertake S&S on a pensionable basis and who now opts out of performing S&S duties under this Circular will forfeit pensionability in respect of any previous S&S undertaken (except where a teacher retires on or before 1 April 2019 as set out at paragraph 17 below). Furthermore, the teacher will not be entitled to a refund of the pension contributions paid on monies received in payment for S&S for the period of the commitment.
16. When the salary reductions for higher earners are restored and when the second S&S moiety of €796 is included in the teacher Common Basic Scale (see [Circular 0005/2014](#)), these measures will also be applied to a teacher who has opted out of S&S duties. However, the reduction in salary outlined at paragraph 13 above will continue to apply to his/her salary on an ongoing basis until retirement and will therefore result in a reduced retirement lump sum and pension following his/her retirement (except where a teacher retires on or before 1 April 2019 as set out at paragraph 17 below).
17. The reduction in salary outlined at paragraph 13 above will be disregarded for superannuation purposes where a teacher retiring on or before 1 April 2019 has his or her superannuation benefits calculated by reference to the pay scales and pensionable allowances applying to him/her on 30 June 2013.

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<sup>1</sup> For this purpose, periods of unpaid leave should be regarded as continuous service which do not break continuity of service

18. An eligible teacher wishing to exercise the opt-out must complete the form at Appendix 1 and submit it to the Principal of their school/Head of Centre in the first instance. The deadline for submission of forms is **Friday 26 May 2017**. The teacher should retain a copy of the completed form. Applications received by the Principal/Head of Centre after the deadline date specified in this Circular will be invalid and will not be acted upon. It is the responsibility of the individual teacher to ensure that the completed application is returned to the Principal/Head of Centre by the deadline date. The Department/ETB cannot accept any responsibility for the later return of the form by a teacher.
19. Principals of Education and Training Board schools/Heads of Centres should submit the forms by post to the Human Resources section of the Education and Training Board as soon as possible and in any event no later than **Friday 2 June 2017**. A copy of the completed form should be retained by the school.
20. Principals of Voluntary Secondary and Community & Comprehensive schools should submit the forms by post to:

S&S Scheme Opt-out Forms,  
Post-Primary Teachers Payroll,  
Department of Education and Skills,  
Cornamaddy,  
Athlone,  
Co. Westmeath

as soon as possible and in any event no later than **Friday 2 June 2017**. A copy of the completed form should be retained by the school.

21. Where a teacher opts out of S&S duties, an amount equivalent to the supervision and substitution allowance will be allocated to the teacher's school/ETB with effect from 1 September 2017 **solely for the provision of S&S duties in accordance with the pre-1 July 2013 arrangements**. This allocation cannot be used to pay full-time teachers or teachers who have opted out of S&S duties for S&S on a casual/ non-pensionable basis.

## PART B – SUPERVISION AND SUBSTITUTION OPT-IN

22. Under [Circular 0006/2014](#), certain teachers were permitted to opt out of the compulsory requirement to carry out supervision and substitution duties with effect from the beginning of the 2013/14 school year.
23. Teachers who availed of this opt-out now have the once-off opportunity to opt back in to the S&S scheme on a pensionable basis.
24. This opt-in is confined to teachers who:
  - (i) were in service in 2012/13 school-year and are still in service in the 2016/17 school-year; and
  - (ii) in the 2012/13 school-year were not then doing S&S on a pensionable basis; and
  - (iii) under [Circular 0006/2014](#) formally signed an option opting-out of S&S duties with effect from 1 January 2014.

provided that such teachers are now in a position to carry out S&S duties for a minimum of 10 years prior to retirement.
25. The opt-in will be effective from 1 September 2017.
26. A teacher who opts in will be required to carry out S&S duties and will have the salary reduction associated with the opt-out restored to his/her salary with effect from 1 September 2017.
27. Pension contributions are payable on the full restored salary. The opt-in is on a pensionable basis only where the teacher carries out S&S duties for a minimum of 10 years prior to retirement and is on a non-pensionable basis where the teacher does not fulfil this 10 year service requirement. Where at retirement the requirement of carrying out S&S duties for 10 years has not been satisfied, salary for calculation of superannuation benefits will be adjusted to exclude the appropriate amount in respect of S&S (€1,796 or €1592). Furthermore pension contributions paid in respect of the period when s/s was carried out will not be refunded.
28. The opt-in is irrevocable and having so opted, a teacher may not subsequently opt back out of the requirement to carry out S&S duties.
29. An eligible teacher wishing to exercise the opt-in must complete the form at Appendix 2 and submit it to the Principal of their school/Head of Centre in the first instance. The deadline for submission of forms is **Friday 26 May 2017**. The teacher should retain a copy of the completed form. Applications received by the Principal/Head of Centre after the deadline date specified in this Circular will be invalid and will not be acted upon. It is the responsibility of the individual teacher to ensure that the completed application is returned to the Principal/Head of Centre by the deadline date. The Department/ETB cannot accept any responsibility for the later return of the form by a teacher.
30. Principals of Education and Training Board schools/Heads of Centres should submit the forms by post to the Human Resources section of the Education and Training Board as soon as possible and in any event no later than **Friday 2 June 2017**. A copy of the completed form should be retained by the school.

31. Principals of Voluntary Secondary, Community & Comprehensive schools should submit the forms by post to:

S&S Scheme Opt-in Forms,  
Post-Primary Teachers Payroll,  
Department of Education and Skills,  
Cornamaddy,  
Athlone,  
Co. Westmeath

as soon as possible and in any event no later than **Friday 2 June 2017**. A copy of the completed form should be retained by the school.

## **APPENDIX 1**

### **OPT-OUT FORM**

Name:	
Teacher Payroll Number (not Teaching Council registration number):	
School Name:	
School Address:	
School Roll Number:	

**I confirm that I am/was employed as a teacher during the 2016/17 school-year and I am covered by the Lansdowne Road Agreement. I have read and understand the terms of DES Circular 0041/2017. I believe that I have a minimum of 15 years incremental teaching service as set out in the Circular. I wish to opt-out of the requirement to carry out supervision and substitution duties with effect from 1 September 2017 in accordance with the provisions of Circular 0041/2017. I accept that the opt-out is irrevocable and having so opted I may not subsequently change my option. I confirm that I understand and accept that my decision to opt-out of supervision and substitution duties will result in a reduction to my salary on an ongoing basis until retirement. I understand and accept that my decision will as a consequence result in a reduction in my retirement lump sum and pension following my retirement.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Education and Training Board schools/centres:** Teachers who are employed by Education and Training Boards should complete this form and submit it to the Principal of the school/Head of Centre. The deadline for submission of forms to the Principal/Head of Centre is Friday 26 May 2017. The teacher should retain a copy of the completed form. The Principal/Head of Centre should then submit the form by post to the Human Resources section of the Education and Training Board as soon as possible and in any event no later than Friday 2 June 2017. A copy of the completed form should be retained by the school.

**Voluntary Secondary, Community & Comprehensive schools:** Teachers who are employed in Voluntary Secondary, Community & Comprehensive schools should complete this form and submit it to the Principal of the school. The deadline for submission of forms to the Principal is Friday 26 May 2017. The teacher should retain a copy of the completed form. The Principal should then submit the form by post to: S&S Scheme Opt-out Forms, Post-Primary Teachers Payroll, Department of Education and Skills, Cornamaddy, Athlone, Co. Westmeath as soon as possible and in any event no later than Friday 2 June 2017. A copy of the completed form should be retained by the school.

**Applications received by the Principal/Head of Centre after the deadline date specified above will be invalid and will not be acted upon. It is the responsibility of the individual teacher to ensure that the completed application is returned to the Principal/Head of Centre by the deadline date. The Department/ETB cannot accept any responsibility for the later return of the form by a teacher.**

## APPENDIX 2

### OPT-IN FORM

Name:	
Teacher Payroll Number (not Teaching Council registration number):	
School Name:	
School Address:	
School Roll Number:	

I have read and understand the terms of DES Circular 0041/2017. I confirm that I opted out of S&S duties under Circular 0006/2014, that I am covered by the Lansdowne Road Agreement and that I wish to opt-in to the requirement to carry out S&S duties with effect from 1 September 2017 in accordance with the provisions of Circular 0041/2017. I accept that the opt-in is irrevocable and having so opted I may not subsequently opt back out of the requirement to carry out supervision and substitution duties. I understand and accept that pension contributions are payable on the salary which I will receive. I understand and accept that the opt-in is on a pensionable basis only where I carry out S&S duties for a minimum of 10 years prior to retirement and is on a non-pensionable basis where I do not fulfil this 10 year service requirement.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Education and Training Board schools/centres:** Teachers who are employed by Education and Training Boards should complete this form and submit it to the Principal of the school/Head of Centre. The deadline for submission of forms to the Principal/Head of Centre is Friday 26 May 2017. The teacher should retain a copy of the completed form. The Principal/Head of Centre should then submit the form by post to the Human Resources section of the Education and Training Board as soon as possible and in any event no later than Friday 2 June 2017. A copy of the completed form should be retained by the school.

**Voluntary Secondary, Community & Comprehensive schools:** Teachers who are employed in Voluntary Secondary, Community & Comprehensive schools should complete this form and submit it to the Principal of the school. The deadline for submission of forms to the Principal is Friday 26 May 2017. The teacher should retain a copy of the completed form. The Principal should then submit the form by post to: S&S Scheme Opt-out Forms, Post-Primary Teachers Payroll, Department of Education and Skills, Cornamaddy, Athlone, Co. Westmeath as soon as possible and in any event no later than Friday 2 June 2017. A copy of the completed form should be retained by the school.

**Applications received by the Principal/Head of Centre after the deadline date specified above will be invalid and will not be acted upon. It is the responsibility of the individual teacher to ensure that the completed application is returned to the Principal/Head of Centre by the deadline date. The Department/ETB cannot accept any responsibility for the later return of the form by a teacher.**