Circular 0023/2014

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

Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement)

Supervision and Substitution/ S&S-Related Duties for Teachers in Further Education Centres/Areas

Introduction

1. The purpose of this Circular is to notify Managerial Authorities, Education and Training Boards and teachers of Supervision and Substitution/ S&S-related duties for teachers in Further Education centres/areas, to take effect from the beginning of the 2013/14 school year, arising from the Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement).

Compulsory Supervision and Substitution/ S&S-Related Duties for Teachers in Further Education Centres/Areas

2. With effect from the beginning of the 2013/14 school year, supervision and substitution/ S&S-related duties will be compulsory for all teachers in Further Education centres/areas, save for those who avail of the opt-out arrangement described below.

3. Each teacher will be required to provide 43 hours of supervision and substitution/ S&S-related duties per annum.

4. The supervision and substitution allowance has been discontinued with effect from the commencement of the 2013/14 school year.

5. Under the terms of the Haddington Road Agreement, a gross additional payment of €1,592 will be included in the Common Basic Scale for teachers in two moieties - half in the school year 2016/17 and half in the school year 2017/18.
**Supervision and Substitution Duties for Teachers in Youthreach**

6. With effect from the beginning of the 2013/14 school year, the Supervision and Substitution scheme which applies in mainstream second level schools will also apply in Youthreach. All provisions of that scheme (as most recently revised in [Circular 0006/2014](Circular_0006_2014)) will apply.

7. Each teacher in Youthreach will be required to provide 43 hours supervision and substitution per annum. All teachers working less than full hours other than those employed on a casual basis will have a liability to deliver supervision and substitution on a pro-rata basis.

8. The time assigned to supervision and substitution will be 3 hours in any given week.

9. Each full-time teacher will be required to be available for 5 timetabled class periods per week.

10. Part-time teachers will be required to be available for the following class periods per week:

    a) Teachers working up to and including 12 hours class contact per week = 3 class periods
    b) Teachers working more than 12 and up to and including 17 hours class contact per week = 4 class periods
    c) Teachers working more than 17 hours class contact per week = 5 class periods

11. A working group involving the Department, school management bodies and unions is currently considering the issue of the rostering of supervision and substitution duties, with a view to putting a protocol in place for the 2014/15 school year. Further communication in relation to this matter will issue as appropriate.

12. Hours provided under the supervision and substitution scheme will be used in the same way as they are in post-primary schools generally. The main provisions relating to the usage of the hours are set out in sections 6 and 7 of [circular letter PPT 01/03](Circular_letter_PPT_01_03) and paragraph 9 of [circular letter 0006/2014](Circular_letter_0006_2014). For ease of reference, the text of those sections is reproduced in Appendix 2 of this circular.

**Supervision and Substitution-Related Duties for Teachers in PLC**

13. With effect from the beginning of the 2013/14 school year, each teacher in PLC will be required to provide 43 hours of supervision and substitution-related duties per annum.

14. The duties will be agreed locally in each PLC centre and should include in particular the provision of regular timetabled periods of availability of teachers to students for structured student support. The nature of the duties will be the subject of further discussion between the relevant school management bodies and trade unions. Further communication in relation to this matter will issue as appropriate.
Supervision and Substitution-Related Duties for Teachers in Prison Education Centres

15. With effect from the beginning of the 2013/14 school year, each teacher in a Prison Education Centre will be required to provide 19 hours substitution per annum (an increase from the previous level of 16).

16. Each teacher will be required to provide supervision and substitution-related duties for the remaining 24 hours of the 43 hours annual requirement. The duties will be agreed locally in each Prison Education Centre.

Supervision and Substitution-Related Duties for Teachers in VTOS

17. With effect from the beginning of the 2013/14 school year, each teacher in VTOS will be required to provide 19 hours substitution per annum (an increase from the previous level of 16).

18. Each teacher will be required to provide supervision and substitution-related duties for the remaining 24 hours of the 43 hours annual requirement. The duties will be agreed locally in each VTOS centre and should include in particular the provision of regular timetabled periods of availability of teachers to students for structured student support.

Supervision and Substitution-Related Duties for Teachers in BTEI, Adult Education, Adult Literacy or Other Further Education Centre/Area Not Referred to Above

19. With effect from the beginning of the 2013/14 school year, each teacher will be required to provide 43 hours of supervision and substitution-related duties per annum.

20. The duties will be agreed locally in each centre and should include in particular the provision of regular timetabled periods of availability of teachers to students for structured student support.

Locally Agreed Duties

21. Except where specifically provided for in relation to teachers in Youthreach, VTOS and Prison Education Centres, the locally agreed duties may not include additional class contact time. In any Further Education centre/area, the locally agreed duties may not include post of responsibility duties (i.e. those duties set out in Appendix 1 of Circular 5/98, Appendix 1 of Circular 20/98 and Appendix 1 of Circular 23/98).

22. The agreed list of duties will be formally recorded and communicated to the Head Office of the relevant Education and Training Board or retained by the Board of Management of the school, as appropriate.

Re-assignment/ Redeployment of a Teacher from a Further Education Centre/Area

23. Where a teacher currently working in a Further Education centre/area is reassigned or redeployed to another Further Education centre/area, the teacher must carry out the supervision and substitution/ S&S-related duties appropriate to the Further Education centre/area to which they are moved, save for those teachers who have availed of the opt-out arrangement described below.
24. Where a teacher currently working in a Further Education centre/area is reassigned or redeployed to a mainstream second level school, the teacher must carry out S&S duties on the same basis as teachers in a mainstream second level school (i.e. under the Supervision Scheme as amended by Circular 0006/2014), save for those teachers who have availed of the opt-out arrangement described below.

Opt-Out Arrangements

25. A person who was employed as a teacher in a Further Education centre/area during the 2012/13 school year and who had not been in receipt of the supervision and substitution allowance on a pensionable basis during the 2012/13 school year may opt-out of the requirement to carry out supervision and substitution/ S&S-related duties.

26. The opt-out will be effective from 1 January 2014.

27. Where a teacher opts for this arrangement, he/she will not be required to carry out supervision and substitution/ S&S-related duties and will have a reduction equivalent to the supervision and substitution allowance (€1,769 per annum for pre-1 January 2011 entrants or €1,592 for post-31 December 2010 entrants) applied to his/her salary on an ongoing basis until retirement. 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 31 August 2014 as set out at paragraph 32 below).

28. 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 apply (see Circular 0005/2014). However, the reduction in salary outlined at paragraph 27 above will also apply, even in cases where such reduction causes his/her salary to reduce to below €65,000.

29. The payroll adjustments arising from the opt-out will be implemented at the earliest possible date after the deadline for submission of opt-out forms and with retrospective effect to 1 January 2014.

30. The opt-out is irrevocable and having so opted, a teacher may not subsequently opt back in to the requirement to carry out supervision and substitution/ S&S-related duties.

31. When the salary reductions for higher earners are restored and when the gross additional payment of €1,592 is included in the teacher Common Basic Scale under the terms of the Haddington Road Agreement (see Circular 0005/2014), these measures will also be applied to a teacher who has opted out of supervision and substitution/ S&S-related duties. However, the reduction in salary outlined at paragraph 27 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 31 August 2014 as set out at paragraph 32 below).

32. A teacher who retires on or before 31 August 2014 will have his or her superannuation benefits calculated by reference to the pay scales and pensionable allowances applying to him/her on 30 June 2013 i.e. the reduction in salary outlined at paragraph 27 above will
be disregarded for superannuation purposes for those retiring on or before 31 August 2014.

33. 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 was 28 February 2014 but as an exceptional measure for teachers in Further Education centres/areas this has been extended to 28 March 2014. As there is a liability to perform supervision and substitution/ S&S-related duties until the opt-out is exercised, the teacher may be timetabled for supervision and substitution/ S&S-related duties in accordance with the terms of this Circular pending receipt of an opt-out form from that teacher.

34. Principals of Education and Training Board schools/ Heads of Centres should submit the forms by post to the Payroll section of the Education and Training Board as soon as possible and in any event no later than 31 March 2014.

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

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

   as soon as possible and in any event no later than 31 March 2014.

Circulation and Queries

36. 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 relevant teachers in your employment including those on leave of absence.

37. This Circular can be accessed on the Department’s website under http://www.education.ie.

38. Queries in relation to this Circular should be addressed to the relevant ETB in the first instance or tohraqueries@education.gov.ie

Phil O’Flaherty
Further Education Section
March 2014

Padraig Maloney
Payroll Division
March 2014
APPENDIX 1

SUPERVISION AND SUBSTITUTION OPT-OUT FORM (FE TEACHERS)

Name: ____________________________________________________________

Teacher Payroll Number (not Teaching Council registration number): _______________

School and School Address/ Centre and Centre Address: ___________________________

______________________________________________________________

School Roll Number (if applicable): ______________________________________

I confirm that I was employed as a teacher in a Further Education centre/area during the 2012/13 school year and was not in receipt of the supervision and substitution allowance on a pensionable basis during the 2012/13 school year and that I wish to opt-out of the requirement to carry out supervision and substitution/ S&S-related duties in accordance with the provisions of Circular 0023/2014. I confirm that I understand that my decision to opt-out of supervision and substitution/ S&S-related duties will result in a reduction to my salary on an ongoing basis until retirement and, if I retire on or after 1 September 2014, will result in a reduction in my retirement lump sum and pension following my retirement.

Signature: __________________________________________________________

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/ Head of Centre. The deadline for submission of forms is 28 March 2014. The Principal should then submit the form by post to the Payroll section of the Education and Training Board as soon as possible and in any event no later than 31 March 2014.

Voluntary Secondary and Community & Comprehensive schools: Teachers who are employed in Voluntary Secondary and Community & Comprehensive schools should complete this form and submit it to the Principal of the school. The deadline for submission of forms is 28 March 2014. The Principal should then submit the form by post to:

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

as soon as possible and in any event no later than 31 March 2014.
Appendix 2

Extracts from Circular Letters outlining the Usage of Hours for Supervision and Substitution at Post-Primary Level.

1. Extract from Circular Letter PPT 01/03

6. Supervision

6.1 School management has a responsibility to discharge its duty of care to pupils and to provide adequate supervision of pupils during the full period of time that schools are in operation.

6.2 Teachers are routinely involved in a variety of situations in the supervision of pupils in their care as part of their contractual duty of care. Supervision of pupils in classes under their control is an integral part of a teacher’s professional duties and contract of employment. The issue being addressed in this scheme relates to supervision of students on the school premises outside of specified classroom teaching duties that has, up to the present, generally been provided by teachers on a voluntary basis. Under this scheme, the Department will make resources available to schools to provide supervision on a paid basis.

6.3 The supervisor in discharging his/her duty should take such care as to ensure the health and safety of the pupils as is reasonable in the circumstances.

7. Substitution

7.1 Substitution is the replacement of an absent teacher by another qualified teacher and substitution arrangements should aim to maximise appropriate teaching during substitution periods.

7.2 At present, the Department provides for paid substitution for specified approved teacher absences. In the case of absences for which paid substitution is available, schools normally employ a suitable qualified substitute as soon as possible to teach the subjects and classes of the absent teacher.

7.3 Under the terms of this agreement, the Department will now provide schools/VECs with resources to extend paid substitution for absences of teachers on uncertified sick leave, and other approved absences on school business, with a view to minimising the disruption of teaching programmes and improving the service to pupils. This substitution should be arranged in the normal way by the employment of a substitute teacher.

7.4 In addition, in order to facilitate school management in dealing with short-term unplanned or unexpected absences, teachers already employed by the school may commit to and be paid for casual substitution under the supervision and substitution arrangements set out in Paragraph 3 of this Circular. This does not alter the existing arrangements for part-time teachers to undertake duties as a substitute in the normal way.
2. **Extract from Circular Letter 0006/2014**

**Usage of Hours under the Supervision and Substitution Scheme**

9. Hours provided under the revised Supervision and Substitution scheme will, in addition to usage under the existing scheme, be used as follows:

- With effect from commencement of 2013/14 school year – to cover all uncertified sick leave absences
- With effect from commencement of 2014/15 school year – to cover the first day of force majeure leave and illness in family leave