



July Education Programme 2019

School Based Programme - Key Terms and Conditions

This document should be read in conjunction with the Frequently Asked Questions document which also forms part of the key terms and conditions of the Programme. The July Education Programme is an extension of the school year for children with a severe or profound general learning disability or children with an Autism Spectrum Disorder (ASD). Accordingly, the terms and conditions governing staffing and resources in the regular school year are also applicable to the July Programme unless otherwise stated.

Staffing resources for the JEP, i.e. teachers and SNAs are the same as those provided for the *participating children* during the normal school year, having regard to the prevailing Pupil Teacher Ratio and, subject to the full participation of the relevant students. Staffing resources in excess of the current allocation to the class (es) providing the programme will not be approved. Schools are however required to engage an Overseer to manage the programme, the defined duties for which are outlined below.

1. Minimum Numbers of Participants

Schools are asked to note that classes must be comprised of a minimum of four children **enrolled** in the special class to be considered eligible to participate in the school based July Programme. Schools are advised that children in mainstream classes with a diagnosis of autism and wishing to participate in the school based programme will not be reckoned for the purpose of determining minimum numbers.

2. Overseer

The Overseer Allowance is payable to principals or permanent teachers who undertake this role.

The Overseer must be a principal, deputy / vice principal or permanent qualified teacher, employed by the school. Only one person should be employed to fill this position.

As the primary role of the Overseer is to manage/oversee the Programme, the Overseer is not permitted to participate in the programme in a teaching role except in circumstances where the Principal is a teaching principal in a special school. The Overseer position is a full-time remunerated post and as such, the Overseer, in their capacity as programme manager, must be present in the school for the full duration of the programme in order to deal with any issues which may arise. Defined duties include but are not limited to ensuring:

- compliance with the terms and conditions of the scheme
- all staff participating under the programme are familiar with the terms and conditions of the scheme and their employment
- only eligible teachers and SNAs are employed in the scheme
- the information provided to the Department in the context of the relevant forms is accurate
- the eligibility of children to participate in the programme
- the resources employed for the July Programme do not exceed approved allocations for ***participating children***

School authorities should ensure that the nominated individual is aware and available to discharge their duties in this regard.

In exceptional circumstances, where for example the Overseer takes on a teaching role on a temporary basis, such as to provide cover for the sudden illness /absence of a teacher, no additional payment will be made to the Overseer.

3. Preparation Allowance

In certain limited circumstances, a Preparation Allowance may be payable to individuals who held this entitlement prior to Feb 2012.

Where the Preparation Allowance is payable, an allowance of €1,401 will be paid to one individual employed by the school on a permanent basis to undertake specific duties as outlined below.

- Carry-out the preparation work for the programme, Assess demand, seek undertakings, submit initial resource forms, application forms, recruit staff, arrange school transport etc.
- Complete and return the payment claim form, by email, to the Department including the staffing and attendance element/final claim form which must be completed after the programme has been completed.
- Deal with any subsequent queries that may arise during processing of the claim form including the period following the programme up to and potentially after the specified pay date
- Facilitate the payment of staff employed directly by the school

Schools should ensure that the nominated individual is aware and available to discharge their duties in this regard. In particular the nominated person is responsible for the **accurate** completion of the above forms as upward adjustments to amounts payable arising from the incomplete or inaccurate submission of information will not be considered after the specified payment date. Similarly, the Department will not be responsible for the correction of payments arising from the inaccurate submission of information.

In view of the specific nature of the duties associated with this allowance, the individual undertaking this role, must be currently employed and working in the school in which the programme is being delivered in the relevant year. Teachers on secondment are not therefore eligible to receive this allowance during their period of secondment, irrespective of whether the allowance was held prior to 2012.

Where the Preparation Allowance is not payable, the above duties must be undertaken by the Overseer.

4. Teaching Staff

All teachers employed in the July Programme must be recruited in accordance with circulars 31/2011 and 52/2013, i.e qualified in the sector in which they are employed during July and registered with the Teaching Council. Teachers should refer to the document "Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools" for further/current information governing the employment of teachers, as applicable to the July Programme.

5. Permanent Qualified Primary Teachers Including Overseers Employed in Primary Schools and Special Schools

Note

The allowance payable in respect of the Overseer post is similar to that payable to permanent teachers, as outlined below.

There are two payment options available to permanent qualified primary teachers including Overseers who are;

- a) Registered in the primary sector **AND**
- b) Teaching in the primary sector during the July Programme

Option 1: Additional salary to include allowances where payable, and calculated on the basis of each day worked.

Option 2: The qualified primary hourly rate for each standard **full** school day (5 hours and forty minutes) of the programme, Monday to Friday only. (See Programme Rates document).

Teachers working an infant day and opting for an hourly rate will be paid on the basis of reduced infant hour day. Where a school/class comprises exclusively of infant aged children, the reduced infant hour rate will be paid to all staff who opt for an hourly rate. Consideration will not be given to the payment of an extended full day rate based on preparation, school transport requirements or any other such grounds.

N.B.

Teachers participating in the programme should be informed of these options and asked to select an option prior to the start of the programme. Overseers are strongly advised not to select options on behalf of staff, as retrospective consideration of more economically favourable remuneration will not be considered under any circumstances.

6. Temporary/ Substitute Teachers Employed in Primary Schools and Special Schools

Temporary/substitute registered primary teachers teaching in the primary sector will be remunerated at the relevant qualified primary hourly rate.

The relevant unqualified rate will be payable in all cases where the temporary/substitute teacher is registered in a sector other than the primary sector.

7. Permanent Teachers- Special Schools Sanctioned to Appoint Teachers with other Qualifications –Secondary Tops Schools

As provided for under Circular 31/2011, special schools must recruit teachers registered under Regulation 2 or 3 of the *Teaching Council [Registration] Regulations 2009* except in the case of special schools that cater for pupils of post-primary age where it is sanctioned by this Department as being appropriate to appoint teachers with other qualifications.

Permanent teachers employed in such schools and participating in the July Programme **in their own** schools will be paid in accordance with the general pay terms applicable to the post in the normal school year or at the relevant hourly rate as selected by the teacher.

8. Temporary/Substitute Teachers Employed in -Special Schools Sanctioned to Appoint Teachers with other Qualifications (Secondary Tops Schools)

Temporary and substitute teachers providing July Provision in such schools will be paid at the relevant hourly rate having regard to their service and teaching council registration.

9. Permanent Post Primary Qualified Teachers Including Overseers- Post Primary Schools

There are two payment options available to permanent qualified post primary teachers including Overseers who are:

- a) Registered in the post primary sector and
- b) Teaching in the post primary sector during the July Programme

Option 1: Additional salary to include allowances where payable and calculated on the basis of each day worked

Option 2: The qualified post primary hourly rate for each standard full school day of the programme, Monday to Friday only. (See Programme Rates document)

10. Temporary/Substitute Teachers-Post Primary Schools

Temporary/substitute registered post-primary school teachers teaching in the post primary sector, will be remunerated at the relevant qualified post primary hourly teacher rate.

The relevant unqualified rate will be payable in all cases where the temporary/substitute teacher is registered in a sector other than the post primary sector.

11. Retired Teachers

Teachers who have retired on medical grounds Strands 1 and 2 cannot participate in the July Programme. Teachers retired under Strand 3 are subject to the restrictions of the pension scheme governing their retirement. Retired teachers in receipt of a supplementary pension who wish to take up employment in the July Programme are not eligible to receive payment of the Supplementary Pension payable by this Department for the duration of the employment and should notify the Pensions unit of their intention to work on the July Programme prior to the commencement of employment. Retired teachers whose employment is provided for in specific circumstances under Circular 31/2011 are also subject to the stated conditions governing eligibility and pay outlined in this document.

12. Job Sharing Teachers and SNAs

In accordance with the provisions of the document “Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools” and relevant circulars in the case of SNAs, job-sharing teachers and SNAs cannot opt to work full time during the July Programme. Job-sharing teachers or SNAs who are engaged in the July Programme must work in accordance with their normal working pattern. i.e. 3 days, 2 days, week on/week off etc. Job-sharing teachers or SNAs cannot opt to compress their monthly hours/days into a full-time, two week pattern, i.e. a teacher/SNA who normally works a 3 day/2 day pattern cannot work for 5 days Monday to Friday for two weeks. Similarly, teachers/SNAs that ordinarily work a week on/week off pattern cannot work for two consecutive weeks during the July Programme. Where this occurs teachers/SNAs will only be remunerated for the time worked in accordance with normal job-sharing patterns.

13. Special Needs Assistants

Special Needs Assistants employed by the Department of Education and Skills in a full-time/ regular part-time capacity up to and including July 2018, and whose contracts do not expire before 31st August 2019, will be entitled to additional salary based on the point of scale payable during July 2019 and calculated on the basis of each day worked. Where a school/class comprises exclusively of infant aged children, the reduced infant rate will be paid to all SNAs without exception. Consideration will not be given to the payment of an extended full day rate based on preparation, cleaning, school transport requirements or any other such grounds.

Substitute SNAs. i.e Special Needs Assistants who are not employed by the Department of Education and Skills, at the time of commencement of the programme or SNAs who may previously have worked in a substitute capacity, will be paid an equivalent daily rate, in accordance with relevant governing circulars, published Departmental rates and general pay policy, for each day worked, **Monday to Friday only**.

14. General Note re Rates of Pay

Since 2011, a number of rate changes have been introduced for both teachers and SNAs. The rate to apply to each employment type will be determined by the date of registration, where appropriate, date of commencement of employment and the relevant governing circulars in effect at the time. The applicable rates are outlined in the Programme Rates document.

15. Holiday Pay

Arising from the introduction of circulars 0015/2015 and 0065/2015, rates payable under the programme have been adjusted in 2018 to take account of the cessation 'of rolled up holiday pay'. Holiday entitlements will however continue to accrue to relevant staff in accordance with the terms of the circular. Payment of these entitlements as provided for under relevant governing circulars will be included with overall remuneration due on the specified pay date.

16. Resources

Schools are required to operate the July Programme within existing allocations for participating children. Staff employed in excess of approved allocations for participating children will not be paid and this cost must be met by the school. Where the number of children enrolled in the special classes and participating in the JEP is less than those enrolled in the special classes in the normal school year, then the staffing should be reduced proportionately. It is a matter for the school to establish and ensure that their programme operates within existing approved and appropriate allocations for the participating children. Where schools are in any doubt regarding the appropriate level of resources for the participating children they should contact their SENO and this office in this regard. Failure by a school to satisfy itself as to the permitted resources, by way of written confirmation, from the SENO and/or the Department, will not subsequently be considered as grounds for appeal.

17. Eligible Staff

Teachers and SNAs who are currently availing of any of the following schemes, are not eligible to deliver school based tuition.

- maternity leave
- sick leave,
- disability pension,
- early retirement schemes
- any approved leave of absence

Teachers who are on a career break should refer to the document “Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools” with regard to their eligibility to work during July. Exemptions provided for under TC 001/2018 which provides for the employment of teachers in a substitute capacity while on career break up to the end of the 2017-2018, without the restrictions imposed by Paragraph 5.1 of Chapter 8 of the above document, will also extend to the 2018 July programme.

“In accordance with the provisions of the document “Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools” and relevant circulars in the case of SNAs, job-sharing teachers and SNAs cannot opt to work full time during the July Programme. Job-sharing teachers or SNAs who are engaged in the July Programme must work in accordance with their normal working pattern. i.e. 3 days, 2 days, week on/week off etc.”

Teachers who are not Irish, EU, EEA or Swiss citizens must have prior permission/appropriate work permits to work in this state before they may provide tuition under the JEP.

Teachers on secondment should refer to the terms of their relevant contracts to establish their eligibility to work on the July Programme. In all cases, teachers on secondment and participating in the July Programme will be required to provide this office with written consent from the Director of the service concerned, regarding the secondee’s employment in the programme **prior** to commencement of employment.

Teachers or SNAs employed on the July Programme who are subsequently identified to have been ineligible to participate in the programme will not be paid by the Department and the cost of their employment must be borne by the school. Furthermore, failure on the part of the school authority to establish eligibility will not constitute grounds for appeal. School authorities should ensure that all proposed staff are eligible to participate, in order to avoid any subsequent shortfall in funding or salary arising. Where a school authority, teacher or SNA is in any doubt regarding their eligibility to participate, they should contact this office directly for clarification.

18. Compliance

Responsibility for compliance with the stated terms and conditions of the scheme rests with the Overseer and/or the school authority. Furthermore, any cost arising from a breach of stated terms and conditions, will not be met by the Department.

19. Vetting Arrangements

Schools are required to comply with Department of Education & Skills vetting arrangements which are outlined in Circular 31/2016, 16/2017 and 72/2017.

20. Child Protection

In line with Child Protection Guidelines, the staffing of the July Programme should take account of the requirement that the Designated Liaison Person or Deputy Designated Liaison person would be employed in a teaching or Overseer capacity during the July Programme. Where neither of the above can participate in the programme, a substitute should be named. Further Information on Child Protection issues can be obtained by accessing the following:

<https://www.education.ie/en/Parents/Information/Child-Protection/>

21. Health and Safety

It is the responsibility of Boards of Management to ensure that adequate supervision arrangements are in place to ensure the welfare and safety of students participating in the Extended School Year Scheme (July Programme)

Boards of Management should be mindful of additional risks or potential dangers that may arise where new staff are recruited who may not be familiar with some students' highly complex medical or behavioural needs.

Parents should also satisfy themselves that their children are in a safe environment and where they may have concerns, such concerns should be raised with the Board of Management.

22. Extra Personal Vacation

Principals and permanent qualified teachers engaged in delivering July programmes are entitled to a maximum of 4 days extra personal vacation (EPV) (one day for each week worked), in keeping with the EPV scheme. Principals or teachers are not permitted to exceed an overall maximum of 5 (EPV) days in the school year. The Principal may approve EPV leave for the teacher in accordance with the terms of circular 37/97, 35/2009. EPV leave taken should be entered on the On-Line Claims System (OLCS) in line with current practice.

23. Capitation

Capitation of €5.25 per pupil per day will be paid to schools in respect of each child participating in the programme. Capitation will not be paid where a participant does not present for any of the July Programme.

24. School Transport

Where feasible, existing transport arrangements will continue to operate for those children who are eligible for school transport and who have been approved to participate in the July Programme.

Enquiries in relation to transport arrangements should be made to the local Bus Éireann Office.

25. General Data Protection Regulations

The Department of Education and Skills when processing data adheres to the principles of transparency, accountability and security of the General Data Protection Regulation. This Department has put in place appropriate technical and organisational measures in order to ensure – and to be able to demonstrate – that our processing of personal data is in compliance with the higher standards of the General Data Protection Regulation (GDPR), having regard to the nature, scope, context and purposes of the processing and the risks of varying likelihood and severity that might arise therefrom for the rights and freedoms of individuals.

Further Information on Data protection can be obtained by accessing the following link:

<https://www.education.ie/en/The-Department/Data-Protection/Information.html>

Additional Information

Further details in relation to the scheme are outlined in the FAQ document which also forms part of the key terms and conditions of the scheme. As responsibility for compliance with the terms and conditions of the scheme rests with the Overseer and/or school authority, it is recommended that Overseers/school authorities would clarify any remaining queries directly with this office. All relevant documentation will be available on the Department's website at <http://www.education.ie/en/Parents/Services/July-Provision/> in due course. Overseers are advised to bring this and other programme documents to the attention of all staff considering employment in the July Programme in order that they are aware of the relevant conditions of employment in advance and to avoid any potential subsequent disputes regarding pay, conditions, eligibility etc.