Appendix D

Teacher and Principal Appointment Procedures

The procedures set out in this appendix are designed to provide fair and impartial procedures for candidates for appointment and a Board of Management is bound to apply these procedures.

These procedures have been authorised by Statute and agreed by and between the parties identified under the Education Act, 1998, i.e., the Patron/Trustees the management authorities, teacher representatives, parent representatives and the Department of Education & Skills.

Boards of Management are advised to consult the Department of Education and Skills website for the most up to date information and regulations.

Reference to “days” in Appendix D is to be taken to mean calendar days unless otherwise indicated.

1. The Role of the Board of Management

1.1. Section 24 (1) – (4) of the Education Act provides as follows:-

24.—(1) Subject to this section, a board may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act.

(2) The numbers and qualifications of teachers and other staff of a school, who are to be paid from monies provided by the Oireachtas, shall be subject to the approval of the Minister, with the concurrence of the Minister for Finance.

(3) A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate.

(4) Pending the agreement of procedures provided for in subsection (3), the procedures applied in the appointment, suspension and dismissal of teachers or other staff immediately before the commencement of this section shall, after such commencement, continue to be applied.

1.2. Agreed procedures under Section 24(3) of the Education Act may be accessed on the Department’s website at www.education.ie,
1.3. In accordance with Section 15 of the Education Act 1998 the Board of Management manages the school on behalf of the Patron. All appointments of teachers in the school shall be made by the Board of Management in accordance with the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron.

1.4. Boards are reminded of:


1.4.2. requirements set out in the Rules for National Schools and Department circulars concerning the Diocesan and other approved redeployment panels.

1.4.3. requirements in regard to qualifications and registration of teachers. Boards of Management of primary schools are obliged to recruit and employ teachers qualified for the post and suitably registered with the Teaching Council. Up to date registration requirements may be accessed on www.education.ie.

1.4.4. requirements to comply with the Constitution for Boards and Rules of Procedure.

2. General Procedures for the Appointment of Teachers and Principals

2.1. Preliminary

2.1.1 Schools are required to comply with the relevant redeployment arrangements before they can proceed to fill posts through a public advertisement process.

2.1.2 A Board of Management must not advertise a teaching post without first ensuring that:

(a) the post is not required to meet any obligation to existing teachers in respect of eligibility for a CID (contract of indefinite duration),

(b) all relevant redeployment panels are clear or all persons on the panel(s) have declined in writing the offer of a post, and

(c) any panel established by a school following interviews for a post (“internal panel”) is clear.

2.2. Advertisements
2.2.1. All vacancies of 24 weeks or more shall be notified to all teaching staff of the school and shall be advertised on one of the websites as determined by the management bodies from time to time *or* in at least one national daily newspaper.

Boards are advised to consult their management body for details of the current recommended websites for advertisement of posts. As of Sept 2011 these include:

<table>
<thead>
<tr>
<th>General</th>
<th>Management Bodies/Employers</th>
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<tbody>
<tr>
<td><a href="http://www.educationposts.ie">www.educationposts.ie</a></td>
<td><a href="http://www.educatetogether.ie">www.educatetogether.ie</a></td>
</tr>
<tr>
<td><a href="http://www.staffroom.ie">www.staffroom.ie</a></td>
<td>Websites of the Vocational Committees</td>
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Advertisements for the post of Principal may also be advertised on www.publicjobs.ie.

2.2.2. The advertisement shall invite applications with curriculum vitae *or* on the agreed standard application form from eligible teachers to be submitted by a specified date to the Chairperson of the Board of Management at the specified address. *Applicants should not be required to submit both a curriculum vitae and an application form.*

The advertisement *shall* state:-

(a) the name, address, roll number and patronage of the school.
(b) the number of teaching posts (including Principal).
(c) the nature of the vacancy (i.e. whether a teaching post or a Principalship).
(d) the status of the vacancy (i.e. whether permanent or fixed term (temporary), whole-time or part-time).
(e) the expected date of commencement of the post.
(f) the address to which applications should be sent. This may be a postal *or* e-mail address (see 2.3 for electronic application/e-mail procedures).
(g) the latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
(h) whether a curriculum vitae or standard application form are required. (Applicants should not be required to submit both a curriculum vitae and an application form.)
(i) the nature of the duties which may initially be allocated to the post (e.g. learning support, resource teacher, etc.). It should be stated that duties included in the advertisement may be subject to change
(j) a list of documentary information required to support the application i.e., Evidence of qualifications; Teaching Council confirmation of registration; compliance with current Garda vetting and OHS requirements.

(k) Any other required documentation e.g. certificate to teach Catholic religious education for schools under Catholic Patronage.
2.2.3. The advertisement may also state

(a) Whether or not a list of suitable applicants may be set up from which future vacancies may be filled.

(i) Permanent vacancies may not be filled from a panel established following interviews for a fixed term post.

(ii) Where interviews for a permanent or fixed-term post have taken place then such an internal panel may be used to fill fixed-term and substitute vacancies equal to or of shorter duration than that interviewed for.

(iii) Where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Board approves the successful candidate and the order of merit of the qualifying candidates, subject to the prior approval of the patron.

(iv) Posts should be offered to qualifying candidates in order of merit as determined under 2.6.6. The list may only be compiled if referred to in the advertisement.

(b) Whether a stamped addressed envelope is required for the return of documentation.

(c) That applicants should mark envelope “Application”

(d) Whether a minimum number of applications are required for the competition to proceed

A copy of the advertisement must be kept and should be placed in the personnel file of the successful candidate. If the position is advertised online a copy of same should be downloaded.

2.2.4. An internal panel referred to in 2.2.3 shall not be set up for the position of Principal. This should not be confused with an order of merit which can be used if a higher ranking candidate declines the position.

2.2.5. Special care shall be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.

2.2.6. Advertisements must not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race & member of the Travelling Community.

2.2.7. There shall be no unreasonable delay between the notification of vacancy, insertion of the advertisement and the filling of the post.
2.2.8. Posts that are sanctioned on a permanent basis should be filled by a permanent appointment unless special circumstances apply.

2.2.9. Vacancies for Principal Teachers should not be advertised in July or August, except in exceptional circumstances and with the prior approval of the Patron.

2.3. **Electronic Applications**

2.3.1. Where the Board of Management chooses to accept electronic (e-mail) applications then the following procedures should be followed:

(a) A separate e-mail account should be set up for the application process. Where the school does not have access to a distinct e-mail address then a service such as g-mail may be used e.g. Schoolnameapplications@gmail.com

(b) Access to this account should be restricted to members of the selection board only.

(c) The closing date and time should be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail.

(d) Where, under 2.5.2, the Board of Management sets a minimum number of applications that must be received for the competition to proceed and where this minimum number has been reached the applications shall be opened and downloaded by the Selection Board at its short-listing meeting.

(e) The applications will be assessed in accordance with normal procedures.

(f) Notification of calls for interview and the documentation listed under 2.6.1 (below) may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.

(g) Where a number of candidates are e-mailed at the one time then care should be taken that individuals’ confidentiality is maintained. Boards should utilise the :bcc option or e-mail applicants on an individual basis.

(h) Schools may decide to reply in writing (including via e-mail) to those unsuccessful candidates who presented at interview. This may also apply to the successful candidate. However, if e-mail is used a copy of the letter to the successful candidate should be placed on his or her personnel file.

(i) Ongoing use of e-mail address. Where the same e-mail address is utilised for subsequent competitions the passwords should be changed to ensure that only the new selection board has access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the selection board.

(j) All e-mail applications should be deleted following completion of a selection process. All personal data should be held securely, only for as long as is relevant, and in accordance with data protection guidelines.
2.4. Selection Board

2.4.1. A Selection Board shall be constituted and shall comprise of:-

(a) For appointments to a Teaching Post - Chairperson of the Board of Management, the Principal Teacher and an assessor independent of the Board of Management, to be appointed by the Patron after consultation with the Chairperson.

(b) In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly-appointed Principal shall fill the position of Principal on the Selection Board.

(c) For appointment to the post of Principal - Chairperson of the Board of Management and at least two assessors independent of the Board of Management, to be appointed by the Patron after consultation with the Chairperson.

2.4.2. At least one of the members shall be a woman and at least one a man.

2.5. Short Listing of Applications

2.5.1. The Selection Board shall meet as soon as is practicable and any documents and/or notes created by it shall be retained by the school for a period of 18 months.

2.5.2. Prior to advertising a position, the Board of Management may set a minimum number of applications which must be received for the competition to proceed.

2.5.3. Where the minimum number of applications has been specified and is not met, the post shall be re-advertised with a provision included that persons whose applications are received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.

2.5.4. The Selection Board shall, in the first instance, establish agreed criteria for the assessment of the applications. In establishing a criteria, the following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-

- professional qualifications
- registration with the Teaching Council
- teaching experience
- other relevant experience e.g. experience in Special Needs; multiclass teaching etc

Boards are advised to refer to www.education.ie for the most up to date qualification and registration requirements for appointment to teaching and principal posts.
The criteria selected must reflect the needs of the school and a copy of the criteria will be sent to all candidates who are called for interview.

Care must be taken to ensure that the criteria do not lead to discrimination on grounds set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race & member of the Travelling Community.

2.5.5. Any member of the Selection Board, including the Chairperson, who stands in a material relationship to a person who is a candidate for employment in the school, shall disclose this relationship to the Board of Management and, where necessary, withdraw from the Selection Board. The Patron shall nominate another Chairperson or member in their place. Such exclusion will stand for the entire process through to ratification at Board of Management level. The person so excluded shall not play any part in the deliberations or decision of the Board of Management on the matter but shall continue to participate as appropriate in all other business of the Board of Management.

(a) The disclosure and the decision shall be recorded in the minutes of the Board. In this context Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.

(b) Knowing a person in a professional capacity (i.e. having taught or worked with them in the past) is not in and of itself a material relationship. A disclosure should be made and recorded as such by the selection board or the Board of Management as the case may be.

(c) Failure to disclose any material relationship to the selection may invalidate the process.

2.5.6. If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Selection Board or, where the minimum number of applications set by the Board of Management under 2.5.2 for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.

2.5.7. Selection of candidates for interview will be based on an initial assessment of applications against the criteria established under 2.5.4 above.

2.6. Interviews

2.6.1. Calls to interview should normally be issued in writing or by e-mail within three clear weeks of the latest date for receipt of applications. Each applicant called for interview shall be given:-

(a) at least seven clear days written notice of a specific interview time outside school hours.
(b) details of the established criteria for the post shall be included with the written notice of interview

(c) the Chairman should ensure that the interview venue is fully accessible and in compliance with all Disability and Health and Safety legislation, a request for the candidate to notify the Selection Board if they require any additional assistance in relation to a special need should also be included.

2.6.2. The venue for the interviews should be comfortable and appropriately furnished for a meeting between a group of adults, and should include a comfortable waiting area.

2.6.3. The Selection Board should, as far as practicable, ensure that, while in the interview venue, candidates do not meet each other either prior to or after the interview.

2.6.4. All questions at interviews shall relate to the requirements of the particular post and of the Rules for National Schools. No question shall be asked nor information sought in any form from a candidate which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions put should not give the impression that the Board has a preconceived view of the suitability of either a man or a woman for a particular post.

2.6.5. Each assessor is required to complete his or her own individual marking sheet and give it to the Chairperson of the Selection Board on completion of the interviews. Copies of these sheets will be made available to candidates on request.

2.6.6. The individual marks shall be added and the final mark for each candidate will be used to produce a ranking of candidates who are deemed suitable for appointment. The Chairperson shall furnish the final marks and the ranking to the Board of Management together with a written report, nominating the applicant(s) whom it considers suitable for appointment.

2.6.7. Confirmation of the receipt of suitable references of the highest ranked candidate(s) nominated for appointment must be included in the written report. References may be obtained in written or verbal format from the referees nominated by the candidate in their application form.

2.6.8. A copy of the agreed ranking list of candidates shall be retained by the Board of Management for use in the event of the post not being filled by the highest ranked nominee. References of candidates shall be checked prior to any offer of appointment being made.

2.6.9. The Board of Management shall appoint the highest ranked nominee to the post unless it has good and sufficient reason not to do so and such reason was not known to the Selection Board; in which instance the matter shall be
referred to the Patron, whose decision in this matter shall be accepted by the Board.

2.6.10. The prospective employee should not be offered the appointment until the prior approval of the patron has been obtained by the Chairperson of the Board of Management.

2.6.11. The Board of Management must ensure compliance with the current requirements in relation to Garda Vetting and in relation to the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to teaching positions. Current requirements are outlined on www.education.ie.

2.7 Order of seniority

2.7.1 Where two or more teachers commence duty on the same day, the Board of Management shall establish the order of seniority based on the order of merit determined by the Selection Board.

2.8 Notification of applicants

2.8.1 With the prior approval of the Patron having been received in accordance with 2.6.10 the Board shall notify the teacher in writing of his/her proposed appointment. The letter of offer to the successful candidate should state that the offer is subject to—

(a) the sanction of the Minister,
(b) confirmation of qualifications,
(c) continued registration with the Teaching Council,
(d) compliance with Garda vetting requirements, and
(e) pre-employment medical screening.

A template letter of offer may be found on www.education.ie.

2.8.2 As soon as the Board of Management has received written notification of the teacher's acceptance of the post, all unsuccessful interviewees shall be notified.

2.8.3 Both the successful candidate and the Chairperson shall complete the relevant appointment form and forward it to the Primary Payroll Section of the Department of Education and Skills. If the post is warranted and the Chairperson of the Board certifies that the teacher has met the criteria and the appointment has been made in accordance with the procedures outlined in this appendix and current Departmental Circulars, the Minister for Education and Skills will sanction the appointment.

2.8.4 Records of the advertisement, criteria for assessment of applicants, the written
report to the Board of Management and any other record of the Selection Board shall be kept for a minimum period of 18 months by the Board of Management in accordance with Data Protection procedures.

2.9 Contracts

2.9.1 A Board of Management, as employer, must provide his/her employee with a written statement of the particulars of the employee’s terms of employment - e.g., place & hours of work, responsibilities, disciplinary/grievance procedures, employer policies (health & safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 and 2001.

2.9.2 Teachers engaged for their first permanent or fixed-term (temporary) contract should receive their written terms of employment within two months of the date of their appointment. Any subsequent contract must be furnished prior to the date of renewal/commencement of that contract. The terms and conditions should be signed in duplicate by the employee and the employer. The School should retain one of the duly completed duplicate terms and conditions on the teacher’s personnel file and furnish the other to the employee.
3. **Appointments as Principal Teacher or as Teacher in convent and monastery schools**

3.1. If the authorities of the Religious Order concerned wish to appoint a member of the Order the Board of Management shall, subject to the prior approval of the Patron and of the Minister, appoint the person proposed by these authorities provided that the person is registered with the Teaching Council and qualified for the post in question, references have been received from the Principal or Chairperson of the Board of Management of the member’s current or previous school and compliance with Garda vetting requirements.

3.2. Where a Religious Order has been guaranteed a certain number of posts in a reorganised school which is not a convent or monastery school, the Board of Management shall, subject to the prior approval of the Minister, appoint to such posts members of the order nominated by the authorities of the Religious Order concerned provided that the persons nominated are registered with the Teaching Council and qualified for the post(s) in question, references have been received from the Principal or Chairperson of the Board of Management of the member’s previous school and are in compliance with Garda vetting requirements.

3.3. Where a teacher is appointed under (3.1) or (3.2) above, the Religious Order may, at its sole discretion, remove a member of the order from a position where such a member was appointed to the position in accordance with this provision. Such a provision should be included in the teacher’s contract.

3.4. If the authorities of the Religious Order consider that a lay person should be appointed, the procedure set out under Section 2 of this Appendix shall be followed.

4. **Appointment of fixed term (temporary) teachers**

Where a teacher is granted temporary leave i.e. career break, secondment etc., it shall be the responsibility of the employing authority to employ a fixed-term (temporary) replacement for the period of the temporary absence.

A fixed term contract of employment is one where the end of the contract is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event. Details on the operation of the Protection of Employees (Fixed Term Work) Act in the education sector may be found on [www.education.ie](http://www.education.ie).

4.1. **Obligations of the Board**

4.1.1. A Board of Management, as employer, must provide his/her employee with a written statement of the particulars of the employee’s terms of employment e.g., place & hours of work, responsibilities, disciplinary/ grievance procedures, employer policies (health & safety, harassment, sexual harassment, etc), some of which are statutory requirements under the Terms of Employment (Information) Act 1994.

4.1.2. Teachers engaged for their first permanent or fixed-term (temporary) contract should receive their written terms of employment within two months of the date of their appointment. Any subsequent contract must be furnished prior to
the date of renewal/commencement of that contract. The terms and conditions should be signed in duplicate by the employee and the employer. The School should retain one of the duly completed duplicate terms and conditions on the teacher’s personnel file and furnish the other to the employee.

4.1.3. Under the Terms of the Protection of Workers (Fixed Term) Act, 2003 (Section 8) the terms and conditions for a fixed term employee must contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event.

4.1.4. Where an employer proposes to renew a fixed-term contract, the fixed term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration before the date of renewal.

4.1.5. The Board of Management is reminded to follow normal recruitment practice in relation to compliance with Garda vetting requirements and reference checks, appropriate qualifications and registration with the Teaching Council.

4.2. Procedures

4.2.1. The appointment of fixed term (temporary) teachers shall be a matter for the Board of Management subject to the approval of the Minister.

4.2.2. In cases of anticipated vacancies of 24 weeks or more the positions should be advertised and filled through a formal recruitment process using the procedures outlined under Section 2 above (subject to current Department circulars concerning the Diocesan and other approved redeployment panels.)

4.2.3. For anticipated vacancies of less than 24 weeks duration the school is obliged to appoint a qualified and registered teacher from a list of such teachers maintained by the school or from a national service such as TextaSub or SubSearch. The Board of Management should refer to current department circulars in relation to the qualification and registration requirements for appointment to teaching posts.

4.2.4. Where a fully qualified and registered teacher is engaged on successive contracts in the same or similar positions with the same employer, an interview process is required for the initial appointment only. The Board of Management should ensure that a written contract is furnished to the teacher prior to its commencement.

4.3. Terms of Employment for Fixed-term (temporary) teachers

4.3.1. The principle to be applied to conditions of employment in respect of fixed-term employees is the principle of no less favourable treatment during the period of contract unless objective grounds exist for doing so.

4.3.2. In general it is agreed that the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.
4.3.3. Fixed-term teachers must be notified of the existence of a permanent vacancy. It is not possible to be prescriptive in respect of the methodology to be used. Methods may include the use of the employer website/notifications to individuals outside of term time/the school notice board during term time.

The method which will be used for the advertising of permanent vacancies is to be included in the written statement of terms given to each fixed-term teacher. The objective is to ensure that the fixed-term teacher is notified of the vacancy in a timely manner so as to allow that teacher the opportunity to apply for the position should s/he wish to do so.

All employers should note the provisions of the Protection of Employees (Fixed-Term) Work Act, 2003 which at section 10.2 provides that the information regarding a vacancy “may be provided by means of a general announcement at a suitable place or undertaking or establishment”. 