

**DEPARTMENT OF EDUCATION AND SKILLS - FAQs ON CONTRACTS OF INDEFINITE
DURATION**

VERSION 1 (20 FEBRUARY 2018)

These FAQs should be read in conjunction with Circular 0023/2015 (primary) and Circular 0024/2015 (post-primary). Further enquiries in relation to the awarding of CIDs should be addressed to the employer (school/ETB) or the relevant management body in the first instance. Further enquiries may be addressed to teachersna@education.gov.ie

This document will be updated as further queries emerge.

In assessing CID applications, there are two steps to be followed:

1. Is the teacher entitled to a CID?
2. If the teacher is entitled to a CID, what hours is that CID for?

STEP 1 - IS THE TEACHER ENTITLED TO A CID?

In assessing whether a teacher is entitled to a CID, several factors need to be considered including assessing the eligibility criteria set out in the relevant Department Circulars:

1.1 Is the teacher currently registered with the Teaching Council and do they hold qualifications appropriate to the sector?

If the teacher is currently registered with the Teaching Council and holds qualifications appropriate to the sector, then their CID application is considered under Circular 0023/2015 (primary teachers) or Circular 0024/2015 (post-primary teachers).

If the person is not a qualified teacher, then their CID entitlements are based on the Protection of Employees (Fixed Term Work) Act 2003 rather than these Circulars.

1.2 Has the teacher been employed on more than one written contract with the same employer (i.e. the same school in the case of a primary, voluntary secondary, Community or Comprehensive school or the same Education and Training Board in the case of an ETB school)?

A teacher must have been employed on two or more successive contracts by the same employer in order to qualify for a CID. A new interview process must have been conducted at the end of Year 1.

Employers are reminded that is a condition under Department Circulars that an employee must be informed in writing as to why they are being employed on a further fixed-term contract rather than on a CID.

1.3 Does the teacher have in excess of 2 years continuous teaching service in an Oireachtas-funded teaching post with the same employer?

Breaks in Service:

In assessing entitlement to a CID, one of the criteria to be fulfilled is that the teacher must have in excess of two years continuous teaching service under two or more successive written contracts of employment with the same employer that were paid for out of monies provided by the Oireachtas.

In determining whether service is continuous, certain periods where the teacher was not at work will be regarded as lay-offs and accordingly will not break continuity of service. The following periods will be regarded as lay-offs for this purpose and as such are regarded as continuous service:

- a) School holiday closure periods (i.e. October mid-term break, Christmas holiday, February mid-term break, Easter holiday and Summer holiday) provided that the teacher was employed by the same employer immediately prior to and immediately following the school holiday closure period;
- b) Any period of up to 2 weeks at the beginning of the school year provided that the teacher was employed by the same employer immediately prior to the Summer holiday and was re-employed by the same employer following the lay-off period concerned;
- c) Any period of up to 2 weeks at the end of the school year provided that the teacher was employed by the same employer immediately prior to the lay-off period concerned and was re-employed by the same employer at the beginning of the following school year;
- d) Incidental days (such as unforeseen closures, use of school for voting, EPV days).

In addition, continuity of service will not be broken due to timetabling arrangements. For example, if the teacher was employed as a substitute for 4 days a week for every week that the school was open, this is regarded as a year of continuous service – the fact that the timetabling meant that they did not work for 1 day of every week does not break service.

Privately-paid Service is Ineligible:

Where a teacher is currently employed in a privately-paid teaching post (i.e. not in an Oireachtas-funded teaching post), the teacher is not entitled to a CID funded by the Oireachtas. The teacher may separately have an entitlement under the Protection of Employees (Fixed Term Work) Act 2003 for a CID funded by the school.

Where a teacher is currently employed in an Oireachtas-funded teaching post and was previously employed by the school in a privately-paid teaching post, periods of privately-paid teaching service do not count towards the service threshold for entitlement to a CID funded by the Oireachtas under Circular 0023/2015 (primary teachers) or Circular 0024/2015 (post-

primary teachers).

1.4 Review of Objective Grounds - where the criteria set out above have been fulfilled, i.e. the teacher is currently registered with the Teaching Council, holds qualifications appropriate to the sector and has had in excess of 2 years continuous teaching service under two or more successive written contracts of employment with the same employer that were paid for out of monies provided by the Oireachtas, then the nature of the teacher’s contract in the Year 3 (or year for which the CID is claimed if that is later than Year 3) must be considered.

A teacher is not entitled to a CID if objective grounds exist for refusing it. There are two main sets of objective grounds:

- (i) that the post is not viable for a reasonable period (a post must be for a minimum of 1 year to be considered viable);
- (ii) that the teacher is covering the leave of absence of another teacher, apart from a secondment or career break absence (secondment or career break cover is not regarded as an objective ground to disqualify a teacher from claiming a CID).

Examples of where a teacher is or is not entitled to a CID based on the nature of the Year 3 hours are set out in the table below:

Nature of contract in <u>Year 3</u> (or year for which the CID is claimed if that is later than Year 3)	Is the teacher entitled to a CID if all other conditions are fulfilled?
Contract for “own hours” for the full year	YES
Any substitute position i.e. replacing a teacher absent on sick leave, maternity leave, parental leave etc.	NO
Replacing a teacher absent on jobshare	NO
Replacing a teacher absent on career break	YES
Replacing a teacher absent on secondment	YES

Where a teacher holds a mix of contracts in Year 3 and one of the contracts would on its own entitle a teacher to a CID, then the teacher will be entitled to a CID (provided all of the other criteria for award of a CID are fulfilled).

Examples:

(a) If a primary school teacher is covering a job-share at the beginning of Year 3 and he/she is subsequently changed to cover a career break or secondment then he/she may claim a CID provided he/she is appointed to the vacant post for a reasonable period.

(b) If a post-primary teacher is employed in Year 3 to cover a jobshare absence for 11 hours and a career break absence for 11 hours, they will be entitled to a CID in Year 3 on the basis of the career break cover hours (provided all of the other criteria for entitlement to a CID are fulfilled). The hours of the CID are then considered in STEP 2 below.

Point at which Objective Grounds are Relevant:

Where a teacher enters their third or further year of employment on a fixed-term contract with the same employer, his/her eligibility for a CID must be considered by reference to the source of the contract in that third or later year. The source of the contract in the year prior to the CID being considered is irrelevant. Worked examples are set out below.

Example 1

Teacher's Employment:

Year	Nature of Contract
Year 1	Maternity Leave cover
Year 2	Jobshare cover
Year 3	Special needs hours

The teacher is being considered for a CID at the start of Year 3. The teacher in this case is not excluded from entitlement to a CID due to the fact that their Year 2 contract was for jobshare cover. No objective grounds for refusing a CID exist in Year 3. Therefore, the teacher in this example should be awarded a CID at the start of Year 3 once the other criteria for award of a CID as set out in the relevant Circular are fulfilled.

Example 2

Teacher's Employment:

Year	Nature of Contract
Year 1	Maternity Leave cover
Year 2	Career Break cover
Year 3	Jobshare cover

The teacher is being considered for a CID at the start of Year 3. The teacher in this case is excluded from entitlement to a CID due to the fact that objective grounds exist in Year 3 i.e. the Year 3 contract is for jobshare cover.

Example 3

Teacher's Employment:

Year	Nature of Contract
Year 1	Maternity Leave cover
Year 2	Jobshare cover
Year 3	Jobshare cover
Year 4	Jobshare cover
Year 5	Career Break cover

The teacher is being considered for a CID at the start of Year 5. Prior to the start of Year 5, the teacher is excluded from entitlement to a CID due to the fact that objective grounds exist in Year 3 and Year 4 i.e. the Year 3 and Year 4 contracts are for jobshare cover. The teacher in this case is not excluded from entitlement to a CID in Year 5 due to the fact that their Year 4 contract was for jobshare cover. No objective grounds for refusing a CID exist in Year 5.

Therefore, the teacher in this example should be awarded a CID at the start of Year 5 once the other criteria for award of a CID as set out in the relevant Circular are fulfilled.

STEP 2 - IF THE TEACHER IS ENTITLED TO A CID, WHAT POST OR HOURS IS THAT CID FOR?

Where a teacher has been found to be entitled to a CID, the next issue to be considered is what the hours of that CID are.

When a CID is being awarded, the CID will be those hours for which the teacher was engaged on a fixed term contract for the full school year prior to the issuing of the CID. This can include hours where the teacher was employed to cover the leave of absence of another teacher, provided the teacher worked those hours for the full year.

Example 1 - Primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Maternity Leave cover	Full post	1 Sep – 31 Aug
Year 2	Job-share	Full post	1 Sep – 31 Aug
Year 3	SET hours	10 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for a full post as he/she was employed for a full post for the entirety of Year 2.

Example 2 – Primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	SET	10 hours	1 Sep – 31 Aug
Year 2	SET	15 hours	1 Sep – 31 Aug
Year 3	SET	10 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for 15 hours as he/she was employed for 15 hours for the entirety of Year 2.

Example 3 - Primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Maternity Leave cover	Full post	1 Sep – 31 Aug
Year 2	SET	15 hours	1 Sep – 31 Aug
Year 3	Secondment Cover	Full post	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for 15 hours as she was employed for 15 hours for the entirety of Year 2. The teacher is therefore employed in Year 3 on a CID of 15 hours plus a fixed term contract to bring her up to a full post. The teacher may be entitled to have these fixed term hours added to her CID in Year 4, depending on other factors.

Example 4 – Post-primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Maternity Leave cover	11 hours	1 Sep – 31 Aug
Year 2	Maternity Leave cover	11 hours	1 Sep – 31 Aug
"	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 3	Secondment Cover	22 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for 22 hours as she was employed for 22 hours for the entirety of Year 2.

Example 5 – Post-primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Maternity Leave cover	22 hours	1 Sep – 31 Aug
Year 2	Maternity leave cover	11 hours	1 Sep – 22 Dec
"	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 3	Career Break cover	22 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for 11 hours as he was employed for 11 hours for the entirety of Year 2 (the other 11 hours i.e. the maternity leave cover hours were only worked from 1 September to 22 December so were not worked for the full year). The teacher is therefore employed on a CID of 11 hours plus a fixed term contract of 11 hours in Year 3. The teacher may be entitled to have the 11 fixed term hours added to his CID in Year 4, depending on other factors.

Example 6 – Post-primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Sick Leave cover	22 hours	1 Sep – 31 Aug
Year 2	Sick leave cover	11 hours	1 Sep – 20 Feb
"	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 3	Special needs hours	22 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 3. The CID will be for 11 hours as he was employed for 11 hours for the entirety of Year 2 (the other 11 hours in Year 2 i.e. the sick leave cover hours were only worked from 1 September to 20 February so were not worked for the full year). The teacher is therefore employed on a CID for 11 hours plus a fixed term contract for 11 hours in Year 3. The teacher may be entitled to have these 11 hours added to his CID in Year 4, depending on other factors.

Example 7 – Post-primary

Teacher's Employment:

Year	Nature of Contract	Number of Hours	Dates these Hours were worked
Year 1	Maternity Leave cover	22 hours	1 Sep – 31 Aug
Year 2	Maternity leave cover	11 hours	1 Sep – 31 Aug
"	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 3	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 4	Jobshare cover	11 hours	1 Sep – 31 Aug
Year 5	Special needs hours	11 hours	1 Sep – 31 Aug
"	Jobshare cover	11 hours	1 Sep – 31 Aug

The teacher has been found to be entitled to a CID from the beginning of Year 5. She was not entitled to a CID in Year 3 or in Year 4 as she was solely covering a jobshare absence in both of those years. However in Year 5 she gains entitlement to a CID because she is employed to work Special needs hours in Year 5 that are projected to last for the full school year.

The CID will be for 11 hours as she was employed for 11 hours for the entirety of Year 4. The teacher is therefore employed on a CID of 11 hours plus a fixed term contract of 11 hours in Year 5. The teacher may be entitled to have the 11 fixed term hours added to her CID in Year 6, depending on the nature of the contract for those hours in Year 6.

STEP 3 - CID APPLICATION PROCESS

Voluntary Secondary, Community and Comprehensive schools: as set out in Circular [0007/2018](#) (voluntary secondary)/[Circular 0008/2018](#) (Community and Comprehensive), schools are required to apply for Department sanction for the award of a CID in respect of a teacher who is deemed to be eligible for the award of a CID in the 2018/19 school year. Applications for the award of a first or further CID must be made on **Form CID 18/19**, which is appended to the relevant Circular.

Education and Training Board Schools: as set out in [Circular 0009/2018](#), an ETB will identify teachers in the scheme who are deemed to be eligible for the award of a CID in the 2018/19 school year.

Primary Schools: as set out in [Circular 0010/2018](#), schools are required to apply for Department sanction for the award of a CID in respect of a teacher who is deemed eligible to be awarded a CID for the first time or a CID for additional hours from the commencement of the 2018/19 school

year. Schools should note that it is permissible to use a permanent post which is available in the school for the 2018/19 school year as the viable post required for the CID. Application should be made on [Appendix H - Form CIDApp\(18/19\)](#), which is appended to the Circular.

CID ADJUDICATION PROCESS

A person who is a fixed term teacher and is comprehended by Circular 0023/2015 (primary) or Circular 0024/2015 (post-primary), has 2 or more years successive teaching service and has been refused a CID by his/her employer OR has been awarded a CID but is unhappy with the terms of the CID may take an appeal under Circular 0047/2006 (primary) or Circular 0050/2006 (post-primary)