

## **APPENDIX 2**

### **Redeployment scheme for teachers surplus to requirements other than in situations of school closure**

A procedure in relation to redeployment of post primary teachers, surplus to requirements in school closure situations, was agreed under the provisions of the Towards 2016 agreement. The scheme set out in this document will apply to permanent/C.I.D. post primary teachers surplus to requirements in situations other than school closure. It will also apply to other persons employed as teachers in a permanent/C.I.D. capacity and who are surplus to requirements.

#### **Appointment of Director**

1. Following consultation with the parties, the Minister will appoint Directors/ Assistant Directors (as appropriate) of the Redeployment Scheme who will be charged with implementing the scheme in accordance with the terms of this agreement and having regard to practical implementation issues. Each management body and teacher union may appoint an advisor/advisors to the Directors/ Assistant Directors. These advisors will be available to the Directors/ Assistant Directors for consultation purposes at their discretion and will assist in the identification of issues of a practical or logistical nature.

#### **Notification of Vacancies**

2. All recognised second level schools, or where appropriate their respective VECs, where required by the terms of the scheme, must notify all applicable vacancies in the school to the Director of the Redeployment Scheme. It shall be a condition of the subsequent filling of such a vacancy that it was notified to the Director as soon as it arises and as part of this process. No appointment shall be made without the express written authority of the Director.
3. The applicable vacancies for the purposes of the Redeployment Scheme are all permanent and temporary vacancies in whole or part posts, save where such posts cannot be deemed a vacancy by operation of law. In such event, the school should nonetheless notify the Director of the vacancy and stipulate the legal impediment to its being filled from the redeployment panel. In the operation of the scheme, the Director will have regard to the practicalities of filling short term vacancies by redeployment.
4. In the case of each post or part of a post coming within the scope of the Redeployment Scheme, the school authority, or VEC as appropriate, will identify the reason for the proposed appointment and indicate its subject/programme preferences for the filling of the post. The Director may require a school or VEC

to disclose any further information he/she considers necessary for the effective operation of the scheme.

### **Identification of Surplus Teachers**

5. An excess teacher situation arises when a school/VEC has in its employment one or more teachers in excess of its allocation subject to that surplus position representing more than 1% of the overall allocation of that school/VEC. The allocation figure for this purpose is the allocation on 31 December of the year prior to redeployment adjusted by policy decisions on the Pupil-Teacher Ratio and other teaching posts. Where in the case of a VEC, the surplus is distributed across a number of schools, the Director will have regard to any inequities arising from that fact in arriving at a view as to the required level of redeployment.
6. A school/VEC in a surplus teacher situation is obliged to make a return to the Director of the Redeployment Scheme, identifying the teacher(s) to be redeployed. The method for determining the teacher(s) to be redeployed will be as follows:
  - In the first instance the school/VEC will ascertain if there is a member of its existing staff who wishes to be considered for redeployment on a voluntary basis. An expression of such interest in voluntary redeployment will specify the geographic area to which the teacher in question wishes to be redeployed. The Board of Management for its part must also indicate its capacity to release the teacher in question without replacement and consent to the application.
  - Where a school/VEC identifies a teacher for voluntary redeployment it will, in addition, follow the procedures set out in paragraph 7 below and identify a teacher for compulsory redeployment. In the event that it does not prove possible to redeploy the teacher who is the subject of the voluntary application, then the Director will proceed to redeploy the teacher nominated on foot of the procedures set out in paragraph 7 below.
7. A school/VEC in a surplus teacher situation will follow the following procedure to identify the teacher who shall be nominated to the Director for redeployment.
  - In the first instance the school/VEC will consider the position of the most junior teacher and form a view as to whether the school/VEC could cope with the loss of that teacher from within its existing approved resources. If the conclusion is in the affirmative then that teacher will be nominated to the Director for purposes of redeployment.
  - Pending a review next year, the parties have agreed that seniority for the purposes of this scheme will be determined on the following basis:
    - (a) Voluntary Secondary Schools - in accordance with Appendix Two of Circular PPT 29/02,

- (b) VEC Schools - in accordance with the principles set out in the internal Teacher Transfer Agreement of March 1999,
  - (c) Community and Comprehensive Schools - in accordance with Circular PPT 07/02.
- In the event that the school concludes that it is not possible to cope without the most junior teacher then it will review the position of the second most junior teacher in a like manner to that set out above. It will then move on to review the position of each teacher in reverse order of seniority until such time as it reaches a nominee whose redeployment can be coped with from within existing resources.
  - The teacher(s) nominated for redeployment will be provided with a statement by the school setting out the basis for its decision and why, given the curricular needs of the school, that person was nominated rather than those more junior.
8. Where a school/VEC is in a surplus teacher situation it is obliged, in all circumstances, to provide a nomination (or nominations if warranted by the level of surplus) to the Director.
  9. The procedure set out above must be followed until such time as the surplus position of the school/VEC is below one post or 1% of its overall allocation (whichever be the greater).
  10. In submitting details of the nominee for redeployment to the Director it will be open to the teacher so nominated to set out, in a form to be provided, details of where he/she considers that the process and procedures set out in this agreement were not complied with. The Director will consider these concerns and satisfy himself/herself that the process and procedures were followed in a correct manner.
  11. Where a school/VEC is of the opinion that its surplus position is strictly short-term or transient by reference to its historical and projected enrolment, it will be open to it to present its evidence for this opinion to the Director. Where the Director is satisfied that the surplus is strictly transient and will not endure, he/she may, at his/her discretion, defer a decision in relation to redeployment.

### **Redeployment of Teachers**

12. The Director will draw up a panel of teachers to be redeployed.
13. In all cases the Director may assign a teacher to a school within a maximum radius of 50 kilometres from his/her existing school or where the teacher so requests from his/her place of residence. In the event that a teacher falls to be redeployed for a second or subsequent time, s/he will be given the option of choosing either his/her current school, previous school(s) or place of residence for the purposes of the operation of the scheme.

14. The Director will, to the greatest extent possible, seek to match a surplus teacher to a vacancy having regard to the curricular needs of the school and that surplus teacher's qualifications and previous teaching experience.
15. In the case of a teacher within the Community and Comprehensive School sector, the Director will assign that teacher to that post which, in the opinion of the Director, is most appropriate having regard to:
  - the curricular needs of the school
  - the teacher's preference where more than one post exists
  - the desirability to take account of a teacher's prior teaching experience and qualifications
  - travelling time for the teacher
  - any other factor deemed relevant by the Director
16. (a) In the case of a teacher within the Voluntary Secondary School sector, the Director will, in the first instance and where practicable, assign that teacher to that post in the Voluntary Secondary School sector which is most appropriate having regard to:
  - the curricular needs of the school
  - the teacher's preference where more than one post exists
  - the desirability to take account of a teacher's prior teaching experience and previous schools
  - travelling time for the teacher
  - any other factor deemed relevant by the Director

(b) In the event that, in the opinion of the Director, no such post exists in the Voluntary Secondary School sector, then the Director will assign the teacher to a post in the Community and Comprehensive School sector or the Vocational Education Committee sector having regard to:

  - the curricular needs of the school
  - the teacher's preference where more than one post exists
  - the desirability to take account of a teacher's prior teaching experience and previous schools
  - travelling time for the teacher
  - any other factor deemed relevant by the Director
17. (a) In the case of teacher within the Vocational Education Committee sector, and in the event of a suitable vacancy not being available within that particular VEC scheme in the first instance the Director will, where practicable, assign the teacher to that post in the Vocational Education Committee sector which is most appropriate having regard to:
  - the curricular needs of the school
  - the teacher's preference where more than one post exists
  - the desirability to take account of a teacher's prior teaching experience and previous schools

- travelling time for the teacher
- any other factor deemed relevant by the Director

(b) In the event that, in the opinion of the Director, no such post exists in the Vocational Education Committee sector, then the Director will assign the teacher to a post in the Community and Comprehensive School sector or the Voluntary Secondary School sector having regard to:

- the curricular needs of the school
- the teacher's preference where more than one post exists
- the desirability to take account of a teacher's prior teaching experience and previous schools
- travelling time for the teacher
- any other factor deemed relevant by the Director

18. Having due regard to the sequencing arrangements and other factors outlined in this document, where the Director cannot readily match a teacher to a post, he/she may, at his/her absolute discretion, assign the teacher to that school whose curricular needs, in the opinion of the Director, most closely match the teacher's qualifications and teaching experience. Where in consequence of a redeployment decision a school has a residual curricular need it is open to that school to apply through the curricular concession process in the normal way.
19. The Director will satisfy him/her self that the teacher being redeployed will respect the ethos of the school to which he/she is being assigned and the teacher will agree to respect the ethos of the school in question.
20. The assignments made by the Director will be binding on all parties and the teacher will become a member of the teaching staff of the receiving school and an employee of the board of management or VEC as appropriate, and, subject to the terms of paragraph 21, be governed by the terms and conditions applicable to that sector.
21. Teachers redeployed in consequence of these arrangements will transfer their reckonable teaching service for promotion purposes in the previous school to the receiving school and this service will be reckonable for promotion purposes in the receiving school. This is subject to one exception that a teacher being redeployed from a voluntary secondary school to a receiving voluntary secondary school will not transfer reckonable teaching service for promotion purposes.
22. All post-holders will retain their posts of responsibility allowance on a personal basis on redeployment. Post-holders will be required to carry out in-school management duties in the receiving school in line with the needs of that school.
23. It will be open to the parties at the behest of a redeployed teacher or a receiving school to seek a review of a redeployment decision by the Director by 31 March of the year after redeployment took place. In conducting this review the Director will consider the extent to which the terms of the scheme were met and any other relevant factors raised by the parties. The Director may at his/her absolute

discretion either confirm the original redeployment or put in place a revised redeployment within the terms of the scheme.

24. Where on foot of the operation of this scheme, a surplus teacher is redeployed into a temporary post and falls to be redeployed a second or subsequent time, the Director will make every possible effort to ensure that the subsequent redeployment is to a permanent post.

### **Miscellaneous**

25. It will be an objective of the operation of this scheme that it be operated pragmatically having regard to practical implementation and logistical issues. It will be a further objective of this scheme that in any given year it will be finalised by 31 May so as to facilitate the filling of vacancies. This aspect will be reviewed for future years with a view to achieving improved timelines.
26. In the course of discussions leading up to this agreement, the parties identified that there are situations where teachers in schools not in a surplus teacher position might wish to transfer on a voluntary basis to another area of the country. It is acknowledged that such voluntary movement, if provided for, could in some cases assist the operation of redeployment. Accordingly it is agreed between the parties that further discussions will take place in Autumn 2011 with a view to having a pilot scheme in operation as soon as is practicable.