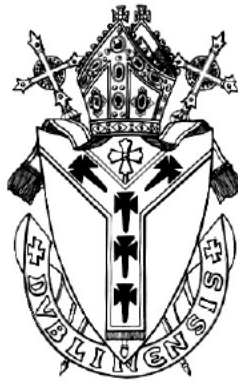


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The Most Reverend Dr. John R W Neill
*Archbishop of Dublin and Bishop of Glendalough,
Primate of Ireland and Metropolitan.*

Primary Schools

Appointment of Teachers (Appendix D) and SNAs (Appendix E)

Introduction

As Patron I have approved the following new guide, produced in the light of the revised Constitution of Boards and Rules of Procedure for the Boards of Management of National Schools, issued by the Department of Education and Science in November 2007 and in particular appendices D and E (and available at www.education.ie), to assist you in your work recruiting teachers and Special Needs Assistants to vacant positions in your schools. I am aware too that confusion about procedure can lead to awkward situations or even legal process. It is important, therefore, that we exercise the very best of practice and strict adherence to the prescribed rules which have been agreed by the Partners in Education and have statutory authority. (Education Act, 1998, Section 24)

Your attention is also drawn to the following booklets and circulars issued by the Department of Education and Science:

- Appointment of Principals and Permanent Teachers (revised April 2002)
- Panel Rights for Teachers (updated version April 2004)
- Recognition of Teacher Qualification' (circular P25/00) (see also Teaching Council website)
- Appointment and Retention of Teachers (Staffing Schedule)' which is issued annually as a circular (currently 0020/2007)
- Eligibility Criteria for Principals (circular 2/02)
- Introduction of Occupational Health Service for Teachers (circular 0065/2008).

While it does not have circular status, the very useful Information Manual for Primary Boards of Management, November 2007 (also available at www.education.ie), was produced to assist Boards in becoming familiar with the new procedures. However, it must be noted that the content of the manual is subject to change as new legislation and circulars are produced.

These Guidelines have been prepared in the light of new procedures. In gratefully acknowledging the permission of the Bishop of Cork to edit his earlier work, and the ongoing assistance of Canon John McCullagh and Ms Lucy Connolly, it must be noted that I take full responsibility for the contents of this document.

+John Dublin & Glendalough:

January 2008

General Comments

Qualified Teachers

Information on teaching qualifications is available on www.teachingcouncil.ie

Unqualified Teachers

The DE&S will only allow the appointment of unqualified (e.g. BA Hdip) teachers for limited periods in exceptional circumstances and will require evidence of unsuccessful advertising. (Circular 0105/2006 Employment of qualified primary school teachers)

For the purposes of appointment to teaching posts in Primary Schools, qualified Post-Primary School teachers are deemed to be unqualified.

Unqualified teachers are not eligible for appointment to temporary posts, except in exceptional circumstances.

Eligibility of Principals

To be deemed eligible to apply for the post of Principal teacher in ordinary primary schools with less than 80 pupils, applicants must certify in their application to the Board of Management that they:

(a) are qualified primary teachers (the applicant should include a copy of qualifications)

and

(b) have satisfactorily completed probation.

To be deemed eligible to apply for the post of Principal teacher in ordinary primary schools with 80 pupils or greater, applicants must comply with the conditions as stated above and in addition have given not less than five years qualified whole-time teaching service, two of which must be in a recognised primary school in the Republic of Ireland.

Those Trained Outside the State

Your attention is drawn to circular 25/00 regarding qualifications for those trained outside the State and those with a Montessori or post-primary qualification. Details regarding teaching qualifications and registration are also available on the Teaching Council website www.teachingcouncil.ie.

Record Keeping

Please note: A selection board should minute each meeting and this should be retained, with the documentation noted below, by the Chairperson for one year.

The Chairperson must maintain a file including a minute of each step taken together with records of the criteria, short listing procedure, marks, notes and copy letters issued to candidates, Patron and DE&S.

Appendix D: Appointment Procedures for Teachers

Please note the following:

Rules of Procedure are in larger font and fully justified.

Patron's Guidelines and Commentary are in bold font, boxed, italicised and indented to the right.

Appendix D1(i): In accordance with Section 15 of the Education Act 1998 the Board of Management manages the school of 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 and subject to the prior approval of the Patron.

Boards of management must confirm, in the case of a permanent teaching post, that the Diocesan Panel for Dublin & Glendalough is clear prior to advertising. The panel normally forms in March / April in respect of positions for the following September.

Appendix D1(ii): Boards are reminded of: (a) the obligations under the Education Act 1998 and Employment Legislation including the Protection of Employees (Fixed-Term) Work Act 2003 and Protection of Employees (Part-Time) Work Act 2001; (b) requirements set out in the Rules for National Schools and Department circulars concerning the Diocesan and other approved redeployment panels; (c) requirements in regard to qualification of teachers, i.e., Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school regardless of the duration of the vacancy. If no suitable qualified teacher applies and an untrained person is appointed, the Board must outline to the Department the efforts made to secure a qualified teacher and the circumstances that necessitated the appointment of an untrained person; (d) requirement to comply with the Constitution for Boards and Rules of Procedure.

It is not generally permitted nor is it advisable to appoint unqualified persons as teachers. Your attention is drawn to circular P25/00 regarding qualifications for those trained outside the State and those with certain Montessori or post-primary qualifications. See also the Teaching Council's guide to qualifications which merit registration.

The proceedings, in their entirety, are confidential to the Selection Board.

Appendix D1(iii): The following procedures are to be followed in all cases of the appointment of teachers unless, in special circumstances, the Minister decides otherwise.

It is vital that the correct process be rigorously adhered to as we have had incidents of unsuccessful candidates (and even some successful ones) complaining about non-compliance with correct process as they perceived it.

Appendix D Advertisements

Section 1: Appointment of a Teacher

1(i): Vacancies shall be notified to all teaching staff of the school and shall be advertised in at least one national daily newspaper. From 01/01/2008, Boards of Management will have the option of advertising on a limited number of specified websites used for education recruitment. See circular

0062/2008 for further details of web-based advertising. The advertisement shall invite applications with curriculum vitae from eligible male and female teachers to be submitted by a specified date to the Chairperson of the Board of Management.

Web-based advertising for all teaching posts, and not just principals, is permitted from 1st January, see circular 0062/2008. However, until 1 January 2009, a small ad must still be placed in a newspaper stating where the full ad appears.

1(ii): The advertisement shall state:

- The name, address, roll number and patronage of the school
- The number of teaching posts (including Principal)
- The nature of the vacancy (i.e. whether a teaching post or a Principalship)
- The status of the vacancy (i.e. whether permanent fixed-term/temporary or substitute teacher)
- The latest date for receipt of completed applications, which shall not be earlier than two weeks after the last date of publication of the advertisement
- The date of commencement of teaching post
- That a curriculum vitae must be submitted with the application
- Whether additional references, reports or other documentary information are required e.g. evidence of registration with Teaching Council and compliance with current vetting requirements

Please note that it is now mandatory that the Patron of the school be stated. I suggest that our advertisements refer to the school as "X Church of Ireland National School" or "under the patronage of The Archbishop of Dublin & Bishop of Glendalough (Church of Ireland)"

It is also mandatory that the roll number be included.

N.B. Applications should not be opened and scrutinised on arrival! See later notes on criteria. It is suggested that envelopes be marked 'Application'.

The advertisement should appear in the same form and detail in each publication. It is not permitted to give different closing dates in different publications. The vacancy must be advertised on the staff notice board at the same time as it is inserted in the press and advised to temporary teachers and those on career break, etc.

If the two-week time-frame is not adhered to, the process shall have to recommence.

1(iii): The advertisement may also state:

- Nature of the duties which, initially, may be allocated to the post (e.g. learning support resource teacher, resource teacher, etc.) It should be noted that duties included in the advertisement may be subject to change.

A teacher should be competent and willing to teach at any level in the school.

- Whether or not a list of suitable applicants may be set up from which future vacancies may be filled, however permanent vacancies may not be filled from a panel established following interviews for a fixed term post (valid of the four month period from the date of the advertisement. This particular list may only be compiled if it has been referred to in the advertisement).

The list may only be compiled from those who attended for interview, were considered suitable and subsequently may only be used to fill posts of a similar status – either permanent or fixed term – not both.

- Whether a stamped addressed envelope is required for the return of documentation.
- That applicants should mark envelope 'Application'.
- The advertisement should indicate if standard application form (Principal) is to be used (i.e. CPSMA standard form)

Envelopes must not be opened until after the closing date has passed and should only be done so in the presence of the other members of the Selection Board and after the criteria have been established (See later notes on 'Selection Board').

1(iv): Special care shall be taken in drafting the advertisement, especially in indicating the sex 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.

1(v): 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 1998-2004, i.e., gender, marital status, family status, sexual orientation, religion, age, disability, race, & member of the Travelling Community, with the exception of Section 37 of the Employment Equality Act regarding the protection of a school's ethos.

1(vi): There shall be no unreasonable delay between the insertion of the advertisement and the filling of the post.

Section 2: Appointment of a Principal Teacher

1. A Board of Management advertising a Principal Teacher vacancy is required to either

(a) Place the full advertisement in a national newspaper in accordance with the current procedures outlined at Section 1 above

and / or

(b) Place the advertisement on www.publicjobs.ie and place a short notice in a national newspaper indicating that the post is advertised on the www.publicjobs.ie website. From 01/01/2008, Boards of Management will have the option of advertising on a limited number of specific websites used for education recruitment. Further details of web-based advertising will be outlined in a forthcoming circular.

and

(c) To notify all of the teaching staff in the school of the vacancy (including staff on approved absences, i.e. career break, secondment, etc.)

1.1 The advertisement whether set out entirely in a national newspaper or placed on websites per Section 1(b) above must include all of the data relevant to a teaching post (see 1(ii) above) i.e. school name, address, patron, number of teaching posts (including principal) in the school, effective date for filling of post, curriculum vitae to be submitted, whether additional references, reports or other documents are required, closing date for applications and the address to which applications should be sent. The closing date for receipt of applications cannot be earlier than two weeks after the date of publication of the advert.

Again note that it is now mandatory that the Patron of the school be stated. I suggest that our advertisements refer to the school as "X Church of Ireland National School" or "under the patronage of The Archbishop of Dublin & Bishop of Glendalough (Church of Ireland)".

Again, please note that if the two-week time-frame is not adhered to, the process shall have to recommence. Please note that the sample advertisements show 14 clear days between the last day of advertising and the closing date.

Posts may be advertised on the approved websites listed in circular 0062/2008.

1.2 Where the Board of Management decides to advertise a Principal teacher post on the public service website www.publicjobs.ie it should submit the advertisement directly to the Public Appointments Service and allow 5 days if e-mailing the details of the advertisement or 14 days if posting. The contact number at the Public Appointments Service is Tel: 01 8587504; E-mail: info@publicjobs.ie; Postal address: Chapter House, 26-30 Upper Abbey Street, Dublin 1.

The date of placement of the short newspaper advertisement should coincide with the first date that the principal post is advertised on the www.publicjobs.ie website.

Sample advertisements can be found in Appendix D of the 'Constitution of Boards and Rules of Procedure for the Boards of Management of National Schools' (see pages 38-40).

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

Very good reason should be given to the Patron if an exception is to be made.

Appendix D3 Selection Board

A. Principal Teachers

A(i): A Selection Board shall be constituted and shall comprise the 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. At least one of the members shall be a woman and at least one a man.

If a Chairperson is unable to act on the Selection Board, the Patron will nominate a replacement and advise Primary Admin (DE&S).

I have a list of experienced persons for such Patron's Assessors, and my Secretary must be contacted in connection with every appointment in order to provide suitable names from which the Chairperson may make a choice.

Please note that the first task to follow advertisement is the constitution of the Selection Board. Too many schools leave this until the application forms have been looked at, criteria set or even short listing having taken place. The occurrence of any of these before the full Selection Board is constituted voids the process and as Patron I would have to instruct you to recommence. Please contact me as soon as the vacancy is about to be advertised.

A(ii): The Selection Board shall meet as soon as practicable and shall, in the first instance establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

Criteria should reflect the attached Policy on Ethos and the school's own ethos policy and should include the requirement that a candidate be supportive of the characteristic spirit of the school and be willing to teach the approved Religious Education Curriculum.

Criteria should also include the requirement that a successful candidate must show evidence of medical fitness – circular 0065/2008.

The agreed criteria should be formally minuted.

NB: The Application Forms should only be opened after the establishing and recording of the criteria.

Setting the criteria is the work of the whole Selection Board, not any one member or sub-committee of it.

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
- teaching experience and reports on competence
- other relevant experience
- references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate, the Board shall check his / her references.

A(iii): Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications shall be kept by the Chairperson of the Board of Management for a minimum period of one year.

A(iv): Circular 2/02 sets out the criteria for the assessment of eligibility of applicants for Principal teacher.

To be deemed eligible to apply for the post of Principal teacher in ordinary primary schools with less than 80 pupils, see 'General Comments' above

To be deemed eligible to apply for the post of Principal teacher in ordinary primary schools with 80 pupils or greater, see 'General Comments' above

A(v): The terms of section 15 (b) on disclosure of interest shall apply to all members of the Selection Board, i.e. a member of the Board who stands in a relationship to a person who is a candidate for appointment by the Board as teacher or other member of staff of the school, including the Principal, shall disclose to the Board the fact of the relationship and the nature thereof and shall take no part in any deliberation or decision of the Board concerning the appointment. 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.

A(vi): If the Chairperson or other member of the Selection Board stands in a relationship to a person who is a candidate for employment in the school s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.

This section relates to disclosure of interest. The replacement of the Chair or other member at this point does not invalidate the earlier decisions of the Board.

A(vii): Failure to disclose any relationship material to the selection may invalidate the process.

B. Teachers

B(i): A Selection Board shall be constituted and shall comprise the 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. At least one of the members shall be a woman and at least one a man.

B(ii): In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before the Principal has taken up duty, the Principal designate shall fill the position of Principal on the Selection Board.

The Selection Board shall meet as soon as practicable and shall establish criteria for the assessment of the applications, having regard to the Rules for National Schools and the requirements of the particular post and determine those applicants to be called for interview.

Again, it is important to remember that the first task to follow advertisement is the constitution of the Selection Board. Too many schools leave this until the application forms have been looked at, criteria set or even short listing having taken place. The occurrence of any of these before the full Selection Board is constituted voids the process and as Patron I would have to instruct you to recommence. Please contact me as soon as the vacancy is about to be advertised.

Criteria should reflect the attached Policy on Ethos and the school's own ethos policy and should include the requirement that a candidate be supportive of the characteristic spirit of the school and be willing to teach the approved Religious Education Curriculum.

Criteria should also include the requirement that a successful candidate must who evidence of medical fitness – circular 0065/2008

The agreed criteria should be formally minuted.

NB: The Application Forms should only be opened after the establishing and recording of the criteria.

Setting the criteria is the work of the whole Selection Board, not any one member or sub-committee of it.

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
- teaching experience and reports on competence
- other relevant experience
- references; in this regard applicants should be advised in good time whether or not additional documentary information is required. Before notifying the successful candidate, the Board shall check his / her references.

Each applicant called for interview shall be supplied with details of the established criteria for the post.

Records of the criteria for assessment of applications shall be kept by the Chairperson of the Board of Management for a minimum period of one year.

B(iii): The terms of Section 15(b) on disclosure of interest shall apply to all members of the Selection Board (see A(v) above).

B(iv): If any member of the Selection Board, including the Chairperson, stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.

Again please note that the replacement of the Chair or other member at this point does not invalidate the earlier decisions of the Board.

The same members should sit on the Selection Board for all interviews for a particular post.

B(v): Failure to disclose any relationship material to the selection may invalidate the process.

Note that this process assumes three meetings:

- 1. To establish the criteria**
- 2. To open the application forms and to determine who will be called for interview**
- 3. The interviews**

Appendix D4 Assessment of applications / shortlisting

4(i): The Chairperson of the Board of Management shall submit all completed application forms to the Selection Board.

Again it is important to emphasise the criteria must have been drawn up and written down by the Selection Board before the applications are opened, and details of such criteria must now be given to applicants called for interview. The marking scheme and general questions should also have been agreed prior to this point to avoid any perception of bias. Specific questions to elucidate points in an individual application would, of course, be added later.

4(ii): Established criteria of the Board shall take account of the provisions of the Employment Equality Act 1998 and the Code of Practice of the Equality Authority.

Please take note again of Patron's Policy on Ethos (attached). Section 37 of the Employment Equality Act permits a school under my patronage to give preference, all other things being equal, to a member of the Church of Ireland if necessary to protect the ethos of the school. However, it should be remembered that our schools are professionally and competently staffed by qualified teachers of many denominational backgrounds who are supportive of the characteristic spirit of the schools they work in and that, also, our schools cater for children of all denominational and faith backgrounds.

4(iii): 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 1998-2004, i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race & membership of the Travelling Community, with the exception of Section 37 of the Employment Equality Act regarding the protection of the school's ethos.

Appendix D5 Interviews

5(i): If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Selection Board. Otherwise, at least three eligible applicants shall be called for interview.

5(ii): Each applicant called for interview shall be given at least seven clear days' written notice and a specific interview time outside school hours. Each applicant called for interview shall be supplied with details of the established criteria for the post when issued with written notice of the interview.

In the light of the fact that some applicants who are already teaching in other schools in different parts of the country may have to travel distances for interviews it may be just and advisable to interview on a Saturday.

Schools may also wish to include the statement of ethos or other documentation that illustrates the life of the school, together with the criteria, when sending written notice of interview.

5(iii): Calls to interview should normally be issued within three clear weeks of the latest date for receipt of applications.

Candidates called for interview should be advised of the nature of the initial duties, but also that it is the Principal's prerogative, following consultation, to reassign teachers to other roles.

5(iv): 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.

5(v): All questions at interviews shall relate to the requirements of the particular post and of the Rules for National Schools

All basic questions should be asked of each candidate though responses may require a supplementary question to a particular candidate. Such a question should be noted.

5(vi): No question shall be asked nor information sought in any form from a candidate which might be construed as being discriminatory on grounds of gender or marital status e.g. questions in regard to sporting interests and skills which would favour men rather than women applicants or vice versa.

This is important. All such questions that may be construed as contravening the relevant equality legislation are not permitted. In the light of the Policy on Ethos and the drawing up of criteria consonant with that policy, it is in order (and in line with the relevant legislation) to ask questions about preparedness to support the Church of Ireland ethos of the school and to teach the RE Curriculum approved by the Patron.

5(vii): 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.

5(viii): Each assessor is required to complete his or her own individual marking sheet and return it to the Chairperson of the Selection Board following the interviews. These sheets may subsequently be made available to candidates on request.

The Chairperson of the Selection Board should retain the criteria, notes and assessment sheets for twelve months. These would be required in the event of a challenge to a decision. They remain confidential to the Selection Board.

5(ix): Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management, nominating the applicant whom it considers suitable for appointment.

The Board of Management makes the appointment and, therefore, the position should not be offered until the Board has met and has given its approval. The appointment can be made subject to the Patron's approval, unless the Board is aware of a significant obstacle to offering at this point.

5(x): A list in order of merit of other candidates who are also deemed suitable shall be retained by the Selection Board for use in the event of the post not being filled by that nominee.

5(xi): The Board of Management shall appoint the teacher so nominated unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board. When offering the successful applicant employment, the Board should ensure that the applicant is vetted. School authorities shall ensure

that vetting is only sought in respect of a person to whom it proposes to make an offer of appointment.

A Board of Management's grounds for refusal to appoint would only include new information, not at the disposal of the Selection Board, which materially affects the appointment of that nominee.

5(xii): The Chairperson shall seek the approval of the Patron for the appointment.

I am conscious that Chairpersons are anxious to secure appointments as soon as possible. Where a Board of Management has appointed the nominated candidate, it may be desirable in a competitive employment market, to contact the successful candidate and say that you are going to contact the Patron with a view to securing approval but, 'subject to the Patron's approval are they likely to accept it?'

When requesting my approval as Patron for the appointment, please use the following wording:

"I request the approval of the temporary / permanent appointment of X on the basis that the appointment procedures as laid down in Appendix D of the 'Constitution of Boards and Rules of Procedure for the Boards of Management of National Schools 2007' and subsequent relevant circulars have been complied with in making said appointment."

This can be done via letter, fax or e-mail. A phone call is not sufficient.

Appendix D6 Notification of applicants

6(i): Having received approval in accordance with 5 (xii), the Board shall notify the teacher of his/her appointment. The successful candidate should be advised that the offer is subject to the sanction of the Minister, registration with the Teaching Council, and vetting clearance.

6(ii): As soon as the Board of Management has received notification of the teacher's acceptance of the post, all unsuccessful candidates shall be notified. Both the successful candidate and the Chairperson should complete the relevant appointment form and forward it to the Primary Payments Section of the Department of Education and Science. 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, the Minister for Education & Science will sanction the appointment.

The criteria for the post and the letter offering appointment must make reference to the satisfactory medical fitness of the preferred candidate (0065/2008).

Notification of permanent appointment forms and temporary appointment forms to be completed by newly appointed teachers and by chairpersons may be downloaded from www.education.ie

6(iii): On receipt of the sanction referred to at (ii) above the Board shall enter into the appropriate agreement with the teacher.

6(iv): Records of the criteria for assessment of applicants and of the interviews shall be kept by the Chairperson of the Selection Board.

They remain confidential. The notes may become public if the appointment is challenged. Records of the criteria, marks and notes should be kept for at least 12 months.

Any candidate may request a copy of the marking scheme, completed mark sheets of each assessor and of the notes in respect of her or his own interview. This is in accordance with the Data Protection (Amendment) Act.

D8 Appointment of temporary teachers

In the case of the appointment of a temporary teacher, the designated appointments procedure should also be scrupulously adhered to.

Employment Legislation:

1. Under the Terms of Employment (Information) Act 1994 & 2001 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).
2. 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. If an employer is renewing a fixed term contract, the fixed term employee must be informed in writing by the employer of the objective ground justifying the renewal of the fixed term contract and the failure to offer a contract of indefinite duration.
3. The appointment of fixed term (temporary) teachers shall be a matter for the Board of Management subject to the approval of the Minister.
4. Those teachers engaged for their first fixed-term contract should receive their written terms of employment within two months of the date of their appointment. The terms and conditions should be signed by the employee and the employer. The employee should receive a copy of the document and the employer is to retain a copy on file.
5. Each statement of terms must contain the objective conditions determining the context whether it is: arriving at a specific date, completing a specific task, or the occurrence of a specific event.
6. 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 at the latest by the date of renewal.
7. In cases of anticipated vacancies of more than 26 weeks duration the positions should be advertised and filled through a formal recruitment process using the same procedures and criteria as for permanent vacancies.

Note again that the full recruitment process is mandatory and must, therefore, be used in the case of all vacancies of more than 26 weeks duration. It is also prudent to use it for vacancies of a shorter duration.

8. Where a teacher is granted temporary leave i.e. career break, secondment, study leave, etc. it shall be the responsibility of the employing authority to employ a temporary replacement for the period of the temporary absence. Any replacement shall be employed on the agreed terms and conditions of employment for fixed term teachers.
9. There is a requirement to recruit suitably qualified persons for all vacancies regardless of duration. In exceptional circumstances where the employer can demonstrate that every reasonable effort has been made to recruit a qualified teacher, and unqualified person may be recruited pending the recruitment of a qualified teacher which provision must be inserted in the terms of employment issued to the unqualified person.
10. Where a fully qualified teacher is engaged on successive contracts in the same of similar positions with the same employer, an interview process is required for the initial appointment only.

Problems can occur where a school simply 'rolls over' an employee. It must be made clear that these are new contracts and supply same each time.

Appendix D9 Terms of employment for Fixed-term (temporary) teachers

(i) General

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. 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.

(ii) Notification of permanent vacancies to Fixed-Term teachers

<i>Fixed term workers must be advised of permanent vacancies</i>

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 “maybe provided by means of a general announcement at a suitable place or undertaking or establishment”.

*+John Dublin & Glendalough:
Archbishop and Patron (January 2008)*

Appendix E: Appointment Procedures for Special Needs Assistants SNA 03/03 - Updated August 2007

Please note the following:

Rules of Procedure are in larger font and fully justified.

Patron's Guidelines and Commentary are in bold font, boxed, italicised and indented to the right.

1 Introduction

1.1 The Minister for Education and Science wishes to inform management authorities that this Circular – SNA 03/03 has been updated in August, 2007 and now sets out revised appointment procedures for Special Needs Assistants in primary schools.

It is vital that the correct procedures are rigorously adhered to. See also Circular SNA 15/05 – 'Contract of Employment for Special Needs Assistants' and Circular 0059/2006 – 'Seniority of Special Needs Assistants'. These can be found in Appendix 26 of the CPSMA handbook. Also useful is the 'Information note to schools on duties of an SNA' issued by the DE&S in 1999.

1.2 Boards of Management, in accordance with the guidelines hereunder, are responsible for the appointment of Special Needs Assistants in primary schools. Any such appointment is subject to the prior approval of the school's Patron.

Please note that the Patron's assessor now sits on the appointment panel for an SNA.

The Chairperson must maintain a file including a minute of each step taken, together with records of the criteria, short-listing procedure, marks, notes and copy letters issued to candidates, Patron and the DE&S.

1.3 A Special Needs Assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

2 Advertising a Special Needs Assistant Post

2.1 A Special Needs Assistant post must be advertised in a local newspaper. The advertisement shall invite applications for eligible persons to be submitted by a specified date to the Chairperson of the Board of Management.

2.2 Subject to any exceptions permitted by the Employment Equality Acts, 1998 and 2004 the advertisement must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating an intention of this kind.

3 Details that must be included in the advertisement

All of these details must be included.

- (i): The name and address of the school.
- (ii): The date of commencement of the post.
- (iii): State if the post is full time or part time and the number of part time hours.
- (iv): A general description of the duties of the post.

- (v): The latest date for receipt of application.
(vi): State that a curriculum vitae must be submitted with the application.
(vii): State that references or the names and addresses of referees are required.
(viii) State that a list of suitable applicants may be set up from which future vacancies may be filled (valid for the duration of the school-year).

4 Selection Board for Appointment of Special Needs Assistants

Please note that the first task to follow advertisement is the constitution of the Selection Board. Too many schools leave this until the application forms have been looked at, criteria set or even short listing having taken place. The occurrence of any of these before the full Selection Board is constituted voids the process and as Patron I would have to instruct you to recommence. Please contact me as soon as the vacancy is about to be advertised.

If a Chairperson is unable to act on the Selection Board, the Patron will nominate a replacement and advise Primary Administration (DE&S).

I have a list of experienced persons for such Patron's Assessors, and my Secretary must be contacted in connection with every appointment in order to provide suitable names from which the Chairperson may make a choice. Alternatively, a Special Education Teacher from another school can be nominated to the Patron to serve as an assessor.

4.1 The Selection Board shall consist of the Chairperson of the Board of Management, the Principal of the school and one other person nominated by the Patron.

4.2 The Selection Board must include at least one male and one female.

4.3 If any member of the Selection Board, including the Chairperson, stands in a relationship to a person who is a candidate for employment in the school, s/he shall withdraw from the Selection Board and the Patron shall nominate another Chairperson or member in his/her place.

This section relates to disclosure of interest. Again please note that the replacement of the Chair or other member due to illness at this point does not invalidate the earlier decisions of the Board.

5 Functions of the Selection Board

5.1 The Selection Board, prior to interviewing the candidates shall establish in writing the criteria for assessment of applications, having regard to appropriate legislation and the requirements of the post. Established criteria of the Board shall take account of the Employment Equality Acts, 1998 and 2004 and the Code of Practice of the Equality Authority.

The criteria should note the minimum qualifications for an SNA post (see section 7.1 below).

The setting of the criteria is the work of the whole Selection Board, not any one member or sub-committee of it.

5.2 The Selection Board shall meet within a reasonable period after the closing date for receipt of applications to determine those applicants to be called for interview.

Note that this process assumes three meetings:

- 1. To establish the criteria***
- 2. To open the application forms and to determine who will be called for interview***
- 3. The interviews***

5.3 The Chairperson of the Selection Board shall keep a record of the criteria used.

The application forms must not be opened until after the criteria have been established and recorded.

6 Interviews

6.1 While the Selection Board may decide to limit the number of applicants called for interview, a minimum of three eligible applicants must be called. If less than three applicants have applied for the post, all of the eligible applicants must be invited to interview.

6.2 The Selection Board must adhere to the agreed criteria for the assessment of applicants.

Please note that in the case of SNAs, there is no mandatory obligation to give details of the established criteria for the post to the applicants called for interview. However, they can be given if the Selection Board so wishes. Some schools also include their Special Education Needs policy.

6.3 The Chairperson of the Selection Board must keep a record of the agreed criteria and of the scoring used to assess applications and interviews.

All basic questions should be asked of each candidate though responses may require a supplementary question to a particular candidate. Such a question should be noted.

6.4 When interviewing applicants, particular caution must be taken to ensure that no questions, comments or statements might be construed as discriminatory e.g. on grounds of gender or marital status.

This is important. All such questions that may be construed as contravening the relevant equality legislation are not permitted.

7 Appointing the Successful Candidate

7.1 Schools are reminded that the minimum qualification necessary for appointment as a Special Needs Assistant is an award of Grade D (or pass) in Irish, English and Mathematics in the Intermediate Certificate / Junior Certificate or the Day Vocational Certificate Examination or in an examination of equivalent standard.

7.2 Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management, nominating

- a) the applicant whom it considers most suitable for appointment
- b) a list of candidates in order of merit suitable for appointment to any further post arising in the school over the course of the school year.

The Selection Board doesn't just supply one name, but the preferred candidate and the other candidates suitable for appointment. This panel of candidates lasts for the duration of the school year and will apply to any appointment to posts of SNAs which may arise.

7.3 The Board of Management shall meet and appoint the candidate nominated by the Selection Board unless it has good and sufficient reason not to do so, in which instance the matter shall be referred to the Patron, whose decision in this matter shall be accepted by the Board.

A Board of Management's grounds for such refusal to appoint would only include new information, not at the disposal of the Selection Board, which materially affects the appointment of that nominee.

Where a Board of Management has appointed the nominated candidate, it may be desirable in a competitive employment market, to contact the successful candidate and say that you are going to contact the Patron with a view to securing approval but, 'subject to the Patron's approval are they likely to accept it?' – unless the Board is aware of a significant obstacle to offering at this point.

When requesting my approval as Patron for the appointment, please use the following wording:

"I request the approval of the temporary / permanent appointment of X on the basis that the appointment procedures as laid down in Circular SNA 03/03 (revised) and subsequent relevant circulars have been complied with in making said appointment."

This can be done via letter, fax or e-mail. A phone call is not sufficient.

7.4 The Board of Management shall also retain the list of candidates deemed suitable for appointment. This list will be effective for in respect of any appointment to posts of Special Needs Assistants which may arise in the school.

7.5 If two or more Special Needs Assistants commence duty on the same day, the Board of Management shall establish the order of seniority based on the order that the Special Needs Assistants were listed as a result of the interview process i.e. the Special Needs Assistant who was ranked highest following the interview process should be given the higher seniority rating. Please refer to Circular 0059/2006 – Seniority of Special Needs Assistants which is available on the Department's website at www.education.ie under Education Personnel / Special Needs Assistants.

8. Medical Certification

8.1 The Board shall obtain from the successful candidate, prior to appointment, a certificate of medical fitness that s/he is fit to undertake the duties of the post. A sample form is attached at the end of this document.

Sample forms can be found in Appendix E of the 2007 'Constitution of Boards and Rules of Procedure for the Boards of Management of National Schools' (see page 54) available at www.education.ie

8.2 While the medical practitioner shall be nominated by the Board of Management, any costs incurred shall be borne by the successful candidate.

9 References

9.1 Before notifying the successful candidate the Board of Management shall check his/her references.

10 Vetting

10.1 It is the responsibility of the Board of Management to ensure that any proposed new appointee as Special Needs Assistant is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of appointment. Applications should not be sought prior to a decision being taken to offer appointment.

10.2 Please refer to Circular 0094/2006 – ‘New arrangements for the vetting of teaching and non-teaching staff’ which is available on the Department’s website at www.education.ie under Education Personnel / Special Needs Assistants.

Please note that the Secretary to the Board of Education has advised that this circular contains some inaccuracies and that a revised circular will be issued in due course.

Vetting of SNAs is carried out through the Authorised Signatory of the Church of Ireland Board of Education who can supply the relevant forms and guides.

11 Contracts of Employment

11.1 New appointees must be offered a contract of employment in accordance with the terms outlined in Circular SNA 15/05 – ‘Contract of Employment for Special Needs Assistants’ which is available on the Department’s website www.education.ie under Education Personnel / Special Needs Assistants.

12 Notification of the appointment to the Department of Education and Science:

12.1 On completion of the appointments procedure as outlined above, Boards of Management shall complete and submit the form “Notification of Appointment – Special Needs Assistant”, which is available on the Department’s website www.education.ie under Education Personnel / Special Needs Assistants, to
Non Teaching Staff (NTS) Payroll,
Payroll Division,
Department of Education and Science,
Cornamaddy,
Athlone,
Co Westmeath.

13 Queries

If you have any query in relation to this circular please e-mail your query to sna_pay@education.gov.ie or telephone 090 648 4136.

**+John Dublin & Glendalough:
Archbishop and Patron (January 2008)**

Church of Ireland
Dioceses of Dublin & Glendalough

ETHOS OF OUR PRIMARY SCHOOLS

1. The Church of Ireland school is a community where all pupils are equally valued and respected – irrespective of sex, social background, family circumstance, educational achievement, physical characteristics or intellectual functioning. Pupils experience a sense of caring and belonging, they are treated fairly and their spiritual, moral and religious development is encouraged as is their intellectual, social and academic achievement.
2. It is a community where moral values such as honesty, truthfulness, justice, fairness, sensitivity to others, and civic responsibility are nurtured and protected. The justification for these qualities is based on Biblical teaching and interpreted by the Church.
3. The Church of Ireland Primary School is a part of the local church community and has strong links with the Parish. This, for example, is shown by the fact that pupils attend services in the local church and the Rector visits the school on a regular basis.
4. The work of the school is conducted in an atmosphere of tolerance and respect for religious differences. The admission policy of schools often allows those of other faiths or none to become pupils.
5. Religious education occupies a central position in the school curriculum and is regarded as a core subject; generally speaking all pupils in the school attend classes in Religious Education. The teaching of religious doctrine is restricted to specific times in the school timetable.
6. The Church of Ireland school is one where the traditions and teaching of that Church inform the position taken in regard to moral issues which arise in the teaching of secular subjects.
7. The school nurtures freedom of thought and a personal relationship with God. This is most evident in the teaching of Religious Education, and in the prayer life of the school community.

**+ John Dublin & Glendalough:
School Patron**