

Manóóg Múinteoirí Iarbhunoideachais,  
An Roinn Oideachais agus Eolaíochta,  
Cor na Madadh,  
Baile Átha Luain,  
Co. na hIarmhí.



Post-Primary Teachers Section,  
Department of Education and Science,  
Cornamaddy,  
Athlone,  
Co. Westmeath.

## Circular Letter 43/00

To the Chief Executive Officer of  
Each Vocational Education Committee

### Revised Selection Procedures for the Appointment and Promotion of Teachers in VOCATIONAL SCHOOLS

#### 1. New Selection Procedures

- 1.1 The Minister for Education and Science wishes to advise Vocational Education Committees that, following consultation with the interested parties agreement has been reached on the following revised selection procedures for the appointment of:

Teachers

Principals, Deputy Principals

Assistant Principals and Special Duties Teachers.

- 1.2 The Minister for Education and Science hereby authorises the implementation of the procedures in question. The new procedures shall apply to all competitions with effect from 1 October, 2000.
- 1.3 This Circular supersedes all previous Circulars and arrangements relating to appointment, promotion and appeal procedures.

#### 2. Composition of Selection Boards

- 2.1 The composition of Selection Boards for appointment as temporary whole-time or permanent teacher, as Special Duties Teacher, Assistant Principal, Deputy Principal and, in schools of under 500 full-time day pupils, as Principal shall be:

1 VEC Representative (to be a member of the VEC)  
1 Personnel Expert  
1 Education Expert

All members must be present

- 2.2 In the case of appointment of Principal in schools with a full-time day enrolment of 500 pupils or more the Selection Board shall be:-

2 VEC Representatives (to be members of the VEC)  
1 Inspector of the Department of Education and Science  
1 Personnel Expert  
1 Education Expert

The quorum in this case will be four but must include the Inspector. In the case of appointment of a Catechetics Teacher the Education Expert may be nominated by the Diocesan Authority.

- 2.3 Normally an expert each will be drawn from the VEC and TUI list of nominations.

- 2.4 The Selection Board for eligible part-time teachers will be: -

The Chief Executive or Deputed Officer

A Principal or Centre Director as appropriate

A representative of the VEC

The Selection Board as set out at paragraph 2.1 above may also be used for the selection of eligible part-time teachers.

As in the case of temporary whole-time and permanent teachers, eligible part-time teachers will be appointed to the VEC Scheme rather than an individual school. The circumstances in which EPT contracts may be awarded are set out in Appendix I.

- 2.5 There shall be gender representation on Selection Boards and in the case of 5 person boards every effort should be made to have at least two of each gender on the board.

- 2.6 Where the scheme CEO is a member of the Selection Board she/he should normally act as secretary. In the absence of the scheme CEO a Board member should be assigned responsibility for keeping records. Alternatively a VEC staff member may be assigned as recording secretary to the Board.

- 2.7 The IVEA will initiate a programme of Selection Interview Skills training for members of Boards with the objective that eventually all members will have available to them Selection Interviewing Skills training.

### **3. Panel of Experts**

- 3.1 The VEC and the local branch of the TUI will nominate appropriate persons to form a local panel of education experts and personnel experts. The number of nominees should reflect the needs of the scheme. Nominations must be accompanied by letters from each nominee indicating acceptance of the

nomination and a willingness to serve on Selection Boards. The local panels will together form national panels of education and personnel experts. In so far as possible personnel for Selection Boards will be drawn from local panels supplemented by agreement as required. If this is not feasible, recourse will be had to the national panel but in drawing from this panel every effort will be made to draw from a reasonable geographical area.

Over time a balance should be achieved between the number of panel nominees of the VEC and the TUI in the composition of Selection Boards.

**3.2** Principals may be members of all Selection Boards for appointments as set out in Paragraph 2 above. Principals may be members of Selection Boards for promotion to posts of Assistant Principal and Special Duties Teacher subject to the conditions set out below:

- (a) Principals may be members of Selection Boards for promotion to posts of Assistant Principal and Special Duties Teacher in a VEC scheme other than that in which they are serving.
- (b) On a pilot basis Principals in the City of Dublin and County Dublin Schemes may be members of Selection Boards for promotions in their own schemes. Principals will not be members of Selection Boards for promotions in their own school. The pilot scheme will be for the school years 2000/01 and 2001/02. In applying these arrangements it is understood that not more than one Principal will act on any Selection Board.

These procedures will be reviewed before the end of the 2001/02 school year in conjunction with the other provisions of this agreement.

#### **4. Criteria for Selection for appointment to Assistant Principal and Special Duties Teacher posts.**

**4.1** The objective of the Selection Board will be to select the most suitable candidate for the post. In making its selection, the Board shall adopt the following criteria and marking system when determining their order of merit for submission to the VEC.

Capacity of the applicant to meet the needs of the School	50% of marks
Service to the particular scheme	30% of marks
Experience of a professional nature in the field of Education and involvement in the school	20% of marks

- 4.2 The total of the marks awarded under the headings (a), (b) and (c) above shall determine the order of merit. All appointments from a given competition shall be made in accordance with such order of merit.

## 5. Testing of candidates and awarding of marks.

- 5.1 In assessing candidates for Assistant Principal and Special Duties Teacher posts the following is an indicative but not exhaustive list of appropriate areas of testing by Selection Boards in awarding marks under each of the headings (a), (b) and (c).

- (a) *Capacity of applicant to meet the needs of the school – 50% of Total Marks available at interview*

*Indicative areas of testing.*

Knowledge and awareness of relevant educational issues including the school's present provisions and structures.

Capacity to fulfil a middle management role by meeting the needs of the school as set out in the schedule.

Contribution to the overall management, organisation and development of the school. Communication and Organisation skills.

General presentation of case including application form/C.V.

- (b) *Service to the particular scheme (Max 30% of Total Marks available at interview).*

Marks for service to the particular scheme in a permanent whole-time, temporary and part-time capacity should be on the basis of 100% of the available marks for the most senior candidate and pro rata for the other candidates. The computation of such service shall be in accordance with Circular Letter 44/00 and any subsequent circulars replacing or amending same issued by the Minister for Education and Science from time to time.

- (c) *Experience of a professional nature in the field of education and involvement in the school (Max. 20 % of Total Marks available at interview).*

*Indicative areas of testing.*

Personal Professional Development through in-career and/or external programmes.

Involvement with Boards of Management / Parents' Association / Representative Bodies / School Committees.

Work in association with educational bodies and institutions.

Course/subject development, co-ordination of courses.

Involvement in organising school events e.g. open days, prize giving, parent information meetings, extra curricular activities, school tours.

## **6. Advertising of posts.**

**6.1** Posts of Assistant Principal and Special Duties Teacher should be advertised in accordance with Circular Letter 20/98. In addition schools should make the following information available to candidates:

- (a) A list of all the existing posts in the school and the duties of each post.
- (b) A list of other duties appropriate to posts of responsibility determined by the Board of Management as priority needs of the school following consultation between the Principal and Staff in accordance with Circular Letter 20/98.

Candidates should be informed that they will be assessed on the basis of their capacity to fulfil the duties listed at (a) and (b) above.

## **Appeal Process in relation to the appointment to Assistant Principal and Special Duties Teacher posts**

### **7. Appeals**

**7.1** The decision of a Selection Board may be appealed by a candidate on the grounds that the agreed criteria and marking scheme as set out above were not applied by the Board.

**7.2** The purpose of the appeals process is to ensure that candidates have been evaluated and awarded marks by the Selection Board in accordance with the criteria and marking scheme as set out in paragraphs 4 and 5 of this Circular Letter.

**7.3** The appeals process is not an instrument to examine or override the evaluation of the Board or to deal with other technical infringements of the selection procedures set out in this Circular Letter. Concerns in relation to departures from or interpretation of aspects of the circular should be submitted to the Department of Education and Science for decision.

**7.4** The only grounds for appeal through this procedure are

- (i) The candidate was not evaluated in accordance with criteria set out in paragraphs 4 and 5 of this Circular Letter

**and/or**

- (ii) the marks for service to the scheme were incorrectly calculated.

- 7.5 Each appeal must state precisely the grounds as to 7.4.(i) and 7.4.(ii) above. The appeal shall outline the arguments which will be made at an oral hearing. No additional issues will be admissible at a hearing. At the hearing stage extraneous matters, allegations or arguments unrelated to the written appeal and the VEC statement of its position must not be introduced.
- 7.6 An Appeal must be delivered to the VEC within 14 calendar days of the date of notification of the Selection Board's recommendation.
- 7.7 Within 14 calendar days of the final date for receipt of appeals the VEC shall notify all the candidates of the appeals and forward the appeal to the appropriate Arbitrator. In forwarding the appeal to the Arbitrator the VEC shall include a statement of its position. This statement shall include all the arguments which the VEC wish to make at an oral hearing. A copy of the VEC statement shall be sent to the appellant at the same time.
- 7.8 No appointment shall be made pending the outcome of the appeal.
- 7.9 The Arbitrator shall arrange an oral hearing as soon as possible. It is desirable that the hearing take place within 15 days of receipt of the appeal. At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland.
- 7.10 Having heard the appellant's case and consulted the advisors the Arbitrator may:
- (i) make a decision
  - (ii) seek further information/documents before making a decision. Any such documentation or information will be made available to the appellant, the VEC and the IVEA and TUI advisors. Apart from this the parties shall make no other submissions to the Arbitrator.

The Arbitrator shall issue his/her decision as soon as practicable. The decision shall be

(i) to reject the appeal

**or**

(ii) to uphold the appeal.

The reasons for the decision shall be given.

- 7.11 All candidates shall be notified of the decision. If the appeal is upheld the original applicants will be invited to attend for re-interview. If the appeal is rejected the original successful candidate shall be appointed.
- 7.12 The appointment arrangements and terms of reference for arbitrators are set out in Appendix II.
- 8. **Copies of circular**
- 8.1 You are requested to provide a copy of this Circular to the parents' and teachers' representatives on Boards of Management.

**Johnny Bracken,  
Principal Officer.**

**November, 2000.**

## Appendix I

### EPT CONTRACTS

Circular Letters 38/89 and 39/89 set out the conditions applying to the EPT contracts generally. This appendix sets out the agreements reached on the operation of the scheme in VECs with effect from 1 September 2000

With effect from 1 September 2000 a teacher may be given an EPT contract based on available part-time hours in more than one school. In these circumstances part-time hours will not extend over more than three schools, with a minimum of three part-time hours per week in any one school.

In the event of part-time hours to sustain an eligible part-time teacher's contract no longer being available, the incumbent eligible part-time teacher, subject to satisfactory service and subject suitability, will be offered any residual part-time hours which may be available.

Where existing eligible part-time teachers' hours continue to be available and the service of the serving eligible part-time teachers is satisfactory the VEC will not require re-interviewing in the appointment process.

It is agreed that the terms of Paragraph 5 of the "Agreement between the CDVEC and the TUI on the operation of the pro-rata scheme for Eligible Part-time Teachers (23<sup>rd</sup> March, 1989)" will apply to all EPTs. This agreement was issued as an attachment to Circular Letter No. 38/89 dated 25 May, 1989. A copy of the relevant Paragraph is attached.



## Appendix II

### Terms of Reference for Arbitrators

1. Arbitrators are appointed jointly by the IVEA and TUI. These are the terms of reference under which the Arbitrator shall operate. These terms of reference may be amended or extended from time to time by way of a joint written instruction authenticated jointly by the signatures of the General Secretaries of the IVEA and TUI. In the event of any doubt or dispute arising in relation to the interpretation of these terms of reference the matter shall be referred to the IVEA and TUI whose decision shall be final.
2. The only grounds for an appeal under this procedure are those as set out in Circular Letter 43/00. Each appeal should state clearly the grounds of the appeal and the arguments which will be used at the oral hearing. The introduction of any matters unrelated to the interview and the marking criteria may warrant the disallowing of the appeal.
3. Each appeal submitted to the Arbitrator shall be accompanied by a statement of case by the VEC.
4. The only arguments to be considered by the Arbitrator shall be those contained in the Appeal and VEC statement.
5. The arbitrator shall convene an oral hearing as soon as possible on receipt of an appeal. It is desirable that a hearing should be held within 15 days of receipt of the appeal by the Arbitrator. Every effort should be made to meet that objective.
6. At the oral hearing the Arbitrator will be advised by a nominated advisor from both the Irish Vocational Education Association and the Teachers' Union of Ireland.
7. Following the hearing the Arbitrator shall issue a finding in writing to both parties. The finding shall give the reasons for the decision. The Arbitrator shall not enter into any further correspondence or communication with the parties.
8. On appointment each Arbitrator will be briefed jointly by the IVEA and TUI.
9. While the appointment is a joint appointment and the costs of arbitration will be borne jointly by the particular VEC and TUI the IVEA shall arrange payments to all the Arbitrators.

**Agreement between the CDVEC and TUI on the operation of the pro rata  
scheme for Eligible Part-time Teachers (23<sup>rd</sup> March 1989)**

**5.     Industrial Relations Procedures**

- 5.1     The Committee and the Union acknowledge that for the vast majority of teachers the question of disciplinary action never arises. With a view to ensuring that on the exceptional occasion when disciplinary action must be taken, it is exercised in a fair and reasonable manner and with due regard to the rights and responsibilities of all the parties concerned, the procedures which operate between the Committee and the Union will be respected.
- 5.2     In the context of 5.1, both the Committee and the Union wish to encourage teachers employed on a pro rata basis to seek agreement over individual or minor difficulties by discussion between the teacher and his or her immediate supervisor.
- 5.3     If still unresolved the matter will be brought to the Principal and the teacher may be represented by his or her TUI representative. The School/College Principal will advise the teacher verbally of the specific aspects of his or her work which is deemed to be unsatisfactory. The School/College Principal will state clearly that his or her statement constitutes a first warning and will also advise of the improvements deemed to be necessary.
- 5.4     If the improvements requested are deemed to have not been achieved and if dissatisfaction with the teacher continues, the School/College Principal will confirm his or her statements in writing to the teacher. The School/College Principal will also state clearly in writing that his or her confirmation constitutes a first written warning and will also forward a copy of the letter to the Committee's Personnel Department.
- 5.5     If the problem persists, the Chief Executive Officer, or a deputed Senior Officer of the Committee, will write to the teacher advising that his or her letter constitutes a final written warning and advising also that the teacher's employment may be terminated if the improvement deemed to be necessary is not achieved. A copy of this letter will also be sent to the Committee's Personnel Department and to the School/College Principal involved.
- 5.6     A teacher who has been issued with a final written warning as per the above and who continues to fail to maintain a level of performance deemed to be satisfactory may be dismissed, but only in accordance with the industrial relations procedures which have been agreed between the Committee and the Teachers' Union of Ireland.
- 5.7     Every effort shall be made to resolve the issue involved at each stage of the procedures prescribed above. Further, at each stage of the above procedures the teacher is free to appeal the actions taken by invoking the industrial relations procedures which have been agreed between the Committee and the Teachers' Union of Ireland.

- 5.8 If no settlement is reached under 5.7 then the dispute shall be referred to a Rights Commissioner or to the Chief Conciliation Officer of the Labour Court who may arrange a Conciliation Conference and reference to the Labour Court as appropriate. No industrial action will take place until this procedure has been carried through and a Labour Court or Rights Commissioner recommendation has been issued.
- 5.9 For breaches of Clause 2.3 of the Contract of Employment and offences of suspected or alleged serious misconduct, immediate suspension will normally apply which, after investigation, may be followed by summary dismissal if the offence is established and there are no acceptable mitigating circumstances. At each stage in the procedure the teacher can appeal the action taken through the industrial relations procedures which have agreed between the Committee and the Teachers' Union of Ireland.