



Circular 29/03

Primary

DEPARTMENT OF EDUCATION AND SCIENCE PRIMARY BRANCH

TO BOARDS OF MANAGEMENT, PRINCIPALS AND TEACHERS IN PRIMARY SCHOOLS

SUPERVISION FOR MID MORNING AND LUNCHTIME BREAKS

Introduction:

The Minister for Education and Science wishes to advise Boards of Management, Principal teachers and teachers in primary schools of the arrangements regarding payment of supervision monies to primary school teachers.

1. Duty of Care

Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the children in the school in which they teach, including periods of supervision, is not changed.

The overall responsibility for the day-to-day management of school supervision will continue to rest with the Principal teacher. The terms of Circular 16/73 will continue to apply i.e. “the Principal teacher should organise supervision for the order and general behaviour of the pupils during school hours. In particular, s/he should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal”.

2. Maximum number of hours supervision due to a school

2.1 A school is entitled to 37 hours supervision per annum for each full-time teaching post (including temporary full-time teaching posts), or to a minimum of 122 hours per school, whichever is the greater.

This figure takes account of

- the nature of supervision at primary level
- the age range of pupils and
- guarantees the current levels of care and supervision provided to all primary pupils.

N. B.: A full-time temporary teaching post refers to a temporary teaching post sanctioned for a full school year.

- 2.2 The number of full-time teaching posts allocated to a school on 30th September in a school year determines the number of hours supervision due to a school in that year. Example : If a school has 10 full time teaching posts on 30th September, a maximum of ten supervision payments of 37 hours each will be made to the school for the school year.
- 2.3 There are no circumstances where additional supervision monies can be paid to a school over and above the staffing allocation on 30th September.
- 2.4 Where there is a shared teaching post, this post is counted in the base school when calculating entitlement to supervision allocation.

3. Contract to undertake supervision

- 3.1 A teacher undertaking supervision duties must sign a letter of contract with the Board of Management. Sample attached at Appendix A. The letter of contract must be certified by the Chairperson, Board of Management and retained in the school for at least six years.
- Sample A: relates to teachers committing to undertake supervision duties of 37 hours per annum on an on-going pensionable basis to retirement.
 - Sample B: relates to teachers committing to provide 37 hours supervision for a full school year, but deferring decision regarding pensionability until 1 September, 2004.
 - Sample C: relates to newly appointed teachers opting to provide 37 hours supervision but deferring decision on pensionability for 1 year from the date of their first appointment.

4. Roster for Supervision

- 4.1 The Principal teacher should prepare the roster for supervision and, where possible, this should normally be drawn up before the start of the school year.
- 4.2 The roster should include arrangements for providing supervision for short-term absences of 28 days or less i.e. for teachers to swap days they are due to do supervision duties. It should be submitted to the Board of Management for approval and should be retained in the school for inspection by Department officials.
- 4.3 The roster should be posted in a prominent position within the school so that all teaching staff have access to it.

5. Eligibility of Teachers to Undertake Supervision Duties and Receive Payment of Monies

- 5.1 A permanent or long-term temporary teacher who undertakes supervision duties in a primary school must opt to provide a minimum of 37 hours supervision per school year in order to receive payment with salary from the Department. (For the purpose of this circular a long-term temporary teacher is a teacher employed under contract with a Board of Management for a full school year).
- 5.2 The Department will issue a grant to the Board of Management to facilitate payment to a teacher who opts to do less than 37 hours supervision per annum.
- 5.3 Job-sharing teachers may undertake supervision duties on their rostered teaching days and will receive annual payment with salary for a maximum of 18.5 hours supervision in a school year.

- 5.4 Permanent/temporary teachers in shared posts are paid for undertaking supervision duties. Local arrangements for carrying out the 37 hours supervision duties by the shared teacher should be made between the Boards of Management concerned. Supervision payment will issue with salary to the teacher at the base school.
- 5.5 A replacement teacher appointed in a permanent or long-term temporary capacity that commences or ceases employment with a Board of Management during the school year will receive payment with salary on a pro-rata basis for the period for which supervision was undertaken in the school.
- 5.6 If a teacher moves to a permanent post in another school s/he must sign a supervision contract with the new Board of Management in order to undertake supervision duties and to be eligible to receive payment of supervision monies at the new school. However, such an arrangement can only be entered into if the teacher is filling an existing vacancy in the school. Any additional posts allocated to a school after 30 September cannot be counted for supervision payments.
- 5.7 If a teacher is absent from a school on special leave under Rule 116 (Study Leave) a grant for supervision duties will be paid to the Board of Management for the period of the absence. It is a matter for the Board of Management to arrange payment for the person who undertakes supervision duties for the absent teacher.
- 5.8 The nature of certain teaching posts in primary schools, i.e. visiting teachers/teachers on secondment, does not allow for their availability to undertake supervision duties in the school. Consequently, no payments for supervision can issue to such teachers.

Short-term absence: (28 days or less)

- 5.9 Short-term absences (28 days or less) should be covered by local arrangements e.g. colleagues covering for each other, and Boards of Management should have a policy in relation to supervision for such absences. Where a temporary or substitute teacher employed to cover an absence of 28 days or less undertakes supervision duties payment for these duties will be made via a grant to the school. In the event that a substitute or temporary teacher is employed for a number of absences of four weeks or less, the substitute/temporary teacher cannot combine such separate days worked in order to receive supervision payment.

Long-term absence:

- 5.10 A permanent or long term temporary teacher absent in excess of 28 consecutive days on any type of leave during the school year, including absences before and after a holiday period, e.g. mid-term breaks, Christmas and Easter breaks (the holiday period is included when counting towards the absence), will be paid supervision monies on a pro rata basis i.e. they will not receive supervision monies for this absence. However, if the Board of Management certifies that full supervision duties were carried out in the school year by the absent teacher (i.e. 37 hours) then payment can be made. Examples of instances where such an absent teacher can fulfill the full 37 hours supervision include:
- If another teacher in the school has opted out of supervision and there are hours available. In such an instance the grant due to issue to the school will be reduced accordingly; or
 - If a colleague covers for the absent teacher and the absent teacher then covers for the colleague on his/her return.

In the latter instance, the temporary or substitute teacher employed to cover the absence in excess of 28 days should not be called to do supervision to replace the absent teacher and there are no circumstances in which a payment for supervision will be made for this substitute/temporary teacher.

- 5.11 If a short-term temporary teacher employed for a period in excess of 28 consecutive days or a substitute teacher employed in excess of 4 consecutive weeks is called upon to do supervision duties, the payment for the absent teacher will be reduced accordingly and payment will issue with salary on a pro-rata basis to the short-term temporary teacher/substitute teacher.**

6. Payment of Grants to Schools

6.1 Schools where all teachers do not opt to undertake supervision duties

In schools where a teacher(s) opts not to undertake supervision duties, the Department will issue a grant (equivalent to 37 hours for each teacher who opts out plus an additional payment of 10.75% to cover the employers rate of PRSI) to Boards of Management. This will enable Boards to pay other teachers in the school who undertake supervision duties in excess of 37 hours annually or to employ external supervisors (i.e. non teaching staff). Section 5.6 also refers.

6.2 1, 2 and 3 teacher schools

In the case of 1, 2 and 3 teacher schools the standard payment (37 hours) will be made to each teacher undertaking supervision duties. A further grant will be payable to the Board of Management by the Department to facilitate the cost of external supervisors or any additional payments due to teaching staff as a consequence of working in excess of 37 hours supervision.

Based on an minimum entitlement of 122 supervision hours per school, grants will range as follows:

- 1 teacher school – 85 hours;
- 2 teacher school – 48 or 20 hours (see paragraph below in relation to 2 teacher schools) and
- 3 teacher school – 11 hours

One teacher schools:

In one teacher schools the Board of Management may employ an external supervisor(s) to undertake supervision duties. This is to enable the Principal teacher to comply with the terms of 12.1 of the Organisation of Working Time Act (1997).

Two teacher schools:

Each two-teacher school is entitled to 122 hours supervision.

Under present arrangements, the 2nd teacher in a two teacher school who is in receipt of the Special Duties Allowance as per Primary Circular 7/03 must undertake 28 hours of this supervision and is receiving payment for this in the special duties allowance. Consequently, the balance of supervision hours payable for such schools under the terms of this circular is 94 hours. If the 2nd teacher in a two teacher school is a Privileged Assistant or is in receipt of an allowance on a personal basis or is not in receipt of the special duties allowance, such teachers are not obliged to undertake supervision duties as per the terms of Primary Circular 27/02 (i.e. undertake 28 hours supervision).

Three teacher schools:

Each teacher in a three-teacher school, who opts to do supervision duties will receive payment with salary for the 37 hours undertaken. A grant will issue to the Board of Management for the balance of supervision, i.e.11 hours, if all three teachers have undertaken the duties.

6.3 External Supervisors

If the process of seeking volunteers from the teaching staff of the school to undertake supervision duties does not produce enough school based volunteers to cover the school supervision needs, the Board of Management may source and recruit personnel to provide supervision services, e.g non-teaching staff or external supervisors. Please see [Primary Circular 18/03](#) in relation to the employment of such personnel.

The Board of Management will make payment for supervision duties undertaken by such personnel from grants provided by the Department which will be based on the balance or proportion of the balance of the schools' non-committed supervision hours.

6.4 Statutory Deductions

Where a Board of Management makes payments to teachers/external personnel, responsibility for statutory deductions (tax, prsi) should be dealt with directly by the Board of Management with the relevant statutory bodies.

7. Pensionability of Monies paid to Teachers for Supervision

7.1 Teachers, who are in pensionable service and who opt-in to supervision duties under a 37-hour per annum contract on an on-going basis to retirement, will have the supervision payment made pensionable, subject to the payment of contributions and the rules of the Superannuation Scheme.

7.2 In order for serving teachers to qualify for pensionability of supervision monies, they must opt in to supervision duties on or before the 1st September 2004. Teachers who are on authorised leave of absence (eg. Career break, secondment) and who are not in service in September 2004 will be given an option to opt in to supervision on a pensionable basis on their return.

7.3 Since the start of the 2002/2003 school year, newly qualified teachers in their first appointment, in order to qualify for pensionability, must opt in to supervision duties within twelve months of first appointment.

7.4 A teacher, who has opted to partake in the supervision duties, but later opts out, will forfeit pensionability (for supervision monies) and will not be allowed under any circumstances to re-enter such a commitment. The teacher will not, in such circumstances, be entitled to a refund of superannuation contributions paid in respect of supervision payments. The teacher must advise the Board of Management of his/her decision on or before the 30th June prior to the commencement of the next school year. The teacher may continue to provide supervision duties on a volunteer basis and receive grant payment from the Board of Management.

7.5 Where teachers make an ongoing commitment to supervise, the commencement date for pensionability shall be the 1st September 2001 in the case of serving teachers who delivered the appropriate supervision in each year since that date or the date of appointment in the case of new teachers who delivered appropriate service from that date. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates. Pension contributions effective from 1 September 2001 will be deducted from any supervision payment due to a teacher opting in to pensionability. Pension deductions will be made from the supervision payments for the 2003/2004 school year.

7.6 Any supervision duties undertaken for less than 37 hours duration or less than 18.5 hours in the case of job sharing teachers (other than where a teacher has been available throughout the school year to provide 37 hours supervision but where a Board of Management does not call on delivery of all the committed hours) or duties undertaken in excess of 37 hours in a school year are not pensionable.

8. Payment for the 2003/2004 school year

- 8.1 Arrangements will be made to include payments with teachers' salary at the end of the current school year, pending receipt of certification of supervision duties undertaken from Boards of Management.
- 8.2 Payments to substitute teachers will issue as soon as possible thereafter.
- 8.3 In an effort to assist schools with the costs arising from the employment of external supervisors, arrangements will be made to pay grants to schools as soon as possible in 2004. However, in order for such arrangements to be put in place, schools must complete the enclosed form Supervision – 2003/04 (Teachers Who Have Opted Out Of Supervision Duties) and return it to the Department by Friday 12th December 2003.

This circular may be accessed on the Department of Education & Science website at www.education.ie. (Access through Education Personnel/Primary/Circulars & information booklets).

J. Bracken
Primary Branch.

November, 2003.

**Contract for Supervision Duties
(full-time primary school
teachers)**

A

I _____ hereby give a commitment to undertake supervision duties on a pensionable basis under a 37 hour per annum contract on an ongoing basis to retirement in accordance with the terms of [Primary Circular 18/03](#). I understand that, should I cease to meet this commitment, pensionability will be forfeited and I will not be allowed to re-enter such a commitment.

Or

B

I _____ hereby give a commitment to undertake supervision duties under a 37 hour contract for the school year 2003 / 2004 in accordance with the terms of [Primary Circular 18/03](#) but wish to defer a decision on pensionability until on or before 1 September 2004.

Or

C

I _____, have commenced teaching on _____ and hereby give a commitment to undertake 37 hours supervision duties per annum in accordance with the terms of [Primary Circular 18/03](#). I wish to defer decision on pensionability for 1 year.

Signed _____ Date _____
(Teacher)

Signed _____ Date _____
(Chairperson, Board of Management)

Please retain with school records for a period of six years. This document should not be sent to the Department.

Form [SUPERVISION – 2003/04 SCHOOL YEAR - Teachers who have opted out of supervision duties](#)

Info Note [Information Note on Payment in Respect of Supervision duties for the 2003/2004 school year](#)

Form - [Supervision Claim Form 2003/2004](#)