

An Roinn Oideachais agus  
Eolaíochta  
Rannóg Múinteoirí  
Iarbhunoideachais  
Cor na Madadh,  
Co. Na hÍarmhí.



Department of Education  
And Science  
Post Primary Teacher Section  
Cornamaddy,  
Athlone,  
Co. Westmeath.

**Circular Letter 0046/2006**

**To: The Management Authorities of Secondary, Community and  
Comprehensive Schools, and the Chief Executive Officers of Vocational  
Education Committees**

**Implementation of Protection of Employees (Fixed Term Work) Act  
2003**

**Approved Schedule of Department Supported Posts**

**1. Purpose of this Circular**

The purpose of this circular is to advise school authorities of certain implications of the implementation of the Protection of Employees (Fixed Term Work) Act 2003 on the Department Approved Allocation of Teaching Posts.

**2. Contracts**

School management authorities are again reminded that the provisions of the Protection of Employees (Fixed Term Work) Act 2003 should be adhered to when awarding or renewing a fixed term contract. Sections 8 & 9 of the legislation are particularly important in this context.

Written contracts of employment must be issued to all temporary (fixed-term) appointees as soon as practicable after their appointment.

In addition, under Section 3 of the Terms of Employment (Information) Act, 1994, employers are obliged to provide, not later than two months after the commencement of the employment, a written statement of the terms and conditions of employment.

The appointee must sign and receive a copy of the statement of terms. The statement of terms may be included in the written contract of employment or may be provided separately.

Each statement of terms must, under Section 8 of the Protection of Employees (Fixed-Term) Work Act, 2003, contain the objective condition determining the contract whether it is

- finishing on a certain date
- completing a specific task, or
- the occurrence of a specific event.

Where the school management authority proposes to renew a fixed term contract, the fixed term employee must be informed in writing by the school management authority, 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.

Henceforth school management authorities must ensure that Contracts of Indefinite Duration are offered only where such contracts can be met within the approved teacher allocation and where the terms of Circulars [PPT 14/05](#) and [0010/06](#) are met in full.

### **3. Hours of Work of CID holders**

The hours of the Contract of Indefinite Duration will be the hours for which the employee was engaged on a fixed term contract in the school/academic year immediately proceeding the issuing of the CID (other than those hours which are for the provision of temporary cover).

Individual teachers must be timetabled for the total hours for which the teacher is contracted. The total hours may be made up of two or more separate contracts.

### **4. Quota position**

The quota position of a school/VEC will be determined having regard to the combined total of permanent and CID post holders in the relevant school year. In this regard, existing fixed term employees who qualify for a CID in the relevant school year will be taken into account.

Where the total number of teachers in permanent/CID arrangements exceeds the number of approved posts based on the initial allocation, the Department will take account of such surplus posts in considering further allocations of teaching hours.

### **5. Permanent Vacancies**

Where, having taken account of all teachers in permanent/CID arrangements, a permanent vacancy occurs, the school management authority must assess whether an existing fixed-term employee qualifies for a Contract of Indefinite Duration in accordance with the relevant legislation and the terms of Circular [PPT 14/05](#) (or successor arrangements).

If a permanent vacancy is identified, and an existing fixed-term employee does not qualify for a Contract of Indefinite Duration under the terms of Departmental circulars, the post may be filled in the normal manner.

Where the total number of existing teachers in permanent/CID arrangements plus those qualifying for a CID in the relevant school year exceeds the number of approved permanent posts, based on the allocation, no further permanent post may be filled.

### **6. Appointment of additional teachers arising from decisions of the Special Educational Needs Organiser.**

School management authorities that are within their teacher quota may make appropriate appointments on receipt of the decision of the SENO.

For this purpose, the teacher quota is determined as at section 4 above. All other school management authorities must await the direction of the Department of Education and Science before making any teacher staff adjustments.

The terms of Section 6 of this circular supersede the terms of Section 8 of Circular Letter PPT 01/05.

You are requested to ensure that copies of this circular are provided to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

This circular can be accessed on the Department's website [www.education.ie](http://www.education.ie)

Queries concerning this circular letter should be emailed to:

allocations @education.gov.ie

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Principal Officer  
March 2006