



Circular 0058/2006

DEPARTMENT OF EDUCATION AND SCIENCE

PAYROLL DIVISION

TO: Boards of Management, Principal Teachers and Special Need Assistants in Primary and Second Level Schools.

Redundancy Arrangements for Special Need Assistants

1. Introduction

- 1.1 The Minister for Education and Science wishes to advise Boards of Management of the arrangements which have been agreed at national level in relation to redundancy compensation for special need assistants employed in primary and second level schools. The arrangements were agreed at the Labour Relations Commission.

2. Terms of the Redundancy Agreement at the Labour Relations Commission:

- 2.1 The arrangements agreed provided for redundancy compensation of twice the statutory terms to be applied to full time special need assistants employed in primary and second level schools in approved posts with more than one year's continuous service.
- 2.2 The arrangement also provided for compensation to those losing full time status and associated benefits to be applied on a pro rata basis.
- 2.3 Under the Redundancy Payments Act, 2003 an eligible employee is entitled to two weeks statutory redundancy payment for every year of service, plus a bonus week.
- 2.4 The agreement referred to at Para.1 provides that **full-time** special need assistants with more than one year's continuous service whose posts are surplus to the approved allocation to the school shall be entitled to four weeks redundancy payment for every year of service, plus a bonus week, with **part-**

time special need assistants with more than one year's continuous service having a pro rata entitlement.

Where a redundancy situation arises due to a reduction in hours as provided for in section 4.2 below, redundancy compensation will again be on a pro rata basis.

3. Review of the Special Need Assistant Posts Allocation in Schools:

- 3.1 The allocation of special need assistant posts to your school will be reviewed on an annual basis. The employment of special need assistants may be reduced from full-time to part-time or terminated by way of redundancy where the approved allocation to the school is reduced and it is necessary to compulsorily cease the employment of special need assistants. A redundancy situation arises where the post ceases to exist and the special need assistant is not replaced. Thus a special need assistant who is dismissed for any reason other than redundancy (e.g. misconduct, inefficiency) or who voluntarily leaves the employment is not entitled to a redundancy payment.
- 3.2 A redundancy situation may also arise in cases where the services of a special need assistant(s) is no longer required in your school e.g. where a special needs child terminates her/his attendance at your school for whatever reason and there are no other vacancies in the school.

4. Selection Criteria for Redundancy:

4.1 Termination of special need assistant posts

The selection criteria for redundancy will be on a last in first out (LIFO) basis subject to the contractual arrangements already in place. This means that, in the case of redundancy, unless the most junior special need assistant in the school has a written child specific contract that entitles her/him to remain in the school, her/his contract should be terminated on the basis that she/he is the most junior special need assistant in the school in terms of length of service (Circular Letters [SNA 12/05](#) and [15/05](#) on contracts of employment refer).

4.2 Reduction of one full-time special need assistant post to a part-time post

Where a full-time special need assistant post within the school is reduced to a part-time post, the issue of a redundancy payment in respect of the loss of hours may arise. The entitlement to redundancy is subject to the special need assistant's eligibility in accordance with the terms of the redundancy agreement set out at section 1 above and the criteria outlined in Para. 3.1. Again, the selection criteria for redundancy in this scenario will be on a last in first out (LIFO) basis subject to the contractual arrangements already in place in the school.

5. Service Reckonable in the Calculation of Seniority and Redundancy:

- 5.1 The period of a special need assistant's absence on maternity leave, additional maternity leave, parental leave, paternity leave and force majeure leave is reckonable.
- 5.2 Absences on sick leave in excess of 26 weeks in the three year period prior to the date of the redundancy arising are not reckonable in the calculation of reckonable service for redundancy. Absences on sick leave up to 52 weeks are reckonable, if the absence is due to occupational accident or disease.
- 5.3 The arrangements that apply regarding the calculation of adoptive leave and carers leave are outlined in the "Guide to the Redundancy Payments Scheme" booklet issued by the Department of Enterprise, Trade and Employment.
- 5.4 In the event that a special need assistant was job-sharing the job—sharing rate of pay is the rate used for redundancy calculation purposes.
- 5.5 Where a special need assistant receives a redundancy lump sum payment, his/her continuity of employment is broken. The period of service reckonable for redundancy payment purposes will only consist of the period of the special need assistant's continuous service in the school in which she/he was last employed.
- 5.6 Please refer to [Circular 0059/2006](#) for further information on determining the seniority of special need assistants.

6. Termination of Contract of Employment:

- 6.1 In terminating a special need assistant's contract of employment, the provisions of the Minimum Notice and Terms of Employment Act 1973 to 2001 should be applied. Adequate notice should be given in accordance with the terms of that Act as follows:-
 - an SNA who is in service for a period of between thirteen weeks and two years should be given a minimum of one week's notice
 - an SNA who has been in continuous service for more than two years but less than five years should be given two weeks notice
 - an SNA who has been in continuous service for five years but less than ten years should be given four weeks notice
 - an SNA who has been in continuous service for ten years but less than fifteen years should be given six weeks notice
 - an SNA who has been in continuous service for more than fifteen years should be given eight weeks notice.

7. Applications for Payment of Redundancy:

- 7.1 There is a standard application form for payment of redundancy (Form RP50) which is attached as Appendix 1. An example of Form RP50 containing the information which must be completed, initially by school management and subsequently by the special need assistant, is attached at Appendix 2.

Details on the completion of the form are also outlined in the “Guide to the Redundancy Payments Scheme” booklet issued by the Department of Enterprise, Trade and Employment.

- 7.2 The time limit for submitting an application for payment of redundancy is 52 weeks after the date of termination of the contract of employment.
- 7.3 Form RP50 should be completed by school management in the first instance and then submitted to the SNA Payroll Section, Payroll Division, Department of Education and Science, Athlone, Co. Westmeath for payment. The special need assistant should be given a copy at that stage for her/his information.
- 7.4 Where the Department deems that the special need assistant is entitled to a redundancy payment, this payment together with the original Form RP50 will issue directly to the special need assistant concerned. **The special need assistant must confirm on the original Form RP50 that payment has been received and she/he must return this form to the Department.**

8. Implications of Redundancy Payment on Unemployment Benefit:

- 8.1 A person under 55, who receives a redundancy payment in excess of €19,046.07, may be disqualified from receiving Unemployment Benefit for a period of up to 9 weeks. The disqualification is applied on a sliding scale, depending on the amount of redundancy received. Further information on the implications of redundancy payment on Unemployment Benefit is available directly from your local Department of Social, Community and Family Affairs Office.

9. Appeal Procedures:

- 9.1 In the event of a dispute arising between this Department and the special need assistant concerning her/his right to a lump sum, the special need assistant may decide to bring the matter to the Employment Appeals Tribunal (EAT) for adjudication. The Tribunal has its headquarters at Davitt House, Adelaide Road, Dublin 2 and further information on its role is available on the Department of Enterprise, Trade & Employment website <http://www.entemp.ie>

10. Further Information on Redundancy:

- 10.1 Further information regarding redundancy payments is available from the Employment Rights Information Section, Department of Enterprise, Trade & Employment, Davitt House, Adelaide Road, Dublin 2. Tel (01) 6313131.

Lo-call (if outside 01 area) 1890 220222 Website <http://www.entemp.ie>

11. Dissemination of Information:

- 11.1 Management authorities are requested to bring the contents of this Circular to the attention of all special need assistants in their schools, including those on maternity leave, sick leave etc. and also to the attention of the members of the Boards of Management.

12. Queries on this Circular:

- 12.1 If you have any query in relation to this circular please contact the SNA Payroll Section, Payroll Division at 090 648 4136 or e-mail your query to sna_pay@education.gov.ie.

An Irish version of this circular is available, on request.

P. Maloney,
Principal Officer,
Payroll Division.

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View Forms

[Appendix 1 – Notification of Redundancy Form \(RP50\)](#)

[Appendix 2 – Guide to completing Notification of Redundancy Form \(RP50\)](#)