



Circular 0037/2007

**To: The Chief Executive Officer of each Vocational Education Committee**

**Supervision and Substitution arrangements in Traveller Education Centres with effect from the commencement of the 2006/2007 school year.**

**1. Supervision and Substitution in Traveller Education Centres (TECs) –**

The Minister for Education and Science wishes to inform Vocational Education Committees of the agreed arrangements for supervision and substitution in Traveller Education Centres with effect from the commencement of the 2006/2007 school year.

**2. Basis of Scheme for Supervision and Substitution in Traveller Education Centres (TECs)**

- 2.1. Traveller Education Centres will be allocated hours for supervision and substitution on the basis of 30 hours per wholetime teacher equivalent (WTE) per school year. The WTE figure used for the allocation of supervision and substitution hours will be based on the teacher allocation as on the 1<sup>st</sup> September each year to the scheme in respect of each Traveller Education Centre.
- 2.2. Payment will be made in August of each year on the basis of certified delivery as provided in the scheme. The payment will be calculated by reference to the hourly rate, appropriately weighted to give proportionate effect to any increases in the rate in the school year ending on the 30<sup>th</sup> June preceding payment. It is intended that payment will be made through the normal payroll system on the basis of certification by the Director or Board of Management/VEC in relation to the commitment entered into by each individual teacher and the actual hours delivered.

**3. Contractual Arrangements for Teaching Staff**

- 3.1. Permanent, temporary and part-time teachers employed in the TECs may volunteer at the commencement of the school year for supervision and substitution duties over the course of the year. A copy of the contract for permanent wholetime teachers is attached as [Appendix 1](#). Other contracts will issue in due course.
- 3.2. Wholetime volunteers will be required to contract to deliver a minimum of 30 hours supervision and substitution over the course of the year. Part-time and job-sharing teachers who volunteer will be required to deliver supervision and substitution on a pro-rata basis. This will cover both the supervision and substitution requirements of the centre as determined by the centre management following a consultation process. In the event that the full allocation of hours available to the centre is not exhausted by the volunteers on the basis of the minimum commitments, the additional hours may be distributed among the volunteers, or any number thereof, on a pro-rata basis or as agreed locally, subject to a maximum allocation of 49 hours per annum, in the case of wholetime teachers, not being exceeded. In addition to the maximum allocation of 49 hours per annum, a part-time teacher may commit to the difference between the annual contracted part-time teaching hours with the VEC and 735 hours.

- 3.3 The supervision and substitution contract will provide that volunteers, who are wholtime teachers, will not normally be required to provide more than 1 hour 30 minutes per week on the contracted duties in a given week. However, the contract will provide that a teacher may agree to undertake contracted duties for more than 1 hour 30 minutes in a particular week on the request of the Director. Additional time worked in such circumstances will be reckoned towards the total annual commitment.
- 3.4 The system of extra and separate payment for both supervision and substitution is for service in addition to normal class contact hours. Payment for supervision duties may not be made for periods within assigned timetabled class periods. In applying the system of additional and separate payments for both supervision and substitution the practice of timetabling teachers for these duties within normal teaching hours should cease.
- 3.5 On the basis of the contractual arrangements outlined above, teachers will qualify for additional annual payments, on the basis of an hourly rate of €45.60 with effect from 1 September 2006. Payment will be made on the basis of actual delivery. However, in the event that management does not demand delivery of the 30 contracted hours during the course of the year, payment for the 30 hours contracted commitment will be made. Final payment on this basis will be made in August each year.
- 3.6 In the event of the allocation of hours to a centre not being exhausted by the contractual arrangements the remaining hours may be used by the centre to:
- (i) pay teachers in addition to their contractual arrangements in respect of any additional casual supervision and substitution they provide, or
  - (ii) pay any other teacher, if no contracted teacher is available, to perform these duties on a casual basis.

#### **4. Operational Arrangements for Supervision/Substitution**

- 4.1 The Director should consult with the volunteers in deciding on the timetable for supervision duties. Supervision duties should be timetabled over the course of the year. Residual hours available after the timetabling of supervision will be available for substitution. The specific arrangements for a substitution timetable should be made following consultation between management and staff. The total time assigned to substitution and supervision may not exceed 1½ hours in any given week (save where otherwise agreed with the teacher). A commitment from teachers to be available for two timetabled class periods per week will form part of these arrangements.
- 4.2 Where, in any given week, a teacher is not called upon for substitution, the unmet commitment remains but is subject to a maximum delivery in any future week of 1½ hours within the two designated class periods (save where otherwise agreed with the teacher).

#### **5. Pensionability of Supervision and Substitution Payments**

- 5.1 Teachers who are in pensionable service and who give a commitment in writing to undertake supervision and substitution duties under a 30 hour contract on an ongoing basis to retirement will have the agreed payment made pensionable subject to the payment of contributions and the rules of the Superannuation Scheme. The pensionability of supervision and substitution payments for part-time teachers will be addressed in the context on the Protection of Employees (Part-Time Work) Act 2001.
- 5.2 Serving teachers, in order to qualify for pensionability, shall make the necessary commitment on or before the 1<sup>st</sup> May 2007.
- 5.3 New teachers, in order to qualify for pensionability, shall make the necessary commitment within 12 months of first appointment. Details of teachers who have entered such a commitment should be notified to the VEC in order that payment of the pension contribution can commence.

- 5.4 A teacher, who has entered such a commitment, but later ceases to meet the commitment, will forfeit pensionability and will not be allowed 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 and substitution payments. Such teachers must advise their VEC of their decision on or before the 30<sup>th</sup> June prior to the commencement of the relevant academic year. However, this will not be a barrier to the provision of paid supervision and substitution on a casual basis.
- 5.5 Where teachers make an ongoing commitment, the commencement date for pensionability shall be the 1<sup>st</sup> September 2001 in the case of serving teachers who have delivered the appropriate service in each year since that date or the date of appointment in the case of new teachers. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates.
- 5.6 The pensionability of the supervision and substitution payment is restricted to the minimum commitment of 30 hours over the course of the year.
- 5.7 A teacher who is not entering a commitment to undertake supervision and substitution duties under a 30 hour contract on an ongoing basis to retirement may continue to provide supervision and substitution duties on a casual non-pensionable basis. Such teachers should advise their board of management of their availability on or before the 30<sup>th</sup> June preceding the next academic year.

## **6. Supervision**

- 6.1 Management has a responsibility to discharge its duty of care to students and to provide adequate supervision of students during the full period of time that centres are in operation.
- 6.2 Teachers are routinely involved in a variety of situations in the supervision of students in their care as part of their contractual duty of care. Supervision of students in classes under their control is an integral part of a teacher's professional duties and contract of employment. The issue being addressed in this scheme relates to supervision of students on the premises outside of specified teaching duties that has, up to the present, generally been provided by teachers on a voluntary basis. Under this scheme, the Department will make resources available to centres to provide supervision on a paid basis.
- 6.3 The supervisor in discharging his/her duty should take such care as to ensure the health and safety of the students as is reasonable in the circumstances.

## **7. Substitution**

- 7.1 Substitution is the replacement of an absent teacher by another qualified teacher and substitution arrangements should aim to maximise appropriate teaching during substitution periods.
- 7.2 At present, the Department provides for paid substitution for specified approved teacher absences. In the case of absences for which paid substitution is available, centres normally employ a suitable qualified substitute as soon as possible to teach the subjects and classes of the absent teacher
- 7.3 Under the terms of this agreement, the Department will now provide VECs with resources to extend paid substitution for absences of teachers on uncertified sick leave, and other approved absences on official business, with a view to minimising the disruption of teaching programmes and improving the service to pupils. This substitution should be arranged in the normal way by the employment of a substitute teacher.
- 7.4 In addition, in order to facilitate management in dealing with short-term unplanned or unexpected absences, teachers already employed by the centre may commit to and be paid

for casual substitution under the supervision and substitution arrangements set out in Paragraph 3 of this Circular. This does not alter the existing arrangements for part-time teachers to undertake duties as a substitute in the normal way.

## **8. Arrangements for Payment.**

The following arrangements for payment have been agreed.

- 8.1 A claim form should be completed by each teacher who wishes to apply for payment. A copy of the claim form is attached as [Appendix 2](#).
- 8.2 Valid claims should be certified by the Director and retained in the Centre. The Director of each centre should notify the VEC of the list of teachers eligible for payment on a composite claim form. The composite claim form will be forwarded to centres in due course.
- 8.3 The VEC will arrange for payment of the teachers concerned through the teacher payroll system on receipt of the composite claim form.

## **9. Supervision/Substitution during the 2005/2006 school year**

- 9.1 Teachers who volunteered and delivered supervision/substitution during the 2005/2006 academic year will qualify for payment in accordance with the provisions of paragraph 3.5 above. Payment will be at the approved rate for the 2005/2006 academic year which amounts to €1338.

## **10. Accounting Requirements**

In the normal way each VEC will be required to keep records of the utilisation of the hours allocated under the supervision and substitution arrangements. Each VEC will also be required to provide a balancing statement showing the hours allocated, the hours certified for payment and expenditure on the employment of non teaching staff where applicable.

## **11. Review**

The operation of the arrangements of this scheme will be monitored at national level throughout the academic year 07/08, and reviewed at the end of the academic year, by a group representative of the parties to this agreement and may be revised as appropriate.

## **12. General**

Queries regarding individual payments to teachers should be addressed to each individual VEC.

Queries in relation to pensions should be addressed to Pensions Section (Tel: 090-6474621).

Queries in relation to school funding should be addressed to Post Primary Administration (Tel: 0506-24336).

## **13. Dissemination of Circular**

Please provide a copy of this circular to the Director, Adult Education Officer, Education Officer and teachers in the centres.

Breda Naughton  
Principal Officer  
12 April 2007