



Circular 0029/2014

**To: The Chief Executives of Education and Training Boards
and the Managerial Authorities of Recognised Secondary and
Community and Comprehensive Schools**

Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement)

**Supervision and Substitution for
Teachers in Further Education Centres/Areas**

Introduction

1. Following discussions between management bodies, trade unions and the Department, the purpose of this Circular is to revoke Circular 0023/2014 and to notify Managerial Authorities, Education and Training Boards and teachers of Supervision and Substitution duties for teachers in Further Education centres/areas, to take effect from the beginning of the 2013/14 academic year, arising from the Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement).

Compulsory Supervision and Substitution for Teachers in Further Education Centres/Areas

2. With effect from the beginning of the 2013/14 academic year, supervision and substitution duties will be compulsory for all teachers in Further Education centres/areas, save for those who avail of the opt-out arrangement described below.
3. Each teacher will be required to provide 43 hours of supervision and substitution duties per annum.
4. The supervision and substitution allowance has been discontinued with effect from the commencement of the 2013/14 academic year.
5. Under the terms of the Haddington Road Agreement, a gross additional payment of €1,592 will be included in the Common Basic Scale for teachers in two moieties - half in the academic year 2016/17 and half in the academic year 2017/18.

Supervision and Substitution for Teachers in Youthreach

6. With effect from the beginning of the 2013/14 academic year, the Supervision and Substitution scheme which applies in mainstream second level schools will also apply in Youthreach. All provisions of that scheme (as most recently revised in Circular 0006/2014) will apply.
7. Each teacher in Youthreach will be required to provide 43 hours supervision and substitution per annum. All teachers working less than full hours other than those employed on a casual basis will have a liability to deliver supervision and substitution on a pro-rata basis.
8. The time assigned to supervision and substitution will be 3 hours in any given week.
9. Each full-time teacher will be required to be available for 5 timetabled class periods per week.
10. Part-time teachers will be required to be available for the following class periods per week:
 - a) Teachers working up to and including 12 hours class contact per week = 3 class periods
 - b) Teachers working more than 12 and up to and including 17 hours class contact per week = 4 class periods
 - c) Teachers working more than 17 hours class contact per week = 5 class periods
11. A working group involving the Department, management bodies and unions is currently considering the issue of the rostering of supervision and substitution duties, with a view to putting a protocol in place for the 2014/15 academic year. Further communication in relation to this matter will issue as appropriate.
12. Hours provided under the supervision and substitution scheme will be used in the same way as they are in post-primary schools generally. The main provisions relating to the usage of the hours are set out in sections 6 and 7 of circular letter PPT 01/03 and paragraph 9 of circular letter 0006/2014. For ease of reference, the text of those sections is reproduced in Appendix 2 of this circular.

Supervision and Substitution for Teachers in PLC

13. With effect from the beginning of the 2013/14 academic year, the previous requirement to provide 37 hours of supervision and substitution per annum will be increased to 43 hours per annum.

Supervision and Substitution for Teachers in Prison Education Centres

14. With effect from the beginning of the 2013/14 academic year, the previous requirement to provide 16 hours of substitution per annum will be increased to 43 hours substitution

per annum. The substitution hours provided will be used in the same way as they are in post-primary schools generally.

Supervision and Substitution for Teachers in VTOS

15. With effect from the beginning of the 2013/14 academic year, the previous requirement to provide 16 hours of substitution per annum will be increased to 22 hours substitution per annum. The substitution hours provided will be used in the same way as they are in post-primary schools generally.
16. Each teacher will be required to provide supervision duties for the remaining 21 hours of the 43 hours annual requirement, in line with paragraphs 18 to 20 below.

Supervision and Substitution for Teachers in BTEI, Adult Education, Adult Literacy or Other Further Education Centre/Area Not Referred to Above

17. With effect from the beginning of the 2013/14 academic year, each teacher will be required to provide 43 hours of supervision and substitution per annum. The supervision element should be provided in line with paragraphs 18 to 20 below.

Supervision Duties for Teachers in VTOS, BTEI, Adult Education, Adult Literacy or Other Further Education Centre/Area Not Referred to Above

18. Supervision duties to be provided by teachers under paragraphs 16 and 17 above may include:
 - (a) Supervision of learners:
 - working on projects or trial assessments at times outside of a teacher's timetabled class contact hours.
 - during study periods outside of a teacher's timetabled class contact hours.
 - at break and lunch times in canteens and/or in common/general purpose areas
 - at times during which they are not timetabled for class but are provided with a facility to engage in self-directed work/study

It is noted that supervision of learners may not be required in some circumstances eg. in the case of most adult learners.

- (b) Supervision of facilities, including:
 - computer rooms, libraries etc.
 - specialist or dedicated work areas such as engineering/metal work/woodwork rooms, science laboratories, home economics rooms etc., having due regard to any insurable risk that might arise and, where necessary, to the specialism of the teacher

- (c) Availability for a maximum of one class period per week of no more than 40 minutes duration, nominated by the individual teacher, for informal (non-teaching) engagement with students.

This list is not exhaustive.

- 19. Supervision duties may not include:
 - (i) additional timetabled class contact
 - (ii) post of responsibility duties (i.e. those duties set out in Appendix 1 of Circular 5/98, Appendix 1 of Circular 20/98 and Appendix 1 of Circular 23/98)
 - (iii) counselling
- 20. The list of supervision duties to be undertaken in each Further Education centre/area will be formally recorded and communicated to the Head Office of the relevant Education and Training Board or retained by the Board of Management of the school/centre, as appropriate.

Re-assignment/ Redeployment of a Teacher from a Further Education Centre/Area

- 21. Where a teacher currently working in a Further Education centre/area is reassigned or redeployed to another Further Education centre/area, the teacher must carry out the supervision and substitution duties appropriate to the Further Education centre/area to which they are moved, save for those teachers who have availed of the opt-out arrangement described below.
- 22. Where a teacher currently working in a Further Education centre/area is reassigned or redeployed to a post-primary school, the teacher must carry out supervision and substitution duties on the same basis as teachers in post-primary schools (i.e. under the Supervision and Substitution Scheme as amended by Circular 0006/2014), save for those teachers who have availed of the opt-out arrangement described below.

Operational Issues

- 23. Where issues of dispute arise in relation to the operation of this Circular which cannot be resolved locally, these will be considered in the first instance by an interpretation group, consisting of representatives of management bodies, trade unions and the Department of Education and Skills.

Opt-Out Arrangements

- 24. A person who was employed as a teacher in a Further Education centre/area during the 2012/13 academic year and who had not been in receipt of the supervision and substitution allowance on a pensionable basis during the 2012/13 academic year may opt-out of the requirement to carry out supervision and substitution duties.
- 25. The opt-out will be effective from 1 January 2014.

26. Where a teacher opts for this arrangement, he/she will not be required to carry out supervision and substitution duties and will have a reduction equivalent to the supervision and substitution allowance (€1,769 per annum for pre-1 January 2011 entrants or €1,592 for post-31 December 2010 entrants) applied to his/her salary on an ongoing basis until retirement. It should be noted that opting for this arrangement will therefore have the effect of reducing the teacher's retirement lump sum and pension following his/her retirement (except where a teacher retires on or before 31 August 2014 as set out at paragraph 31 below).
27. Where a teacher opts for this opt-out arrangement and has an annualised remuneration of €65,000 or greater (inclusive of allowances in the nature of pay) and has had his/her pay reduced, the higher pay cut alleviation measures contained in the Haddington Road Agreement will apply (see Circular 0005/2014). However, the reduction in salary outlined at paragraph 26 above will also apply, even in cases where such reduction causes his/her salary to reduce to below €65,000.
28. The payroll adjustments arising from the opt-out will be implemented at the earliest possible date after the deadline for submission of opt-out forms and with retrospective effect to 1 January 2014.
29. The opt-out is irrevocable and having so opted, a teacher may not subsequently opt back in to the requirement to carry out supervision and substitution duties.
30. When the salary reductions for higher earners are restored and when the gross additional payment of €1,592 is included in the teacher Common Basic Scale under the terms of the Haddington Road Agreement (see Circular 0005/2014), these measures will also be applied to a teacher who has opted out of supervision and substitution duties. However, the reduction in salary outlined at paragraph 26 above will continue to apply to his/her salary on an ongoing basis until retirement and will therefore result in a reduced retirement lump sum and pension following his/her retirement (except where a teacher retires on or before 31 August 2014 as set out at paragraph 31 below).
31. A teacher who retires on or before 31 August 2014 will have his or her superannuation benefits calculated by reference to the pay scales and pensionable allowances applying to him/her on 30 June 2013 i.e. the reduction in salary outlined at paragraph 26 above will be disregarded for superannuation purposes for those retiring on or before 31 August 2014.
32. An eligible teacher wishing to exercise the opt-out must complete the form at Appendix 1 and submit it to the Principal of their school/Head of Centre in the first instance. The deadline for submission of forms was 28 February 2014 but as an exceptional measure for teachers in Further Education centres/areas this has been extended to 11 April 2014. As there is a liability to perform supervision and substitution duties until the opt-out is exercised, the teacher may be timetabled for supervision and substitution duties in accordance with the terms of this Circular pending receipt of an opt-out form from that teacher.

33. Principals of Education and Training Board schools/ Heads of Centres should submit the forms by post to the Payroll section of the Education and Training Board as soon as possible and in any event no later than 14 April 2014.
34. Principals of Voluntary Secondary and Community & Comprehensive schools should submit the forms by post to:

S&S Scheme Opt-out Forms (FE Teachers),
Post-Primary Teachers Payroll,
Department of Education and Skills,
Cornamaddy,
Athlone,
Co. Westmeath

as soon as possible and in any event no later than 14 April 2014.

Circulation and Queries

35. Please ensure that copies of this Circular are provided to all members of the Board of Management/ Education and Training Board and its contents are brought to the attention of all relevant teachers in your employment including those on leave of absence.
36. This Circular can be accessed on the Department's website under <http://www.education.ie> .
37. Queries in relation to this Circular should be addressed to the relevant ETB in the first instance or to hraqueries@education.gov.ie

Phil O'Flaherty
Further Education Section
4 April 2014

Padraig Maloney
Payroll Division
4 April 2014

APPENDIX 1

SUPERVISION AND SUBSTITUTION OPT-OUT FORM (FE TEACHERS)

Name: _____

Teacher Payroll Number (not Teaching Council registration number): _____

School and School Address/ Centre and Centre Address: _____

School Roll Number (if applicable): _____

I confirm that I was employed as a teacher in a Further Education centre/area during the 2012/13 academic year and was not in receipt of the supervision and substitution allowance on a pensionable basis during the 2012/13 academic year and that I wish to opt-out of the requirement to carry out supervision and substitution duties in accordance with the provisions of Circular 0029/2014. I confirm that I understand that my decision to opt-out of supervision and substitution duties will result in a reduction to my salary on an ongoing basis until retirement and, if I retire on or after 1 September 2014, will result in a reduction in my retirement lump sum and pension following my retirement.

Signature: _____

Date: _____

Education and Training Board schools/centres: Teachers who are employed by Education and Training Boards should complete this form and submit it to the Principal/ Head of Centre. The deadline for submission of forms is 11 April 2014. The Principal should then submit the form by post to the Payroll section of the Education and Training Board as soon as possible and in any event no later than 14 April 2014.

Voluntary Secondary and Community & Comprehensive schools: Teachers who are employed in Voluntary Secondary and Community & Comprehensive schools should complete this form and submit it to the Principal of the school. The deadline for submission of forms is 11 April 2014. The Principal should then submit the form by post to:

S&S Scheme Opt-out Forms (FE Teachers), Post-Primary Teachers Payroll, Department of Education and Skills, Cornamaddy, Athlone, Co. Westmeath

as soon as possible and in any event no later than 14 April 2014.

APPENDIX 2

Extracts from Circular Letters outlining the Usage of Hours for Supervision and Substitution at Post-Primary Level.

1. Extract from Circular Letter PPT 01/03

6. Supervision

- 6.1 School management has a responsibility to discharge its duty of care to pupils and to provide adequate supervision of pupils during the full period of time that schools are in operation.
- 6.2 Teachers are routinely involved in a variety of situations in the supervision of pupils in their care as part of their contractual duty of care. Supervision of pupils 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 school premises outside of specified classroom 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 schools 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 pupils 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, schools 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 schools/VECs with resources to extend paid substitution for absences of teachers on uncertified sick leave, and other approved absences on school 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 school management in dealing with short-term unplanned or unexpected absences, teachers already employed by the school 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.

2. Extract from Circular Letter 0006/2014

Usage of Hours under the Supervision and Substitution Scheme

9. Hours provided under the revised Supervision and Substitution scheme will, in addition to usage under the existing scheme, be used as follows:

- With effect from commencement of 2013/14 school year – to cover all uncertified sick leave absences
- With effect from commencement of 2014/15 school year – to cover the first day of force majeure leave and illness in family leave