



CIRCULAR 17/00  
October 2000

## **AN ROINN OIDEACHAIS & EOLAÍOCHTA DEPARTMENT OF EDUCATION & SCIENCE**

### **Appointments to Posts of Responsibility**

### **To Boards of Management, Principal Teachers and all Teaching Staff in Primary Schools**

#### **SECTION**

1. Introduction
2. Management Structures
3. Objectives of PCW Revised Management Structures
4. Post Description / Schedule of Duties
5. Review of Duties assigned to Posts
6. Method of Determining Entitlement of Schools to Posts of Responsibility
7. Advertising a vacant Post of Responsibility
8. Eligibility of Teachers to Apply
9. Selection Procedures for Appointments to Posts of Deputy Principal, Assistant Principal and Special Duties Teacher
10. Appointment of successful candidate
11. Retention of Post of Responsibility Allowances on a Personal Basis
12. Implications of Personal Basis Allowance Holders on the filling of Post(s) of Responsibility
13. Posts of Responsibility and Special Education Posts
14. Acting Posts of Responsibility
15. Payment of Acting Posts of Responsibility Allowance
16. Post of Responsibility Holders who have not agreed to undertake revised duties
17. The Appeals Procedure

Appendix A Sections C, D and E of Circular 16/73

Appendix B Schedule of Posts

## 1. INTRODUCTION

The proposals for the implementation of revised in-school management structures in primary schools, which were adopted as part of the Programme for Competitiveness and Work (PCW), resulted in significant additional posts of responsibility in primary schools and in new procedures for making appointments to such posts.

This Circular incorporates an outline of the schedule of duties for posts of responsibility, the number of posts of responsibility warranted in primary schools and the impact of existing posts of responsibility held on a personal basis on the filling of such posts. It incorporates all procedures relating to the filling of posts of responsibility and an appeals procedure which was agreed between the managerial bodies and the INTO.

**Accordingly, this Circular supersedes previous Circulars 6/97, 49/97, 32/98, 39/98 and 27/99.**

## 2. MANAGEMENT STRUCTURES

Under the terms of the PCW agreement new management structures were introduced for primary schools which re-titled the existing types of in-school management posts – Principal, Vice-Principal, Grade A and Grade B.

These posts are now referred to as Principal, Deputy Principal, Assistant Principal and Special Duties Teacher.

## 3. OBJECTIVES OF THE PCW REVISED MANAGEMENT STRUCTURES

The revised management structures which were introduced in primary schools following the adoption of the PCW, were generally designed to:

- match the responsibilities of the posts more closely to the central tasks of the school, and clearly specify responsibilities for the various posts,
- focus on the provision of opportunities for teachers to assume responsibility in the school for instructional leadership, curriculum development, the management of staff, and the academic and pastoral work of the school,
- establish selection procedures for Deputy Principals, Assistant Principals and Special duties Teachers, with the aim of ensuring that the most suitable people are appointed

## 4. POST DESCRIPTION/SCHEDULE OF DUTIES

- (a) In-school management needs and priorities may vary from school to school depending on a broad range of factors including school type, school size, the location of the school, and the levels of educational attainment of pupils. Accordingly, in-school management should generally be responsive to the flexibility and change that may be required from time to time.
- (b) The duties, which may be delegated to post holders, are outlined in Sections C, D and E of Department of Education Circular 16/73 and are outlined in **Appendix A. The duties listed are not exhaustive and may be elaborated upon at local**

**level.** In the main, the list of duties cover curriculum, academic, administrative and pastoral matters.

- (c) The Principal, following consultation with staff, should agree the schedule of post of responsibility duties. The schedule will address the central needs of the school.
- (d) The agreed schedule of duties should be submitted to the Board of Management for approval.
- (e) From the schedule, the Board of Management/Chairperson should arrange, in consultation with the Principal, to assign a specific duty or duties to the vacant post(s). The range of duties attaching to the post(s) should be inclusive in nature to facilitate applications from all of the teaching staff.
- (f) The determination of duties should, in so far as is possible, be achieved by consensus between the Board of Management and the teaching staff. However, if, following protracted consultation, consensus is not possible, final decisions in the matter rest with the Board of Management.
- (g) It should be noted that all post holders, who are being paid an allowance in a school, including Privilege Assistants and other holders of post of responsibility allowances on a personal basis, must undertake post of responsibility duties.

## **5. REVIEW OF DUTIES ASSIGNED TO POSTS**

Post of Responsibility duties may be varied from time to time following the consultative process outlined in Sections. 4(c), (d), (e) and (f) as the needs of the school require, subject to the revised post carrying, in general, the same level of responsibility as the previous one.

It shall be open to either the Board of Management or the post of responsibility holder to initiate a review of the duties assigned to the post.

The reasons for review could include:

- review of the level of performance of duties,
- review of the time required to perform duties, i.e. to ensure that the time required to discharge the duties is reasonable and proportionate to the level of allowance paid for the duties,
- review in the context of the changing needs of the school.

Once a review has been initiated there should be:

- (a) consultation between the Board of Management and the post holder,  
and
- (b) an agreement reached between the two sides before any change can be implemented.

## **6. METHOD OF DETERMINING ENTITLEMENT OF SCHOOLS TO POSTS OF RESPONSIBILITY**

- (a) From 1st September 1998, schools' entitlements to posts of responsibility are determined by reference to the number of authorised teaching posts (see

definition in 6(b) hereunder) which have been sanctioned in the year in which the posts of responsibility accrue.

- (b) Authorised teaching posts are:
- (1) All mainstream teaching posts warranted in a school by reference to the enrolment of the school on the 30th of September of the previous school year,
  - and
  - (2) All sanctioned ex-quota posts.
  - additionally,
  - (3) Teaching posts sanctioned provisionally in accordance with maximum class size guidelines, if any, and/or teaching posts sanctioned provisionally in accordance with developing school criteria, if any, may also be reckoned. However, in the event that the post(s) is/are suppressed following verification of the enrolment, teaching post(s) so reckoned will be disallowed and appropriate adjustments to the post of responsibility schedule implemented.
  - (4) Generally, teaching posts sanctioned prior to 23rd December of a school year may be reckoned for the purposes of determining posts of responsibility provided that the teaching posts are filled promptly. In this case, payment of the allowance (if any) is made from the date of appointment.
  - (5) Save in exceptional circumstances, teaching posts sanctioned to a school after the end of the first term, i.e. after 23rd December will not be reckoned for determining the number of posts of responsibility due to a school in that school year.
  - (6) Supernumerary posts are excluded from the number of authorised posts in a school.
- (c) The schedule outlining the number of authorised teaching posts required to create posts of responsibility is attached at Appendix B. When consulting this schedule, cognizance must be taken of the following:
- the provisions of Section 12 of this Circular. Section 12 deals with the filling of posts of responsibility when there is/are teachers on the staff of a school holding post of responsibility allowances on a personal basis.
  - the existing number of post holders in each grade including post holders who decide not to undertake revised duties as provided for in the PCW agreement. The latter are reckoned when assessing a school's overall entitlement.

## **7. ADVERTISING A VACANT POST OF RESPONSIBILITY**

- (a) Notice of a vacant post of responsibility shall be posted in a prominent position within the school so that all teaching staff may have access to it. In addition, notice should be sent to teachers on leave, Section 8 of this Circular refers.
- (b) The notice should contain a statement of the duties attaching to the post.
- (c) The notice should remain on the notice board in the school for five consecutive school days.

- (d) The notice should specify the closing date for receipt of written applications, which should not be earlier than ten school days from the last date of the posting of the notice.
- (e) Teachers who wish to apply for the vacant post of responsibility should do so in writing to the Chairperson of the Board of Management within the time limit specified on the notice.

**Note:**

- (i) Please note that the period of five school days referred to in (c) above, includes the day on which the notice of the proposed appointment is first published.
- (ii) Please note that the period of ten school days referred to in (d) above, includes the last day of the posting of the notice.

**8. ELIGIBILITY OF TEACHERS TO APPLY**

- (a) All qualified permanent and temporary teachers serving in a recognised primary school are eligible to apply for posts of responsibility, i.e. Deputy Principal, Assistant Principal and Special Duties Teacher. However, a qualified temporary teacher may only be appointed to a post of responsibility in a temporary/acting capacity for the duration of his/her contract, or until the post ceases to be warranted in the school, whichever is the earlier.

- (b) **Teachers on Approved Leave:**  
Teachers who are on approved leave, such as sick leave, maternity leave, parental leave or career break are eligible to apply for a post of responsibility. A copy of the notice of the vacant post of responsibility should be sent by registered post to such teachers at their contact addresses. It is a matter for teachers on leave to ensure that the Board of Management has an up-to-date and current contact address.

- (c) **Ex-quota Teaching Posts (Shared and Non-Shared): (See also Section 13)**

A teacher working in a special ex-quota teaching post, on a **non-shared basis**, is eligible to apply and be appointed to all posts of responsibility (excluding Principal), i.e. **Deputy Principal, Assistant Principal or Special Duties Post**.

A teacher working in a special ex-quota post on a **shared basis** e.g. shared remedial teacher, is eligible to be appointed or to continue to hold, a **Special Duties post or an Assistant Principal post**, subject to the Board of Management being satisfied, that the duties of the post will be fully discharged.

A teacher working in a shared ex-quota teaching post is eligible to be appointed to the post of **Deputy Principal**, but he/she will be required to relinquish the Deputy Principalship temporarily, while working in the shared teaching position. Where a Deputy Principal relinquishes his/her post temporarily, an Acting Deputy Principal may be appointed in accordance with the terms of Section 14 of this Circular.

- (d) **Job-sharing Teachers:**

A teacher who is job-sharing is eligible to hold or to be appointed to the post of Deputy Principal but he/she will be required to relinquish the Deputy Principalship temporarily while job-sharing.

Where a Deputy Principal relinquishes his/her post temporarily, an Acting Deputy Principal may be appointed in accordance with the terms of Section 14 of this Circular.

A teacher who is job-sharing is eligible to hold or be appointed to a Special Duties post or an Assistant Principal position on a shared basis or on a full time basis. In the case of the latter i.e. full-time basis, the teacher may retain the post of responsibility on a full time basis where the Board of Management of the school is satisfied that the duties of the post will be fully discharged in the course of the job-share.

## **9. SELECTION PROCEDURE FOR APPOINTMENTS TO POSTS OF DEPUTY PRINCIPAL, ASSISTANT PRINCIPAL AND SPECIAL DUTIES TEACHER**

- (a) The Principal Teacher, Chairperson of the Board of Management and an independent assessor shall constitute the Selection Board. (In the event of a second Selection Board being constituted following an appeal, the Selection Board shall include a second independent assessor) – Section 17(c)(5) of the Appeals Procedure refers.
- (b) The independent assessor shall be appointed by the Board of Management and shall be selected from a list of names drawn up specifically for this purpose between the school's Patron and the INTO. These lists are available from INTO District Representatives and representatives of the Patron. (For example, in the case of Catholic schools, the lists are available from the local Diocesan Secretary).
- (c) The Selection Board shall meet within a reasonable period after the closing date for the receipt of applications. The Selection Board shall consider the applications and shall interview all applicants for the post, even in circumstances where there is only one applicant.
- (d) Where appropriate and where there is more than one vacancy arising at the same time for a post of responsibility of the same grade, it is open to the Selection Board to conduct one interview with an applicant who may have applied simultaneously for a number of the posts of the same grade. In these circumstances, the Selection Board should make it clear to the candidate which particular duty or set of duties is being considered at any one time. This provision does not apply in the case of appointments to posts of responsibility of different grades, which require separate interviews.
- (e) When selecting an applicant for a post of responsibility, the provisions of Sections 15(b) and (c) of the Boards of Management of National Schools – Constitution of Boards and Rules of Procedures (1997 edition) will apply in the event that a relationship exists between an applicant for a post and member of the Selection Board.
- (f) The Selection Board will have due regard to the provisions of the Employment Equality Act (1998) and relevant equality principles.

- (g) Records of the interviews including marking sheets shall be kept by the Chairperson of the Selection Board until the appointment process is finalised. Particular attention should be paid to the marking system where multiple interviews are involved. It is a matter for the Selection Board to develop its own marking system provided that the three criteria listed below are given equal weighting.
- (h) The selection of the successful candidate shall be based on three criteria. Each of the criteria are of equal weighting. The criteria are as follows:
- (i) willingness to participate in the school's middle management structures by undertaking the additional responsibilities specified in the list of duties;
  - (ii) experience gained through length of service in the school (see \* below); and
  - (iii) capability to perform the duties attaching to the post (see \*\* below).
- (i) Where two or more candidates are ranked equally in all three criteria, it is open to a Selection Board, to determine the outcome by reference to the seniority ranking of the teachers in the school.
- (j) Having interviewed such applicants as present themselves, the Selection Board shall submit a written report to the Board of Management nominating the applicant whom it considers most suitable for appointment to the post.

\* **Calculation of Length of Service for the purpose of appointment to Post of Responsibility:**

- Leave of absence of one school year or longer, taken after 1st September 1999, is not reckonable as service e.g. secondment, career break;
- All leave of absence taken prior to the 1st September 1999 is reckonable.
- Maternity leave, leave in lieu of maternity leave, unpaid maternity leave, adoptive leave, unpaid adoptive leave, leave in lieu of adoptive leave, parental leave and certified sick leave do not constitute leave of absence for the purpose of this Circular.
- Leave of absence for periods of less than a school year is reckonable and does not affect the year in question being fully counted;
- Qualified permanent, temporary and substitute service given in the school where the post of responsibility is arising for a minimum of 60 days in any one school year will reckon as a full year. The reckoning of such service is subject to the verification of such service being possible. A maximum of 1 years credit may be granted in respect of any one school year. Service in any one school year, which is less than 60 days will not be reckonable;
- Job-sharing is reckonable on the basis that one school year job-sharing counts as one years service; and
- Service given in a school prior to its amalgamation into the existing school is reckonable.

**\*\* In assessing criteria (iii), i.e. capability, it is open to a Selection Board to consider relevant experience gained by a teacher whilst he/she was on leave of absence, including career break or secondment.**

## **10. APPOINTMENT OF SUCCESSFUL CANDIDATE**

- (a) The Board of Management's proposal to offer a post to a particular teacher shall be posted within the school in the following terms:-

*"The Board of Management of (name of school)..... proposes to offer the post of.....(specify post) to..... (name of teacher), provided that an appeal in writing by an unsuccessful candidate against the proposal has not been lodged with the Chairperson of the Board of Management within ten school days \* of the publication of this notice." (Date of publication and signature of Chairperson to be included with notice.)*

\*Please note that the period of ten school days includes the day on which the notice of the proposed appointment is published.

- (b) Subject to there being no appeal, the Board of Management shall notify the Department of Education and Science of the appointment of the successful applicant.
- (c) The Board of Management shall confirm the appointment to the teacher.

Before taking up an appointment, the post holder will enter into a contract to undertake the duties of the post to which he/she is being appointed. The contract may be evidenced in any of the following three formats:

- (1) a written agreement including the duties drawn up between the Board of Management and the teacher in question and signed by both the teacher and the Chairperson of the Board;
- or*
- (2) a letter from the teacher in question addressed to the Chairperson of the Board of Management indicating her/his willingness to accept the post together with the duties attaching to the post;
- or*
- (3) a letter from the Chairperson of the Board of Management to the teacher in question confirming the nature of the agreement reached with the teacher and outlining the duties attaching to the post.

It is not necessary to submit a copy of the relevant contract to the Department but a copy should be retained by the Board of Management and the teacher.

- (d) Once appointments have been made, a Board of Management should notify the Department of same using form POR 1 Amend. This form is available on request from the **Primary Payments Section of the Department in Athlone or on the Department of Education and Science website.**

## **11. RETENTION OF POST OF RESPONSIBILITY ALLOWANCES ON A PERSONAL BASIS**

A permanent teacher who holds a post of responsibility allowance, retains the allowance on a personal basis even if the post is subsequently not warranted by reference to the

schedule of posts. However, the post holder **must** continue to perform duties while he/she continues to teach in the school.

In the event that the post holder voluntarily leaves the school he/she loses the allowance.

Privileged Assistants retain, for the remainder of their teaching career, the level of principal's allowance appropriate to their former school. A Privileged Assistant can take her/his allowance with him/her into as many schools as he/she moves to, as long as he/she does not accept a post to which a higher allowance is attached. A Privileged Assistant must undertake post of responsibility duties. Such duties should be broadly in line with duties assigned to Special Duties Teachers.

## **12. IMPLICATIONS OF PERSONAL BASIS ALLOWANCE HOLDERS ON THE FILLING OF POST(S) OF RESPONSIBILITY**

- (a) The presence on the staff of personal basis post holders can affect the filling of posts of responsibility at the Deputy Principal, Assistant Principal and Special Duties Teacher grades.

### **Deputy Principal**

- (b) A Deputy Principal (Personal Basis) / Vice Principal (Personal Basis) on the staff of a school will prevent the filling of the Deputy Principal's post provided that the rate of allowance payable to the personal basis post holder is equal to or greater than the allowance due to the Deputy Principal.

### **Assistant Principal**

- (c) Any one of the following personal basis post holders will prevent the filling of an Assistant Principal's post:

- a Deputy Principal (Personal Basis) / Vice Principal (Personal Basis), provided that the rate of allowance payable to the personal basis post holder is equal to or greater than the allowance due to the Assistant Principal,
- an Assistant Principal (Personal Basis) / Grade A (Personal Basis).

### **Special Duties Teacher**

- (d) Any one of the following personal basis post holders will prevent the filling of a Special Duties Teacher's post:

- a Privileged Assistant,
- a Deputy Principal (Personal Basis) / Vice Principal (Personal Basis),
- an Assistant Principal (Personal Basis) / Grade A (Personal Basis),
- Special Duties (Personal Basis) / Grade B (Personal Basis).

The provisions at (b), (c) and (d) shall be set aside if the personal basis post holder was re-deployed into the school in the five year period prior to the vacancy arising.

## **13. POSTS OF RESPONSIBILITY AND SPECIAL EDUCATION POSTS** **[See also Section 8(c)]**

**(a) Special Education Posts**

Special education posts are allocated to a school to cater specifically for pupils with special needs. These posts are generally ex-quota and consequently are not usually determined by reference to the enrolment of the school. They include the following;

- learning support teacher posts,
- resource posts,
- home-school co-ordinator posts,
- posts sanctioned under the Breaking the Cycle scheme, including co-ordinators appointed under this scheme,
- support teacher posts,
- special class teachers, e.g. posts sanctioned specifically for pupils with special needs,
- early start posts,
- resource teacher for travellers.

Concessionary posts sanctioned under the Disadvantage Area scheme, although falling within the general description of special education posts, are not covered within the terms of this Section.

**(b) Principal Teacher and Special Education posts**

In light of the widely acknowledged pivotal role of a Principal teacher in the overall management of a school, a Principal shall not undertake the duties of any type of a special education post.

**(c) Deputy Principal/ Vice Principal**

A Deputy Principal/Vice Principal shall **not** be assigned any type of a **shared** special education post. However, he/she may temporarily relinquish his/her post of responsibility allowance as described in Section 13(e) hereunder.

Furthermore, in allocating **non shared** special education posts, Boards are reminded that a Deputy Principal/Vice Principal may be required to act for a Principal thus possibly lessening tuition time with special needs pupils. Accordingly, the Department strongly advises a Board of Management to take account of this fact when assigning teachers to special education posts.

The appointment of a Deputy Principal/Vice-Principal to a special education post, which consequently erodes tuition time, may result in the Department insisting on the re-allocation of a special education post.

**(d) Assistant Principal/Grade A, Special Duties Teacher/Grade B**

An Assistant Principal/Grade A post holder and Special Duties Teacher/Grade B post holder may be assigned any category of a special education post whether shared or otherwise. However, before making such appointments, a Board of Management must be satisfied that, in addition to undertaking the special education post, the post of responsibility duties can be competently and efficiently discharged.

**(e) Relinquishing the Post of Responsibility Allowance**

A teacher appointed to a special education post, who holds a post of responsibility and whose Board of Management determines that the post of responsibility duties cannot be

adequately or competently discharged while holding the special education post, **shall relinquish his/her post of responsibility allowance**. The allowance may be relinquished for the period in which the teacher holds the special education post but must extend for a minimum period of one school year. An acting post holder may be appointed in accordance with the provisions of Section 14 of this Circular.

## **14. ACTING POSTS OF RESPONSIBILITY**

### **Appointment of Acting Post Holders**

An acting post holder is appointed to the post of Deputy Principal, Assistant Principal or Special Duties Teacher:

- when the permanent post holder is absent on approved leave of absence for a minimum period of one consecutive calendar month provided the post of responsibility is still warranted.
- where a special education post holder temporarily relinquishes his/her post of responsibility allowance, providing the post of responsibility is still warranted.

#### **(a) Determining that an Acting Post is warranted**

Before appointing a teacher to an acting post of responsibility, other than to a Principal's post, a Board of Management must ensure that the acting appointment is warranted.

An acting post is warranted when the terms of Sections 6 and 12 of this Circular have been fully satisfied. If necessary, a Board is required to seek clarification in this matter from the Primary Payments Section of the Department before proceeding with an acting appointment.

#### **(b) Duties of an Acting Post Holder**

A teacher appointed to an acting post shall be required to undertake duties appropriate to the post.

### **Acting appointments – Short Term / Long Term**

It is necessary to distinguish between acting appointments, which are short term in duration from those, which are long term in duration.

The Department shall pay an acting allowance when an acting arrangement has been in place for at least one consecutive calendar month e.g. from 13th September 2000 – 12th October 2000 inclusive.

#### **(c) Short Term Acting Appointments**

Short term acting appointments apply for absences of less than one school year i.e. start during the school year and do not extend beyond the end of the school year.

Short term acting appointments are required to be filled by the promotion of the next most senior suitable post holder in the school as described in Sections 14(c)(1) to 14(c)(4) below.

In the event that there is/are no other post holder(s) on the staff of a school, an acting post should be filled by promoting the most senior suitable teacher.

**(c)(1) Acting Principal**

In schools with 3 or more teachers a Deputy Principal or Vice Principal should be promoted to fill an acting Principal's post in the absence of the Principal teacher owing to illness or other cause. In two teacher schools the mainstream class teacher may be appointed as acting Principal. In one-teacher schools the replacement teacher may be paid an acting allowance.

**(c)(2) Acting Deputy Principal**

The most senior suitable Assistant Principal or Grade A post holder should be promoted to fill an acting Deputy Principal's post. In schools without an Assistant Principal/Grade A post holder the most senior suitable special Duties Teacher or Grade B post holder may be appointed as acting Deputy Principal.

**(c)(3) Acting Assistant Principal**

The most senior suitable Special Duties Teacher or Grade B post holder should be promoted to fill an acting Assistant Principal's post.

**(c)(4) Acting Special Duties Teacher**

A vacancy for an acting Special Duties Teacher should be filled by the promotion of the most senior suitable unpromoted teacher within the staff of a school.

**(d) Long Term Acting Appointments**

Long-term acting appointments extend for a minimum period of one school year. Long term acting appointments may be filled in either two ways:

- (i) Long term acting appointments for Principals, Deputy Principals and Assistant Principals may be filled as set out in Subsection 14(c)(1) to 14(c)(4) above i.e. promotion of next most suitable post holder.

The most junior/consequential acting vacancy arising, if any, must be filled by open competition from within the staff of the school. The open competition procedures are described in Sections 7 to 10 of this Circular.

- (ii) As an alternative to the procedures for making acting appointments outlined in Subsection 14(c) (1) to 14(c)(4), a Board of Management may fill a long-term acting post by open competition from within the staff of a school in accordance with Subsection 14(e) below.

- (e) The procedures to be followed when making acting appointments through open competition are outlined in Sections 7 to 10 of this Circular. These procedures are modified to the extent that the necessity to have an independent assessor on the Selection Board for acting appointments is removed.

- (f) **Adhering to the Arrangements:**

Irrespective of which option a Board selects to make acting appointments, (i.e. promotion on seniority/suitability or by open competition), it must adhere to its selected option for an entire school year.

**(g) General Matters:**

Long term acting appointments which are warranted and are set to continue into a second school year or longer may continue uninterrupted. However, notification of continuation of appointment must be submitted to the Department.

**15. PAYMENT OF ACTING POST OF RESPONSIBILITY ALLOWANCE**

- (a) A teacher who carries out the duties of a Principal, Deputy Principal, Assistant Principal or Special Duties Teacher, whilst the actual post holder is absent on approved paid or unpaid leave of absence for **a minimum consecutive period of one calendar month**, may be paid the appropriate allowance subject to the conditions at (b) to (d) below.
- (b) Payment of the allowance will be subject to the Board of Management certifying that the teacher carried out the duties of the post for a minimum period of one consecutive month while the actual post holder was on approved paid or unpaid leave of absence.
- (c) Payment will be made retrospectively after the duties have been carried out for one month and fortnightly thereafter in the case of all acting-up posts. An exception to this applies in the case of an acting appointment replacing a teacher on **sick leave** – in this instance the allowance will be paid at the end of the first month's absence and subsequently on a fortnightly basis provided medical certification of absence for the payment period has been received from the actual post holder.
- (d) Where an actual post holder is absent on paid or unpaid leave, which expires **during** a vacation period, and the Board of Management certifies that the acting duties were carried out up to the date of expiry, the acting up allowance may be paid up to the date of expiry only. Where the actual post holder is absent on paid or unpaid leave until the date of **commencement** of a vacation period an acting allowance cannot be paid for the duration of the vacation period even if the Board of Management certifies that the acting duties were carried out.

**16. POST OF RESPONSIBILITY HOLDERS WHO HAVE NOT AGREED TO UNDERTAKE REVISED DUTIES**

- (a) Existing post of responsibility holders who do not agree to undertake revised duties under the PCW Agreement, attaching to their posts will only qualify for increases in their allowances by reference solely to general pay increases and only in so far as these pay increases are specifically to allowances.
- (b) A post of responsibility holder who opted initially not to perform revised duties may elect to do so at a later date by writing to his/her Board of Management before 30th April of a school year stating that from 1st September of the following school year he/she wishes to perform revised duties. The Board of Management shall implement the necessary arrangements to assign revised duties to the teacher in accordance with Sections 4 and 5.
- (c) A Board of Management will be required to inform the Department in writing before 31<sup>st</sup> May of a school year that the option referred to at paragraph (b) has

been exercised by a teacher. From 1st September of the following school year, the teacher's salary will be adjusted to reflect the increased allowance.

- (d) Once exercised, the option referred to in paragraph(b) above may not be rescinded.

## **17. THE APPEALS PROCEDURE**

The Appeals Procedure provides a domestic and independent forum, i.e. an Arbitration Board, for dealing with an appeal in a fair and reasonable manner. It is not intended that there would be legal representation. The Arbitration Board will adjudicate on the Appeal and decide if proper procedures were fulfilled. The Arbitration Board will not make a judgement as to which candidate was most suitable and it is not intended that the Arbitration Board will replace the Selection Board.

Initially, a teacher who is considering appealing has an entitlement to write to the Board of Management stating his/her grounds for the Appeal and to receive a written response from the Chairperson of the Board of Management in respect of the points raised. It is intended, that this initial response from the Board of Management will clarify many points for the teacher and may obviate the need to proceed to an Appeal hearing.

In addition, it is generally the case, that where a school has a number of posts to fill and only one of the posts is appealed, the appeal will not affect the other posts, which are not the subject of an appeal.

### **(a) Initiating the Process of Appeal**

**(a)(1)** In the event of an unsuccessful applicant wishing to proceed with an appeal, the teacher shall in the first instance and within the time specified, write to the Chairperson of the Board of Management stating that the proposed appointment is being appealed. This letter must also state the grounds of appeal and will be regarded as the letter of appeal.

**(a)(2)** In general, though not exclusively, the grounds for appeal fall into the following categories:

- alleged breach of procedure;
- alleged inconsistency and lack of fairness in the application of the criteria for selection to the post;
- alleged lack of proper consultation and agreement in relation to the allocation of duties for the vacant post.

**(a)(3)** Having received the letter of appeal, the Chairperson of the Board of Management shall respond in writing to the appellant within 10 school days of the date of the letter of appeal. In the interests of resolving the matter at the earliest possible stage, the response of the Chairperson should adequately address the points made by the appellant.

**(a)(4)** On receipt by the appellant of the response of the Chairperson of the Board of Management, he/she shall decide whether to continue with the appeal. Should the teacher decide to proceed with the appeal, he/she shall inform the Chairperson of the Board of Management accordingly, in writing, within 5 school days of the date of the Chairperson's response.

**(a)(5)** The candidate to whom the post of responsibility has been provisionally assigned shall be informed by the Chairperson of the Board of Management that an appeal has been lodged.

**(a)(6)** A candidate who believes he/she has been discriminated against contrary to the Employment Equality Act may process a claim in accordance with the provisions of the legislation.

**(b) Hearing the appeal**

**(b)(1)** Following completion of the stages outlined above in Sub Section (a) and where the Chairperson of the Board of Management has been notified in writing by the teacher that he/she wishes to proceed, the Board of Management of the school should, within 5 school days, contact the Patron's representative and the INTO CEC representative for the District, in order to appoint by agreement, from the appropriate Regional Panel, a Board of Arbitration to hear the appeal.

**(b)(2)** The Board of Arbitration shall be selected from the Regional Panel and shall have 3 persons as follows:

- a representative of Management, on behalf of the Patron;
- a representative of the INTO;
- an agreed independent Chairperson.

**(b)(3)** Once the Chairperson of the Arbitration Board has been appointed, the Chairperson of the Board of Management, shall furnish him/her, within 5 school days, with three copies of the details of the appointment and all relevant documentation, including the letter of appeal, the response of the Chairperson of the Board of Management and on a confidential basis, the marking sheets/records of the Selection Board.

**(b)(4)** The Board of Arbitration is empowered to call witnesses where considered necessary.

**(b)(5)** The Arbitration Board shall arrange a hearing without delay and shall invite the appellant, the Respondents, i.e. the Board of Management/or appropriate representatives, and witnesses if any, to attend the hearing. The Arbitration Board shall conduct the hearing and shall ensure that the normal rules of due process and fair procedures apply, which include:

- that the parties shall be invited to a hearing and shall be given reasonable notice of the hearing by the Arbitration Board. When notifying parties to the Appeal of the date of the hearing(s), it should be indicated to the parties concerned that in the event of failure to appear, without reasonable cause, the Arbitration Board may proceed to decide the case if considered appropriate;
- that the appellant shall be entitled to be accompanied and assisted by a person of their choice;
- that each party shall be afforded an opportunity to present its case to the

Arbitration Board;

- that the two parties, i.e. the Appellant and the Respondent shall have an opportunity to be present in order to hear, at first hand, what each party has to say, together with witnesses where appropriate;
- that all relevant documentation (excluding the marking sheets which shall be available to the Arbitration Board only on a confidential basis), including letter of appeal, statement of grounds, response of Chairperson of Board of Management, and any additional submissions shall be copied to all the parties;
- that each party shall be afforded an opportunity to question or respond to the other party through the Chairperson of the Arbitration Board;
- that the Arbitration Board itself, shall be entitled to question each party or seek further information;
- that where appropriate, the Arbitration Board shall afford each party an opportunity to provide further information, on the clear understanding, that the other party shall have an opportunity to respond to same;
- that if necessary, the Arbitration Board shall agree to adjournments.

**(b)(6)** The Arbitration Board shall be considered a domestic forum and accordingly, neither Management nor the INTO intends that there would be legal representation at any hearings arranged by the Arbitration Board.

**(c) Arbitration Board Findings**

**(c)(1)** Having heard all the parties, the Arbitration Board shall withdraw to make its decision. In the event that the appeal is rejected, the decision of the Arbitration Board shall only record that the appeal is rejected. In the event that the appeal is upheld, the decision of the Arbitration Board shall record that the appeal is upheld and taking into account the grounds of appeal, the Arbitration Board shall advise the Board of Management to recommence the appointment process at either (a) the initial consultation/allocation of duties stage, (b) the advertisement stage or (c) interview stage. No other written record or minutes of the proceedings of the Arbitration Board shall be kept.

**(c)(2)** The outcome of the appeal shall be notified in writing by the Chairperson of the Arbitration Board to the Chairperson of the Board of Management and to the appellant. The Chairperson of the Board of Management shall in turn notify the provisional appointee of the outcome.

**(c)(3)** The decision of the Arbitration Board shall be final and binding on the parties involved.

**(c)(4)** If the appeal has been rejected, the Board of Management confirms the appointment of the original successful candidate and notifies the Department of Education and Science accordingly at the earliest possible date.

**(c)(5)** Where an appeal has been upheld and the Board of Management is required to establish a second Selection Board, then the Chairperson of the Board of Management, the Principal Teacher and two independent assessors,

neither of whom were involved in the original selection, shall comprise the second Selection Board. The two independent assessors shall be selected from the agreed panels of assessors. In the event of a tied vote, the Chairperson shall have a second or casting vote.

**(c)(6)** It is not intended by either the Management Authority or INTO that there would be a second appeal by the same teacher, arising from the filling of one post. However, the parties accept that in certain exceptional circumstances, where for example, there are significant new grounds of appeal and/or a substantial breach of procedure, such a situation may arise. Accordingly, if these circumstances arise, following the completion of the appointment process for the second time, then the Chairperson of the Board of Management should, in the first instance, forward the second letter of appeal including the grounds of the appeal, together with a statement on the matter from the Board of Management, to the central office of the Management Authority and the INTO for adjudication on whether a second appeal will be allowed.

**(c)(7)** Expenses incurred by the Arbitration Board shall be shared between the parties, i.e. Management and INTO.

## **APPENDICES**

### **APPENDIX A: SECTIONS C, D AND E OF CIRCULAR 16/73**

#### **SECTION C**

Duties, which may be delegated:

1. The effective supervision of the pupils during breaks, lunch periods, assembly and dismissal.
2. The care and safe custody of school requisites, equipment and teaching aids.
3. Co-operation with the Manager in matters relating to school maintenance, heating and cleaning, care and general appearance of school and school grounds.
4. The organisation and supervision of special and/or remedial classes.
5. Supervision and work for pupils whose teachers are absent.
6. School records and official forms.
7. Arrangements for talks and demonstrations and for visits to selected schools.
8. Arrangements, in agreement with the Manager, for effective liaison with parents.
9. Arrangements for educational tours and outings.
10. The promotion of savings.
11. The supervision of school and class libraries.

12. Responsibility for organising particular areas of the curriculum throughout the school.
13. Responsibility for a particular school activity e.g. games, choir, Orchestra, drama, etc.
14. Arrangements for the supervision of pupils during religious exercises.

#### **SECTION D**

##### **Vice-Principal teacher**

Note: The term Vice-Principal teacher is now referred to as Deputy Principal

1. The Vice-Principal is required to assist the Principal teacher in the day-to-day organisation and supervision of the school. In addition to his/her teaching duties the Vice-Principal should be assigned specific duties by the Manager. Before assigning such duties to the Vice-Principal the Manager should discuss the matter with the Principal teacher.

##### **Assistant Teachers with posts of special responsibility**

2. The Manager should arrange in consultation with the Principal teacher to assign specific duties to each teacher holding a post of responsibility.

#### **SECTION E**

1. The lists of duties at Sections B and C are not exhaustive and may be amended by the Department of Education from time to time as circumstances warrant.
2. Responsibilities and duties of the Principal teacher and other staff vary according to the type and size of the school. Where warranted the Manager, in consultation with the Principal teacher, may make whatever amendments to the lists of duties at Sections B and C as may be necessary to suit the particular needs of the school.

#### **APPENDIX B: SCHEDULE OF POSTS**

##### **PRIMARY POSTS SCHEDULE EFFECTIVE FROM 1st SEPTEMBER 1998**

<b>Number of Authorised Posts (incl Principal)</b>	<b>Principal</b>	<b>Deputy Principal</b>	<b>Assistant Principal Posts</b>	<b>Special Duties Posts</b>
1	1	0	0	0
2	1	0	0	0
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	2
8	1	1	0	2
9	1	1	0	3
10	1	1	0	3
11	1	1	0	3

12	1	1	0	4
13	1	1	0	4
14	1	1	1	4
15	1	1	1	4
16	1	1	1	5
17	1	1	1	5
18	1	1	1	6
19	1	1	1	6
20	1	1	2	6
21	1	1	2	6
22	1	1	2	7
23	1	1	2	7
24	1	1	3	7
25	1	1	3	7
26	1	1	3	8
27	1	1	3	8
28	1	1	3	9
29	1	1	3	9
30	1	1	3	10
31	1	1	3	10
32	1	1	4	10
33	1	1	4	10
34	1	1	4	11
35	1	1	4	11
36	1	1	5	11
37	1	1	5	11
38	1	1	5	12
39	1	1	5	12
40	1	1	6	12
41	1	1	6	12
42	1	1	6	13
43	1	1	6	13
44	1	1	7	13
45	1	1	7	13

Primary Payments Section,  
Department of Education & Science,  
Cornamaddy, Athlone, Co. Westmeath.  
Tel: (0902) 74621 • (01) 8734700  
Fax: (0902) 78024  
Website: [www.irlgov.ie/educ](http://www.irlgov.ie/educ)