



**Circular 0044/2019**

**To: The Managerial Authorities of Recognised Primary Schools**

**RECRUITMENT/PROMOTION AND LEADERSHIP FOR REGISTERED  
TEACHERS IN RECOGNISED PRIMARY SCHOOLS**

The Minister for Education and Skills, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the regulations and procedures as set out in this circular from 1<sup>st</sup> September, 2019. All posts advertised before this date will continue under the previous relevant circular.

This circular sets out a leadership and management framework for posts in recognised primary schools and recruitment and appointments procedures for registered Teachers, Assistant Principals, Deputy Principals and Principals. This circular supersedes all previous circulars, memoranda, rules and regulations in relation to recruitment and promotions including Appendix D and E of The Governance Manual for Primary Schools 2015 - 2019, Chapter 1 of edition 2 of Terms & Conditions of Employment for Registered Teachers in Recognised Primary & Post Primary Schools, Circulars 70/2018, 0031/2011 and 0015/2016.

Please ensure that the contents of this circular are brought to the attention of all members of the Board of Management/Education and Training Board (ETB) and all teachers in your employment in Primary Schools including those on leave of absence and on secondment.

This circular can be accessed on the Department's website under <https://www.gov.ie/en/organisation/department-of-education/>.

All queries should initially be brought to the attention of the school management who may wish to consult with their representative organisation. Any further queries may be directed to the following email address: [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie).

Queries in relation to the allocation of posts or the redeployment of teachers should be raised with Allocations Section of the Department: [primaryallocations@education.gov.ie](mailto:primaryallocations@education.gov.ie).

Matters relating to registration of teacher are appropriate to the Teaching Council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare. Email: [info@teachingcouncil.ie](mailto:info@teachingcouncil.ie).

Alfie Barrett  
Teacher/SNA Terms and Conditions



9 August 2019

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## Definitions

For the purposes of this circular the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

- Appropriately Qualified:** Means the teacher has qualifications suitable to the post and is registered with the Teaching Council for the sector for which he/she is to be employed.
- Appropriately Registered:** Means a teacher whose name is entered on the Teaching Council's register for the sector for which he/she is to be employed.
- Board/Board of Management/Manager(s):** Means the body of persons or person appointed by the Patron to manage the school.
- CE:** Chief Executive of an ETB with responsibility for executive functions, including recruitment and employment of staff.
- CID:** Means a contract of indefinite duration.
- Days:** Means calendar days; unless otherwise specified.
- DEASP:** Means the Department of Employment Affairs and Social Protection.
- Department:** Means the Department of Education and Skills.
- Employer:** Means an Education and Training Board (ETB) for vocational schools/community colleges, community national schools and a Board of Management/Manager in the case of primary (excluding community national schools) voluntary secondary, community and comprehensive schools. The ETB or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this circular.
- ETB:** Refers to an Education and Training Board.
- Fixed-Term Contract:** Means a contract of employment paid by monies from the Oireachtas, whether full-time or part-time where the end of the contract of employment concerned is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event. In this circular, the phrase 'fixed-term contract' is taken to also include fixed-purpose and/or specific purpose contracts.
- Fixed Term Teacher:** Means a teacher employed on a fixed term contract.



<b>Internal Panel:</b>	Means a list created by an Interview Board of applicants it deems suitable for appointment, ranked in order of merit following a recruitment campaign which may be used to fill future vacancies, if specified in the job advertisement.
<b>Minister:</b>	Refers to the Minister for Education and Skills.
<b>Paymaster:</b>	Means the Department of Education and Skills in the case of primary teachers.
<b>Personal Basis Allowance:</b>	An allowance for a leadership and management post which is retained by a teacher while they remain teaching in the school (e.g. where a teacher was acting in excess of five consecutive school years and retains the allowance on a personal basis) or are compulsorily transferred to another school.
<b>Post:</b>	Refers to a teaching post, whether full time or part time, which is funded out of monies provided by the Oireachtas.
<b>Privileged Assistant:</b>	Former Principal of one of the amalgamating schools/closed school who is not Principal of the new school (term only applies in the case of principals and not other post holders, see personal basis allowance above for other post holders).
<b>Recognised School:</b>	Means a school recognised by the Minister in accordance with Section 10 of the Education Act, 1998.
<b>Registered Teacher:</b>	Means a teacher whose name is entered on the Teaching Council's register.
<b>Retired Teacher:</b>	Means a registered teacher who is in receipt of a pension in respect of service given by him or her as a teacher under a public service pension scheme.
<b>School Year:</b>	1st of September to 31st of August of the following calendar year is the official school year for contract purposes.
<b>Teaching Council:</b>	Means the Council established under Section 5 of the Teaching Council Act 2001-2016.
<b>Teaching Council Act:</b>	Means the Teaching Council Act 2001-2016 under which the Teaching Council was established and carries out its functions.
<b>Teaching service recognised by DES:</b>	Means teaching service which the Department of Education and Skills/ Education and Training Board (ETB) has recognised for incremental credit purposes.
<b>Week:</b>	Means calendar week, unless otherwise specified.



# CHAPTER 1

## REQUIREMENT TO REGISTER WITH THE TEACHING COUNCIL

### 1. The Teaching Council Act 2001-2016

- 1.1 The Teaching Council was established under the Teaching Council Act, 2001-2016.
- 1.2 Section 30 of the Teaching Council Act commenced with effect from 28 January 2014 under [S.I. No. 419/2013](#) – Teaching Council Act 2001 (Commencement) Order 2013.
- 1.3 Other than the limited exceptions permitted under Ministerial Regulations, Section 30 prohibits payment from monies provided by the Oireachtas to people employed as teachers in recognised schools unless they are registered with the Teaching Council. Registration history details are provided by the Teaching Council and are retained by the Paymaster. The Paymaster is prohibited from making salary payments in circumstances where a teacher has been permitted to teach by the employer but was not registered with the Teaching Council at that time.
- 1.4 Section 30 does not apply to a person who is employed:
  - a) as a teacher in a centre for education, (other than a school), a place providing university, other third level education, other education or training setting (e.g. Youthreach, certain VTOS provision), or
  - b) in a recognised school in a role other than that of teaching (see [Section 4](#) below).



- 1.5 Where registration is not renewed by the renewal date, the Council will, in accordance with Section 34, remove the teacher from the Register. A teacher who has been removed from the Register must reapply for registration under Section 31 of the Act. Such an application will include vetting by the National Vetting Bureau and scrutiny of qualifications.
- 1.6 In accordance with [Section 36](#) of the Act a registered teacher shall, as soon as practicable, notify the Teaching Council of any change necessary in respect of the details entered in the register. All correspondence relating to registration will issue to the address recorded in the register for that purpose. All correspondence for payment purposes will issue to the address of record on the Department's payroll. No fault shall lie with the Council/Paymaster in the event that correspondence is not received where details have not been kept up to date.

## **2. Recruitment of Teachers**

- 2.1 In recruiting people to teaching positions, employers must comply with the registration requirements of the Teaching Council Act and with [S.I. No. 32/2014](#).
- 2.2 In particular, employers should ensure that registration with the Teaching Council is included as a requirement when advertising vacant teaching posts. Evidence of current registration should also be sought prior to that position being offered; (e.g. by the employer viewing the teacher's Certificate of Registration, or confirming the teacher's registration status through the [Search the Register function](#) on the Teaching Council website at [www.teachingcouncil.ie](http://www.teachingcouncil.ie)).
- 2.3 Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within all contracts.
- 2.4 Outside the limited and exceptional circumstances permitted under the Ministerial Regulations, set out below, an unregistered person employed in place of a teacher in a recognised school cannot be paid from monies provided by the Oireachtas.

## **3. Limited exceptions under Ministerial Regulation from the requirement to employ a registered teacher**

- 3.1 The limited exceptions to paragraph 1.3 as set out here, are permitted under Ministerial Regulations, (S.I. No.32/2014, Education Act 1998 (Unregistered Persons) Regulations 2014).
- 3.2 The Regulations provide as follows:



- a) An unregistered person may be appointed where an employer has made all reasonable efforts to appoint a registered teacher in accordance with the normal appointment procedures and no registered teacher is available to take up the position in question.
- b) An unregistered person so appointed will be paid a single rate of pay for unregistered persons who are engaged under these regulations and that rate of pay will be lower than that payable to registered teachers (unqualified rate).
- c) An unregistered person so appointed may not be paid from monies provided by the Oireachtas for a continuous period of more than 5 consecutive school days.
- d) The employer must be satisfied that an unregistered person so appointed is competent and capable of acting in the place of a registered teacher in the school.
- e) Where circumstances dictate that an unregistered person be employed, the employer shall continue to make all reasonable efforts to employ a registered teacher.
- f) It must be a term and condition of the unregistered person's contract of employment that it will terminate immediately if the employer can replace him or her with a registered teacher, or at the expiry of a continuous period of 5 consecutive school days (day(s) service in other schools will also count for the 5 consecutive days rule), whichever happens first.
- g) Pursuant to Regulations 10(1) and 10(2), of S.I. No. 32/2014, the employer must retain, and be in a position to furnish to the Minister, evidence that it has been unable to employ a registered teacher in the place of a registered teacher in a recognised school.

### 3.3 Unregistered Person

- a) All appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
- b) An unregistered person so appointed must hold at least a level 7 qualification on the National Framework of Qualifications (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012).





- c) The school Principal must record in writing that any such appointment has been made in accordance with the Regulations and shall inform the employer. This should be noted in the minutes of the next Board of Management/notified to the ETB.
- 3.4 The Ministerial Regulations do not permit the payment from monies provided by the Oireachtas of a registered teacher who is suspended from, or has been removed from, the register under Part 5 (Fitness to Teach) of the Teaching Council Act 2001 - 2016. Section 47 subsection (3) of the Teaching Council Act, as amended, provides that where the High Court makes an interim or interlocutory order under that section that the registration of a teacher (employed in a recognised school on that date and remunerated out of monies provided by the Oireachtas), be suspended, the High Court shall include in the order a direction as to whether that teacher shall continue to be remunerated pursuant to his or her contract of employment out of monies provided by the Oireachtas.
- 3.5 Ireland is under obligations at European level to deliver language specialist (mother tongue) provision to children of certain EU institution officials. There is a continuing obligation on the State to deliver this provision. In order to meet this ongoing commitment, an exception is provided for in the Ministerial Regulations to permit the employment of an unregistered person, who is a native speaker of the language to be delivered (see Regulation 5), for a period of no more than one school year at a time (see Regulation 7). In accordance with the Ministerial Regulations, the same individual must not be re-engaged in that role on successive contracts.
- 3.6 The Department and the ETB are bound by the Regulations and are prohibited by law from making exceptions in individual cases. There is no discretion to depart from the Regulations.

## **4. Classification of certain posts as non-teaching posts**

### **4.1 Certain specialist roles in special schools**

A small number of roles carried out in special schools were once delivered by people who were not qualified teachers but had specialist qualifications or experience in areas such as Irish Sign Language, Horticulture, Swimming Instructor, I.T. computer studies and craftwork. On the commencement of Section 30 of the Teaching Council Act, such posts were classified as tutor posts and hence were not regarded as teaching posts or subject to the requirements of Section 30. At the time, people employed in these posts retained their former rate of pay and conditions of employment.



This arrangement/provision was designed to allow/facilitate existing post holders to remain in place. However, once the existing post holders leave or retire from the post, only those registered with the Teaching Council should be appointed to posts in special schools.

List of Special Education courses/modules re-designated to be delivered by a tutor.

(This list may be amended from time to time):

- Irish Sign Language
- Swimming Instructor
- Horticulture/Gardening
- Play and Interactive Support
- IT Computer Studies
- Music Therapy
- Craftwork

## **5. The Teaching Council**

- 5.1 The Teaching Council Act requires the Teaching Council to send written reminders annually to each registered teacher regarding registration renewal. Where a teacher fails to apply to renew registration, the Council is required to give one month's notice in writing that registration will not be renewed unless the application and renewal fee are submitted within that month. This correspondence reminds recipients that only registered teachers can be paid salaries from monies provided by the Oireachtas and encourages registered teachers to maintain registration. There is an immediate obligation on the teacher to notify their employer that they have not renewed their registration.
- 5.2 Each year before his/her renewal date, the Teaching Council will send each teacher a reminder notice and renewal form (first letter of notification only) to his/her last notified correspondence address. The Council also issues renewal reminders by email and SMS text message where a teacher has provided such information. A registered teacher should make note of his/her renewal date and should contact the Council if he/she does not receive a renewal notice when they would normally expect to receive such a notice.
- 5.3 In the event that registration is not renewed by the renewal date, the Teaching Council will send the teacher a notice stating that he/she will be removed from the register if registration is not renewed. The consequences



of removal from the register for teachers in employment, including cessation of salary, will be specified in the notice.

## **6. The Paymaster**

- 6.1 The Teaching Council will provide the Paymaster with registration details for all teachers on an ongoing basis.
- 6.2 The Paymaster will check the registration history for each person due to receive salary prior to processing each payroll to confirm registration. Save for limited exceptions (provided for in the Ministerial Regulations as set out previously in Section 3), salary will not be paid by the Paymaster to any person not registered with the Teaching Council. There will be no retrospective payment for a period during which a person is unregistered.
- 6.3 Any salary paid in respect of a period during which registration has lapsed must be recovered by the Paymaster. As Section 30 provides that no salary entitlement exists in that circumstance, such recoupment is in compliance with statute and will not fall under the normal overpayment procedures, as presently set out in Circular 0084/2015 “Policy and Procedures for dealing with the recovery of overpayments of salary or pension” and in the case of ETBs Circular 0032/2016 “Policy and Procedures for dealing with the recovery of overpayments of salary”. Where possible, the full amount must be recovered in one lump sum, or where there are insufficient funds in a single salary payment to cover the full amount, recoupment will be spread across the minimum number of salary payments necessary to recoup the total amount recoverable.
- 6.4 The Paymaster will resume payment of salary from the date of return to duties following registration with the Teaching Council.

## **7. Posts of Responsibility**

- 7.1 A person cannot be appointed to or paid for a post of responsibility unless they are appropriately registered.

## **8. Paid Leave of Absence**

- 8.1 All teachers on any form of paid leave of absence must be registered with the Teaching Council and maintain that registration at all times. In the event that a person’s registration lapses while on paid leave, salary will not be paid for the period he/she is unregistered and the person remains on the original leave type.



## 9. Publicity and Notifications Relating to Registration

- 9.1 The Teaching Council provides a very comprehensive Frequently Asked Questions (FAQs) section on their website which covers issues including registration, renewal and Section 30. The Department's website also hosts an information page on the requirement to be registered.
- 9.2 All queries in relation to registration should be directed to the Teaching Council at the following email address: [section30@teachingcouncil.ie](mailto:section30@teachingcouncil.ie).

## 10. Teaching Council Non Registration (TCNR) Leave

- 10.1 A teacher who receives notice from the Teaching Council that he/she will be removed from the register if registration is not renewed, must immediately inform his/her employer and apply to his/her employer for Teaching Council Non Registration (TCNR) leave.
- 10.2 TCNR Leave is an Unpaid Leave of Absence provided to enable registration issues to be dealt with by the individuals concerned. The employer should place a teacher on TCNR leave where they become aware that the teacher's Teaching Council registration has lapsed, subject to the following:
- a) Those not registered but who are qualified and eligible for registration may be granted a period of unpaid TCNR leave, subject to a maximum duration of 6 months, to address whatever issues are delaying registration/renewal.
  - b) For those not eligible for registration at the time of enactment of Section 30 on 28 January 2014, but who wished to become registered, a period of unpaid TCNR leave was available in which to acquire the necessary qualifications to become registered. The TCNR leave in this circumstance was restricted to no more than 6 years, or to the end of his/her contract of employment at that time, whichever occurred first.
  - c) To avail of TCNR leave evidence of actually pursuing registration must be submitted to the employer. The employer must confirm to the Paymaster that a period of unpaid leave has been granted under this provision.
- 10.3 **Appointment of a Replacement Teacher** – where a replacement teacher is to be employed to cover TCNR leave, he/she shall be offered a fixed term/specified purpose contract to be terminable on the return/resignation/retirement/end of contract, of the person on leave but no later than the end of the school year.



#### 10.4 **Resumption of Duty** –

- a) a person on TCNR leave must notify the employer immediately upon registration with the Teaching Council and a date shall be arranged with the employer for the earliest possible return to duties.
- b) It is the responsibility of the employer to inform the Paymaster of the date of return of a teacher to duties following TCNR leave.
- c) A person returning from TCNR leave in excess of two school years shall be screened by the Occupational Health Service (OHS). It is a pre-requisite for the restoration of salary that the person is deemed medically fit for duties by the OHS before he/she is permitted to resume his/her post.
- d) The terms and conditions of teachers in general, including the terms of any redeployment scheme existing at the time of return, shall apply to the person resuming duty after TCNR leave.
- e) A registered teacher returning from TCNR leave will be paid from the date of return to duties.

10.5 **Incremental Credit** – a period of TCNR leave of absence does not reckon for incremental credit purposes.

10.6 Service given under the limited exceptions permitted by Ministerial Regulation (set out at Section 3 above) does not reckon for incremental credit purposes.

10.7 **Social Welfare Entitlements** – A person seeking to maintain his/her Social Welfare entitlements during a TCNR leave should contact the DEASP for advice.

10.8 A person on TCNR leave remains an employee of the employer for the duration of the absence and the absence does not constitute a break in service for purposes of determining PRSI Class.

10.9 **Pensions** – a period of TCNR leave of absence does not reckon for pension purposes. Subject to the provisions of the Purchase of Notional Service Scheme the period may be reckoned for pension purposes on payment of contributions at full actuarial cost following a return to service.

10.10 Further information on the purchase of Notional Service is available from the Department's website. Queries regarding notional service may be emailed to [pensions@education.gov.ie](mailto:pensions@education.gov.ie) or addressed to the Pension Unit of the Department.



- 10.11 The new Single Public Service Pension Scheme ("Single Scheme") commenced with effect from 1 January 2013. The Scheme applies to all pensionable first-time entrants to the Public Service on or after that date, as well as to former public servants returning to the public service after a break in pensionable service of more than 26 weeks. (A period of approved TCNR leave does not constitute a break in service for the purposes of the Single Scheme.) Further information on the Single Public Service Pension Scheme is available on the website of the Department of Public Expenditure and Reform at [Single Scheme Booklet](#).
- 10.12 **Voluntary Deductions at Source** – when a person goes on TCNR leave their salary ceases.
- 10.13 It is the sole responsibility of a person on TCNR leave to ensure that voluntary deductions, such as medical insurance policies, income continuance insurance, union subscriptions, credit union and local property tax payments etc., do not lapse.
- 10.14 No liability rests with the Paymaster for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website.



## CHAPTER 2

# Recruitment and Appointment Procedures for Teachers

### 1. Recruitment and Appointment Procedures for Teachers in Recognised Primary Schools

- 1.1 The procedures set out in this Chapter are designed to provide fair and impartial procedures for the appointment of teachers to Oireachtas funded teaching posts in recognised schools. A Board of Management/Education and Training Board is bound to apply these procedures.

### 2. Role Of The Board Of Management/Manager/ETB

- 2.1 It is the responsibility of each employer to maintain effective procedures to ensure:-
- a) Openness and transparency in the process of appointment to posts from monies provided by the Oireachtas,
  - b) Compliance with:
    - i. relevant legislation in force at the time of making the appointment.
    - ii. in accordance with Section 15 of the Education Act, 1998 the Board of Management manages the schools on behalf of the Patron. A statutory duty is placed on the Board of Management of a school to ensure that an appropriate education is provided to all of the school's pupils. In primary schools other than Community National Schools all appointments of



teachers in the school shall be made by the Board of Management in accordance with relevant legislation, the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron.

- 2.2 The Board of Management of a Community National School under the patronage of an ETB is not the employer of staff in the school. The ETB is the employer. In accordance with Section 6 of the Education (Amendment) Act, 2012, it is the responsibility of the ETB to employ the Principal, teachers and other staff of a school established or maintained by the ETB. All appointments shall be in accordance with statutory provision, relevant Department Circulars, employment and sectoral agreements. The Interview Board will make the recommendation for appointments and as appointments are an executive function the CE will confirm the appointments.
- 2.3 In order to carry out their roles and responsibilities effectively, appropriate and regular oversight by the Board of Management/Manager/ETB of the teaching and learning in the school should take place. Furthermore, the Board of Management/Manager/ETB, can and should play a key role in improving standards in the school. In this regard, and from a leadership perspective, Boards of Management/Manager/ETBs have significant responsibilities in setting the direction of a school.

### **3. Minimum Requirements For Employment As A Teacher**

- 3.1 Each employer shall ensure that each person proposed for appointment to a teaching post which is paid out of monies provided by the Oireachtas:-
- a) Is registered with the Teaching Council for the sector (see Section 3.2),  
*and*
  - b) Has qualifications appropriate to the sector and suitable to the post for which he/she is to be employed (referred to in this circular as “appropriately qualified”),  
*and*
  - c) That all appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.





### 3.2 REGISTRATION REQUIREMENTS FOR PRIMARY SCHOOL SETTINGS:-

<i>Primary School Settings</i>	<i>Teaching Council (Registration) Regulations 2016</i>
Mainstream Primary Posts	Route 1(Primary)
Special Classes in mainstream Primary Schools/SET Posts	Route 1 (Primary)/ Route 4 (Other) <i>Excluding Route 4 (2) Post Primary</i>
Special Schools	Route 1 (Primary)/ Route 4 ( Other) <i>Excluding Route 4 (2) Post Primary</i>
Special Schools where a proportion of the pupils attending are of post-primary age and where second level programmes are being provided e.g. Junior Certificate School Programme (JCSP), Junior Cycle Level 2 Learning Programmes (L2LPs).	Route 1 (Primary)/ Route 4 (Other) Route 2 (Post-Primary)

### 3.3 Irish language requirement :

- a) Teachers in primary schools must be qualified to teach the range of primary school subjects to children aged 4 to 12 years. Accordingly, applicants must demonstrate to the Teaching Council's satisfaction that they are competent to teach the Irish language and to teach the range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in primary schools.
- b) Where an applicant has completed a programme of teacher education outside Ireland, an Irish Language Requirement (ILR) condition normally applies to his/her registration. The applicant can either complete an Aptitude Test (SCG – An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge) or an Adaptation Period (OCG – Oiriúnú le hAghaidh Cáilíochta sa Ghaeilge), which confirms the applicant's competence to teach the Irish language as well as a range of primary school curricular subjects through the medium of Irish. Conditional registration may be granted to those in the process of completing this requirement.
- c) Where an employer employs a teacher with an Irish Language shortfall they have a responsibility to ensure that appropriate arrangements are made for the teaching of the Irish curriculum to the class to which this teacher is allocated. Under no circumstances should such a class be deprived of competent Irish language tuition. A Board of Management will be required to show what arrangements are in place to the Department's Inspectors when they visit the schools.



- 3.4 Fully registered teachers or teachers previously probated in a restricted setting may be appointed to the post of Special Education Teacher. Schools should make all effort to ensure that where possible fully registered teachers or teachers previously probated in a restricted setting are appointed. Such teachers may hold Teaching Council registration under Route 1 Primary (formerly Regulation 2 Primary) or Route 4 Other (formerly Regulation 3 Montessori & Other Categories).
- 3.5 Employers must ensure that all persons proposed for employment provide evidence of current registration with the Teaching Council prior to the commencement of his/her employment. Employers may view a teacher's Teaching Council Certificate of Registration or confirm the teacher's registration status online through the [Search the Register function](#) available on the Teaching Council website at [www.teachingcouncil.ie](http://www.teachingcouncil.ie). It must remain a condition of the teacher's employment that he/she maintain registration with the Teaching Council for the duration of his/her employment.
- 3.6 An appropriately qualified teacher conditionally registered with the Teaching Council will be remunerated on the teachers' incremental salary scale. This is based on continued compliance with the terms of registration within the period prescribed by the Teaching Council and this should be inserted in the employment contract.
- 3.7 There is a continuing obligation on employers to employ appropriately qualified teachers. Where an employer employs a teacher who is not registered for the sector they must continue to make all reasonable efforts to employ an appropriately qualified teacher.

#### **4. Short Term Employment (Less Than 24 Calendar Weeks)**

##### **4.1 SEQUENCE OF RECRUITMENT**

- a) Where a vacancy arises the employer must first seek to employ an appropriately qualified teacher who is not retired.
- b) Where all efforts to secure an appropriately qualified teacher who is not retired fail, the employer may employ a retired appropriately qualified teacher.
- c) If it is not possible to recruit a teacher under (a) or (b) above, the employer may employ a registered teacher who is not appropriately qualified on a short term basis, giving preference wherever possible to one who is not retired. The contract of employment should include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first. In such cases the school/ETB must confirm to the Paymaster that they carried out all reasonable efforts to recruit an appropriately qualified teacher and no appropriately qualified teacher was available. This declaration must be made to the Paymaster through the On-Line-Claims System (OLCS) before a person who is not appropriately qualified may be paid out of monies provided by the Oireachtas via OLCS. Remuneration will be at the unqualified rate of pay.



Finally, if no registered teacher can be found, the employer may employ an unregistered person, in a short term capacity, in accordance with the limited exceptions provided for under the Education Act, 1998 (Unregistered Persons) Regulations 2014. An unregistered person may not be paid in respect of more than five consecutive school days employment with one or more employers at any one time and should have included in his or her contract of employment a condition that the contract will terminate:

- immediately, if the relevant employer can employ a registered teacher in a position in which the person is being employed, or
- at the expiry of the relevant time-period under Regulation 7, Education Act, 1998 (Unregistered Persons) Regulations 2014.

Where an unregistered person is employed, the Principal/ETB shall record in writing that –

- i. all reasonable efforts have been taken, as the employer, to appoint a registered teacher, however a registered teacher is not available to be employed in the position in which the person is being employed and the reasons for this, and
- ii. the person proposed for appointment is competent and capable of acting in a teaching capacity in the school.

The employer shall continue to make all reasonable efforts to employ a registered teacher in the position. Where an appropriately qualified registered teacher or a teacher registered under any regulation can be employed, the school shall immediately terminate the contract of the unregistered person.

Where an unregistered person (see [3.3](#) of Chapter 1) is employed for 5 consecutive school days he/she:

- i. will be paid at the unqualified rate of pay,
- ii. may not be paid in respect of more than 5 consecutive school days employment at any one time, and
- iii. must have included in his or her contract of employment a condition that the contract will terminate immediately if the employer is in a position to employ a registered teacher.

#### 4.2 **SUBSTITUTE APPOINTMENT (SHORT TERM EMPLOYMENT)**

Where a substitute is required the employer must first seek to employ an appropriately qualified teacher who is not retired. This may be done by:

1. contacting a person on the substitute list established by the employer, or
2. by using a national substitute service, or



### 3. advertising.

- 4.3 A substitute list shall be maintained by each employer of appropriately qualified teachers who have notified the employer that they are available for substitute teaching work. A separate substitute list of registered retired teachers should be maintained to cover instances where an appropriately qualified non retired teacher is not available for substitute work.

Two or more employers may establish and maintain a common substitute list, a copy of which should be kept by each employer. The school/ETB also has the option to make use of national services such as *SubSearch* or *TextaSub* but where those services fail to produce a registered teacher who is not retired, the school/ETB must revert to the list. The school/ETB has, of course, the option of using the list in the first instance.

Where a school/ETB receives notification from an appropriately qualified teacher who is, or will within one month of notification become available for substitution work, the school/ETB must, within 7 school days, update the list and issue an acknowledgement to the teacher concerned.

As provided for in the Action Plan for Teacher Supply, a new portal for the recruitment of substitute teachers is being developed as a central resource for schools/ETBs which aims to eliminate the need for schools/ETBs to hold individual lists. Education Partners will be notified in due course of any amendments to this circular on foot of this development.

- 4.4 Employers may also use these procedures to fill a vacancy on a temporary basis pending the completion of a recruitment process to fill a long term employment vacancy i.e. a vacancy of 24 calendar weeks or more.

## 5. Long Term Employment (24 Calendar Weeks Or More)

- 5.1 Employers should not fill a teaching post without first ensuring that:
- a) the post is not required to meet obligations to existing teachers in respect of eligibility for a CID,
  - b) they comply with the Department's rules in regard to staffing allocation and redeployment arrangements,
  - c) any panel established by the employer following interviews for a post ("internal panel") has expired/is exhausted.
- 5.2 All vacancies anticipated to be of a duration of 24 calendar weeks or more shall be advertised on at least one of the websites approved by the Management Bodies and shall be notified to all fixed-term primary teaching staff in the school/ETB including those on leave of absence. There shall be no unreasonable delay between the notification of the vacancy, insertion of the advertisement and the filling of the post.



5.3 As provided for in the Action Plan for Teacher Supply, a new portal for the recruitment of teachers is being developed as a central resource for schools. Education Partners will be notified in due course of any amendments to this circular on foot of this development.

5.4 Confidentiality must be maintained throughout the process.

## 6. Termination Of First Fixed-Term Contracts

6.1 All first fixed-term contracts must be terminated at the end of the school year and if the employment is continuing for the following year, it must be automatically re-advertised by the employer and a new recruitment process undertaken for the filling of the post for the second year. Therefore, the employer must terminate the contract and cannot provide a new fixed term contract to any teacher unless it advertises and interviews first.

## 7. Advertising Rules

7.1 The advertisement shall invite applications from eligible teachers to be submitted to the Chairperson of the Board of Management/ETB by a specified date and to a specified address or electronically.

7.2 The advertisement shall state:

1	The name, address, roll number and patronage of the school and in the case of Community National Schools that the appointment is to the ETB scheme.
2	The number of teaching posts (including Principal Teacher).
3	The nature of the vacancy (i.e. a teaching post).
4	The status of the vacancy (i.e. whether permanent or fixed term contract hours, whole-time or part-time).
5	The expected commencement date of the post.
6	The address to which applications should be sent. This may be postal/electronic.
7	The latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
8	Whether a curriculum vitae or standard application form is required. (Applicants should not be required to submit both a curriculum vitae and an application form).
9	The nature of the duties which may initially be allocated to the post (e.g. Special Education Teacher, etc.). It should be stated that duties included in the advertisement may be subject to change.
10	A list of documentary information required to support the application (e.g. Evidence of qualifications; Teaching Council Certificate of Registration).
11	Any other relevant documentation required (e.g. certificate to teach Catholic religious education for schools under Catholic Patronage).

7.3 The advertisement may also state:



1	<p>Whether or not a panel of suitable applicants may be set up from which future vacancies, may be filled. If such an internal panel is being created this needs to be noted in the advertisement.</p> <ul style="list-style-type: none"><li>• Permanent vacancies may <b>not</b> be filled from a panel established following interviews for a fixed term post.</li><li>• Where interviews for a permanent or fixed-term post have taken place then such an internal panel may be used to fill fixed-term and substitute vacancies equal to or of shorter duration than that interviewed for.</li><li>• Where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Board approves the successful applicant and the order of merit of the qualifying applicants, subject to suitable references and the prior approval of the Patron.</li><li>• In the case of Community National Schools where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Chief Executive approves the successful applicant and the order of merit of the qualifying applicants, subject to suitable references.</li><li>• Posts should be offered to qualifying applicants in order of merit as determined under 13.7 and 13.8.</li></ul>
2	Whether a minimum number of applications are required for the competition to proceed.
3	Whether a stamped addressed envelope is required for the return of documentation.
4	Where postal applications are required, that the applicant should mark the envelope “Application”.

7.4 Advertisements should not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2018, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race or a member of the Travelling Community. Special care should be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.

7.5 Posts that are sanctioned on a permanent basis should be filled by a permanent appointment unless special circumstances apply.

## 8. Electronic Applications

8.1 Where the employer chooses to accept electronic (e-mail/on-line) applications then the following procedures should be followed.

8.2 A separate e-mail/on-line account shall be set up for the application process. Where the employer does not have access to a distinct e-mail/on-line address then a service such as Gmail may be used e.g. *Schoolnameapplications@gmail.com*. Only one email address shall appear on the advertisement.

8.3 Access to applications shall be restricted to members of the Interview Board only.



- 8.4 The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail/electronically.
- 8.5 Applications shall be opened and downloaded by the Interview Board at its short-listing meeting. In Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.
- 8.6 The applications will be assessed in accordance with procedures as set out in this circular.
- 8.7 Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail/electronically.
- 8.8 Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the: bcc option or e-mail applicants on an individual basis.
- 8.9 Employers may decide to reply in writing (including via e-mail/on-line) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail/an on-line system is used employers should save or print a copy of the letter to the successful applicant for school/ETB records.
- 8.10 The email address may be required for a new recruitment campaign by a new Interview Board. Therefore, all electronic applications must be saved by the school electronically, deleted from the email/on-line system and after the appropriate retention period, from the saved electronic file.
- 8.11 Ongoing use of e-mail address. Where the same e-mail address/on-line system is utilised for subsequent competitions, the passwords/security access should be changed to ensure that only the new Interview Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Interview Board.

## **9. Reporting And Verification**

- 9.1 Each Principal (excluding Community National School Principals) shall report at each Board of Management meeting that:
- a) a list of appropriately qualified teachers is being maintained,
  - b) the circumstances in which he/she had to engage a retired teacher (if applicable),
  - c) the circumstances in which he/she had to engage an unregistered person (if applicable), and
  - d) a list of the names of all substitute and part time teachers for whom claims have been made on the OLCS system since the last board meeting.





9.2 Records completed by a Principal filling a post in circumstance b) and c) above must be made available for inspection on request by the Board of Management/ETB. In Community National Schools the above records are compiled by HR Department.

9.3 The resource provided to schools by retired teachers is critical given the challenge some schools are currently facing to recruit teachers in certain subject areas and also to fill short term vacancies. Under the Action Plan for Teacher Supply a number of measures are underway to resolve these issues. In the immediate term the current challenges in schools must also be addressed. In this regard and to support the availability of a supply of retired teachers to take up short term vacancies DES is currently liaising with Department of Public Expenditure and Reform (DPER) requesting that posts being filled by a teacher who satisfies the criteria under Section 4 of Chapter 2 of this circular be considered to be one of a class of persons who can be granted a waiver from abatement of pension under Section 52 (4) and Public Service Pensions (Single Scheme and Other Provisions Act) 2012. Note: Any queries in relation to abatement may be directed to Pensions Section at the following email [Pensions\\_Abatement@education.gov.ie](mailto:Pensions_Abatement@education.gov.ie).

## 10. Selection Procedures for Vacancies of 24 Weeks or More

### 10.1 COMPOSITION OF INTERVIEW BOARD-

<b>Primary</b>	<ul style="list-style-type: none"><li>• Chairperson of the Board of Management/1 Nominee of the CE of the ETB.</li></ul> <p>In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Interview Board.</p> <ul style="list-style-type: none"><li>• School Principal.</li><li>• Independent assessor, to be appointed by the Patron after consultation with the Chairperson of the Board of Management or in the case of Community National Schools to be appointed by the ETB.</li></ul> <p>In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly-appointed Principal shall fill the position of Principal on the Interview Board.</p>
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10.2 At least one of the members of the Interview Board shall be male and one female.

## 11. Criteria Of Assessment

11.1 Prior to advertising a position, the employer may set a minimum number of applications which must be received for the competition to proceed.





11.2 Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.

11.3 The Interview Board shall meet as soon as practical and shall establish agreed criteria for the assessment of the applications and for interview prior to opening of the applications received. In establishing the criteria, the following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-

- Professional Qualifications
- Registration with the Teaching Council
- Teaching experience
- Other relevant experience e.g. experience in Special Needs, multiclass teaching, etc.

Care must be taken to ensure that the criteria do not lead to discrimination on the grounds set out in Section 6(2) of the Employment Equality Acts, 1998-2008 i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.

11.4 In the case of Community National Schools, the ETB will ensure that the criteria for assessment incorporates those identified in 11.3.

11.5 The criteria selected must reflect the needs of the school.

11.6 The applications shall be opened only in the presence of the Interview Board. In Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.

## **12. Disclosure of Interest/integrity of Interview Board**

12.1 The Board of Management shall inform the Chairperson of the Interview Board that it is the responsibility of the Interview Board to address disclosures of interest/integrity in accordance with the procedures set out in this circular. In Community National Schools the ETB distributes the applications and a conflict of interest form to the members of the Interview Board (completed forms are returned to the ETB).

12.2 A member of the Interview Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Interview Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Interview Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.



- 12.3 Following this disclosure, the Interview Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management level. Where the Interview Board finds that there is a concern regarding an Interview Board member, the Chairperson of the Interview Board shall inform the Chairperson of the Board of Management who in turn informs the Patron/CE unless the Chairperson of the Interview Board is the Chairperson of the Board of Management in which case they should contact the Patron/CE directly. It will be the CE Nominee on the CNS Interview Board who will inform the ETB of concerns. The Patron/CE shall nominate another member in his/her place following consultation with the Chairperson of Board of Management/CE Nominee.
- 12.4 Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Interview Board to the Board of Management on completion of the process.
- 12.5 Where a conflict of interest is determined applications are returned or deleted.
- 12.6 Failure to disclose any relationship may invalidate the process.

### **13. Interviews**

- 13.1 Selection of applicants for interview will be based on an initial assessment of applications against the established criteria.
- 13.2 If there are three eligible applicants, or fewer, all eligible applicants shall be called for interview by the Interview Board/ETB or, where the minimum number of applications set by the employer under 7.3(2) for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.
- 13.3 If there are no eligible applicants the position will be re-advertised.
- 13.4 Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:
- i. at least 7 days' notice (after the closing date for receipt of applications) of a specific interview date, time (outside school hours) and the location of the interview venue,
  - ii. details of the established criteria for the post, and
  - iii. a request for the applicant to notify the Interview Board/ETB if he/she requires any additional assistance in relation to a special need.
- 13.5 The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation. Schools/ETBs may decide at their discretion to facilitate interviews using digital technology, particularly in the case of qualified applicants resident outside the State, subject to the availability of suitable technological infrastructure and resources.



- 13.6 All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from an applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Interview Board has a preconceived view of the suitability of either male or female for a particular post.

- 13.7 Each member of the Interview Board is required to complete his or her own individual marking sheet for each applicant and give it to the Chairperson of the Interview Board on completion of the interviews.
- 13.8 The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants who are deemed suitable for appointment.
- 13.9 Following completion of the interview process the Chairperson of the Interview Board/ETB shall conduct reference checks of the highest ranked applicant. This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Interview Board/ETB at its sole discretion will determine the suitability of any reference. The Interview Board/ETB further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

- 13.10 An applicant's own marking sheets should be made available on request after the recruitment process is complete.

## **14. Appointment of Successful Applicant**

- 14.1 Following the completion of the interview process, the Chairperson of the Interview Board shall submit a written report to the Board of Management/ETB setting out:
- i. that the selection procedures have been complied with,
  - ii. if there has been a disclosure of interest/integrity to the Interview Board and the outcome of such disclosure,
  - iii. the name of highest ranked applicant whom it considers most suitable for appointment, and
  - iv. confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment (not applicable in Community National Schools as the ETB checks the references of the successful applicant prior to any offer of appointment).

- 14.2 The Chairperson of the Interview Board will retain:



- i. a record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer, and
  - ii. an order of merit which can be used if the highest ranked applicant nominated for appointment declines the position.
- 14.3 In the case of Community National Schools the Chairperson of the Interview Board will return the above records to the ETB.
- 14.4 Where specified in the advertisement that an internal panel may be created, the Chairperson of the Interview Board will retain or forward to the ETB in the case of Community National Schools, an internal panel of applicants in order of merit deemed suitable for appointment to any future post arising in the school within four months of the date on which the Board/CE approves appointment of the successful applicant subject to suitable reference(s) and prior approval of the Patron.
- 14.5 The Board of Management/ETB shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Interview Board in which instance the matter shall be referred to the Patron/CE, whose decision in this matter shall be accepted by the Board of Management/ETB.
- 14.6 The offer of employment should not be made to the prospective employee until the prior approval of the Patron/CE has been obtained by the Chairperson of the Board of Management/ETB.
- 14.7 Employers shall follow best practice in relation to the following.
  - i. Verification of documentation: Teaching Council registration, qualifications, vetting.
- 14.8 Medical fitness: All successful candidates being appointed for the first time to a teaching position in Ireland or teachers returning from leave of absence or other break in service in excess of two full school years will be screened by pre-employment medical questionnaire and fitness confirmed before the teacher takes up or resumes a teaching post. For further details, see the [\*Occupational Health Service for Special Needs Assistants..\*](#)
- 14.9 All appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
- 14.10 The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanctioning of the post by the Minister, to the terms as set out in this circular, confirmation of qualifications, confirmation of registration with the Teaching Council and continuous registration with the Teaching Council for the duration of his/her employment, compliance with Garda vetting requirements (see 14.9 above) and pre-employment medical screening, where applicable, prior to commencement of the employment. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.



- 14.11 As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 14.12 A contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment. This is in line with the Terms of Employment (Information) Act 1994 as amended<sup>1</sup>.
- 14.13 Both the successful candidate and the employer should complete the Appointment /Re-appointment form(s) for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed teacher is set up on Payroll as soon as possible.

## **15. Contracts – Terms of Employment**

- 15.1 The contract shall include the full names of the employee and the employer. It should be signed and dated by both parties. It should also include a written statement of the particulars of the employee's terms of employment e.g., place and hours of work, duties/responsibilities, disciplinary/ grievance procedures, employer policies (e.g. health and safety, harassment, sexual harassment, etc.), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 as amended.
- 15.2 Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within all contracts.
- 15.3 The employer shall retain one of the completed signed duplicate contracts on the teacher's personnel file and furnish the other signed duplicate contract to the employee.
- 15.4 Employers should ensure compliance with all relevant employment legislation e.g. the Unfair Dismissals Acts, etc. when dealing with issues pertaining to appointments and contracts of employment.

## **16. Fixed Term Teachers**

- 16.1 Employers are reminded that the provisions of the Protection of Employees (Fixed Term Work) Act 2003 apply to all fixed-term employment.
- 16.2 All such teachers must be furnished with written fixed term contracts.
- 16.3 In accordance with Section 2 of the Protection of Employees (Fixed Term Work) Act 2003, a person who is on work placement as part of his/her vocational training is not an employee for the purposes of the Act.

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<sup>1</sup> e.g. Employment (Miscellaneous Provisions) Act 2018



- 16.4 An employer shall not treat a fixed-term teacher in a less favourable manner than a comparable permanent teacher in respect of his/her terms of employment, unless objective grounds exist for doing so.

## **17. Additional Terms for Fixed Term Contracts**

- 17.1 In general the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.
- 17.2 Under the Terms of the Protection of Workers (Fixed Term) Act, 2003 (Section 8) the terms and conditions for a fixed term employee shall contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event.
- 17.3 If the teacher is not appropriately qualified the contract of employment must include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first.
- 17.4 A fixed-term teacher shall have access to Continuing Professional Development (including in-service training) on the same basis as a comparable permanent teacher. Such access shall not be confined to the days on which the fixed-term teacher would ordinarily be employed.

## **18. Renewal of Fixed Term Contracts**

- 18.1 Where an employer proposes to renew a fixed-term contract, having gone through the above recruitment process, the fixed term employee should be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration before the date of renewal. Employers should refer to [Circular 23/2015](#) “Implementation of the Recommendations of the Expert Group on Fixed-Term and Part-Time Employment in Primary and Second Level Education in Ireland” and associated FAQ’s which are available on the Department’s website, [www.education.ie](http://www.education.ie).

## **19. Compliance**

- 19.1 All employers and teachers must adhere to the regulations and procedures set out in this circular. The Department shall not be liable for any costs, obligations or funding of contracts, including CIDs, arising from failure to adhere to the terms of this circular.
- 19.2 Each employer will maintain effective procedures to ensure teacher appointments are made in accordance with the procedures outlined in this circular and other relevant Department Circulars.



- 19.3 The Department may carry out examinations of teacher appointment records. All documentation relating to teacher appointments, listed in paragraph 20.1 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

## 20. Record of Documents to be Retained By School Authorities

20.1 The following documents should be safely retained in the school/ETB:

### i. Documents to be retained for all teacher appointments

1	A copy of the Registration Certificate / confirmation of current registration of the teacher from the Teaching Council of Ireland.
2	A copy of the confirmation of medical fitness received from the Occupational Health Service.
3	One part completed contract of employment i.e. signed by the employer and the teacher.
4	Confirmation of compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
5	A copy of the teacher's educational qualifications e.g. initial teacher education qualifications, Post Graduate courses or Masters Degrees.
6	In the case of primary schools other than Community National Schools, a record of the Patron's approval of the appointment.
7	Any other relevant documentation relating to individual teaching appointments.

### ii. Documents which must also be retained following an Interview Board recruitment process.

1	A copy of the advertisement.
2	The teacher's application for the post.
3	Criteria for assessment of applicants.
4	The Interview Board Report.
5	Any documents and/or notes created by the Interview Board.
6	Confirmation of verification of references.

20.2 A copy of the appointment form completed by both parties that was submitted to the Paymaster.

20.3 All records relating to the successful applicant should be retained by the school/ETB for the duration of employment plus 7 years.

20.4 Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.



20.5 All documentation concerning the employment of registered teachers in receipt of a teacher's pension and unregistered persons should be retained in accordance with Data Protection procedures and should be available for audit.





## CHAPTER 3

# Appointment Procedures for Assistant Principals & Deputy Principals (Internal Competition)

### 1. Assistant Principal Posts

- 1.1 Under the provisions of Circular 0063/2017, the post of Assistant Principal was re-designated as *Assistant Principal I (AP I)* and the post of Special Duties Teacher was re-designated as *Assistant Principal II (AP II)*. All terms of this circular, including the re-designation (renaming) of posts, are applicable to all holders of Assistant Principal and Special Duties posts, irrespective of the date of their appointment.
- 1.2 Assistant Principals occupy positions of strategic importance in the leadership, management and administration of the school. In line with the principles of distributed leadership, Assistant Principals work in teams in collaboration with the Principal and/ or Deputy Principal and have shared responsibility, commensurate with the level of the post, for areas such as:
  - learning and teaching
  - leading school development (including curriculum development)
  - pupil support including wellbeing
  - school improvement
  - leadership/management and development of individuals and staff teams
  - special education and inclusion
  - supporting teachers during the induction phase of their career



## 2. Allocation of Assistant Principal Posts

2.1 Assistant Principal posts of responsibility may be filled by school authorities in accordance with the allocation set out in **Table 2.1.1** below, subject to full adherence to this circular. This allocation of posts is effective from the date of this circular. The allocation in the table, is based on the number of authorised teaching posts sanctioned in the previous school year, and is used to determine the minimum thresholds for the number of AP posts of responsibility in schools. Schools that fall below the Assistant Principal thresholds set out in the following table can fill Assistant Principal vacancies as they arise to the level of the thresholds set out in this table.

*Table 2.1.1*

Authorised teaching posts in the previous school year	Principal	Deputy Principal	AP I Posts	AP II Posts
1	1	0	0	0
2	1	0	0	1
3	1	1	0	0
4	1	1	0	1
5	1	1	0	1
6	1	1	0	1
7	1	1	0	1
8	1	1	0	1
9	1	1	0	2
10	1	1	0	2
11	1	1	0	2
12	1	1	0	2
13	1	1	0	2
14	1	1	0	2
15	1	1	0	2
16	1	1	0	2
17	1	1	0	2
18	1	1	1	2
19	1	1	1	2
20	1	1	1	2
21	1	1	1	3
22	1	1	1	3
23	1	1	1	3
24	1	1	1	3
25	1	1	1	3
26	1	1	1	3
27	1	1	1	3
28	1	1	1	3



29	1	1	1	3
30	1	1	1	4
31	1	1	1	4
32	1	1	1	4
33	1	1	1	4
34	1	1	1	4
35	1	1	1	5
36	1	1	1	5
37	1	1	1	5
38	1	1	1	6
39	1	1	1	6
40	1	1	2	6
41	1	1	2	6
42	1	1	2	7
43	1	1	2	7
44	1	1	3	7
45	1	1	3	7
46 +	1	1	3	8

Posts of responsibility held on a personal basis must be counted when calculating the threshold of AP posts. (Please refer to [Section 17](#))

- 2.2 All teachers who hold post of responsibility allowances on a personal basis and are redeployed into a new school are required to inform their employer of their status and must undertake roles and responsibilities as set out in Section 3.5 below.
- 2.3 The thresholds for Assistant Principal I and Assistant Principal II in Table 2.1.1 operate independently of each other. Where a school has more Assistant Principal I posts than shown in the table, this will not prevent the allocation of an Assistant Principal II post where they are below the allocated posts for Assistant Principal II. Similarly where a school has more Assistant Principal II posts than shown in the table, this will not prevent the allocation of an Assistant Principal I post where they are below the allocated posts for Assistant Principal I.
- 2.4 The appointment to Assistant Principal leadership and management posts of responsibility must be made within the school year that the post becomes due.
- 2.5 For **Open competitions** on a phased bases for the post of **Deputy Principal** see Chapter 4.



### **3. Identification of Leadership and Management Needs and Priorities of the School**

- 3.1 The Board of Management/ETB shall have responsibility for identifying the changing needs and priorities of the school and the necessary leadership, management and support requirements. In identifying these needs, it shall have regard to the views of staff in the school.
- 3.2 When a vacancy occurs for a post of responsibility, a consultation process, such as discussions at a staff meeting, shall be undertaken between the Principal, Deputy Principal and teaching staff and thereafter, the Board of Management/ETB shall determine:
- (i) the identified leadership and management needs and priorities of the school,
  - (ii) the roles and responsibilities which need to be performed for the effective leadership and management of the school taking into account the identified needs and priorities of the school, and
  - (iii) the distribution of these roles and responsibilities between the available in-school leadership and management posts by reference to the school's own priorities.
- 3.3 When identifying the leadership and management needs and priorities, Boards of Management/ETBs shall firstly have regard to legal obligations and may have regard to:
- the school plan,
  - the school's Mission Statement and its aims and objectives,
  - the pupil and curricular profile of the school,
  - requirements of the Department of Education and Skills (and the ETB in the case of a community national school) and its agencies, and
  - taking cognisance of the responsibilities being carried out by current post holders and responsibilities being undertaken by members of staff who do not hold posts of responsibility.
- 3.4 The determination of the leadership and management needs and priorities of the school should, in so far as is possible, be achieved by consensus between the Board of Management/ETB and the staff. However, if, following consultation, consensus is not possible, final decisions in the matter rest with the Board of Management/ETB.
- 3.5 All teachers, including Privileged Assistants, who hold post of responsibility allowances on a personal basis must undertake post of responsibility roles and responsibilities at AP I level (by agreement with the BOM/ETB) or at a minimum of AP II.

### **4. Eligibility for Assistant Principal I & II Posts and Deputy Principal (Internal Competition)**

- 4.1 All appropriately qualified permanent and fixed term teachers serving in a recognised primary school are eligible to apply for Assistant Principal posts and the post of Deputy



Principal (internal competition). However, an appropriately qualified fixed term teacher may only be appointed to a leadership and management post in a fixed term capacity for the duration of his/her contract, or until the post ceases to be warranted in the school, whichever is the earlier. The only exception to this is where the fixed term teaching contract is followed immediately by a Permanent/CID or further fixed term teaching contract and on condition that the post is still warranted in the school.

#### 4.2 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 leadership and management post. A copy of the notice of the vacant leadership and management post should be sent by registered post or e-mail to such teachers. It is a matter for teachers on leave to ensure that the Board of Management/ETB has up-to-date contact information.

#### 4.3 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:

- Special Education Teacher posts,
- Home-school Liaison co-ordinator posts,
- Support teacher posts,
- Special class teachers, e.g. posts sanctioned specifically for pupils with special needs,
- Early start posts,
- Alleviation Posts,
- Language Support Teachers.

#### 4.4 The following applies to **Deputy Principal** posts and special education posts:

(i) **Shared basis:**

A teacher working in a shared special education post is eligible to apply and 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 12 of this chapter.

(ii) **Non-shared basis:**

A teacher working in a special education teaching post, on a **non-shared basis**, is eligible to apply and be appointed to the post of **Deputy Principal**.

In allocating **non shared** special education posts, Boards of Management/ETBs are reminded that a Deputy 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/ETB to take account of



this fact when assigning teachers to special education posts. The appointment of a Deputy 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.

(iii) **Deputy Principal and Home School Liaison Co-ordinator Role**

A Deputy Principal cannot act as a Home School Liaison Co-Ordinator whether the post is shared or not. However, he/she may temporarily relinquish his/her post of responsibility allowance and an acting post holder may be appointed in accordance with Section 12 of this chapter.

4.5 The following applies to **Assistant Principal** posts and special education posts:

(i) **Assistant Principal I and Assistant Principal II posts**

An Assistant Principal 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/ETB must be satisfied that, in addition to undertaking the special education post, the leadership and management role can be competently and efficiently discharged.

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

Where a Board of Management/ETB decides that it is not possible for a teacher working in a shared special education post to perform the full role of Assistant Principal I or Assistant Principal II, an acting Assistant Principal I or Acting Assistant Principal II may be appointed. The allowance shall be restored to the actual post holder on resumption of the fulltime role.

The acting post holder will not establish personal title to the allowance and will relinquish same when the teacher working in a shared special education post resumes the full time role.

4.6 **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.

## 5. Advertising

5.1 Following completion of the consultation process outlined at Section 3 above, notice of any vacant leadership and management post shall be posted in a prominent position within the school so that all teaching staff may have access to it. In addition, a copy of the advertisement of the leadership and management post should be sent to teachers on leave by registered post to their designated contact address or email address. Proof of postage (in the case of registered post) and a copy of the e-mail (not necessary to have read receipt



for e-mail) be retained to prove that all teachers who are on approved leave were notified appropriately.

- 5.2 The notice should specify the level of the post (AP I, AP II or Deputy Principal). The notice should state that the appointee would become part of the leadership and management team in the school. It should outline the roles and responsibilities based on the leadership and management needs and priorities of the school as identified by the Board of Management/ETB and that these roles and responsibilities are subject to change. Positions of the same grade may be filled through the same process but positions of different grades (e.g. AP I and AP II) are to be filled through separate processes.
- 5.3 The notice should remain on the notice board in the school until after the closing date.
- 5.4 The notice should specify the closing date for receipt of applications, which should not be earlier than fifteen (ten days in Community National Schools) school days from the date of first posting of the advertisement for the leadership and management post. Day 1 is the day the notice is first posted.
- 5.5 The notice of advertisement should specify to whom and also the address to which the application is to be sent and whether a C.V. or letter of application is required.

## 6. Interview

- 6.1 Composition of Interview Board API, APII & Deputy Principal (internal competition).

<b>Primary Schools</b>	<ul style="list-style-type: none"> <li>• Chairperson of the Board of Management or 1 Nominee of the CE of the ETB.</li> <li>• School Principal.</li> <li>• Independent assessor, to be appointed by the Patron/CE after consultation with the Chairperson of the Board of Management. (6.3 below) or in the case of Community National Schools to be appointed by the ETB.</li> </ul> <p>Note: the necessity to have an Independent Assessor on the Interview Board for acting appointments is removed.</p>
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- 6.2 All members must be present. At least one of the members of the Interview Board shall be a female and at least one shall be a male.
- 6.3 The Independent Assessor is appointed by the Chairperson/ETB following consultation with the school's Patron/CE, as appropriate, and shall be selected from a list of names drawn up specifically for this purpose between the school's Patron/CE and the INTO. These lists are available from INTO District Representatives and representatives of the Patron/CE. (For example, in the case of Catholic schools, the lists are available from the local Diocesan Secretary).



- 6.4 The Interview Board shall meet within a reasonable period after the closing date for the receipt of applications. The Interview Board shall consider the applications and shall interview all applicants for the post, even in circumstances where there is only one applicant.
- 6.5 Interviews should be held within a reasonable period after the closing date for the receipt of applications. Candidates should be given reasonable notice of the date and time of the interview.
- 6.6 Schools/ETBs may decide at their discretion to facilitate interviews using digital technology, particularly in the case of qualified applicant's resident outside the State, subject to the availability of suitable technological infrastructure, resources.
- 6.7 Disclosure of interest/integrity of Interview Board proceedings:**
- (i) The Board of Management/ETB shall inform the Chairperson of the Interview Board that it is the responsibility of the Interview Board to address disclosures of interest/integrity in accordance with the procedures set out in this circular. In Community National Schools the ETB distributes the applications and a conflict of interest form to the members of the Interview Board (completed forms are returned to the ETB).
  - (ii) A member of the Interview Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Interview Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Interview Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the interview process.
  - (iii) Following this disclosure, the Interview Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management/ETB level. In non ETB schools where the Interview Board finds that there is a concern regarding an Interview Board member, the Chairperson of the Board of Management should contact the Patron directly. The Patron shall nominate another member in his/her place following consultation with the Chairperson of the Board of Management. In ETB schools where the Interview Board finds that there is a concern regarding an Interview Board member, the CE shall nominate another member to take his/her place.
  - (iv) Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Interview Board to the Board of Management/ETB on completion of the process.
  - (v) Failure to disclose any relationship may invalidate the process.





- (vi) Questions posed by members of the Interview Boards should relate to the requirements of the advertised post and be based on the criteria outlined below. Interview Boards must ensure that questions asked at interview do not lead to discrimination on the grounds set out in Section 6 (2) of the Employment Equality Acts, 1998-2015 i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.



## 7. Leadership Framework

The Quality Framework for Leadership and Management in Irish schools, set out in *LOOKING AT OUR SCHOOLS 2016 - a Quality Framework*, provides a common understanding and language around the organisation and practice of leadership and management roles in Irish schools. It identifies the key leadership and management areas in a school (domains), and these are then further divided into various content *standards* for each domain. It also identifies statements of practice for each standard.

### **Domain One: Leading Teaching and Learning**

#### ***School leaders:***

- promote a culture of improvement, collaboration, innovation and creativity in learning, teaching and assessment
- foster a commitment to inclusion, equality of opportunity and the holistic development of each pupil
- manage the planning and implementation of the school curriculum
- foster teacher professional development that enriches teachers' and pupils' learning

### **Domain Two: Managing the organisation**

#### ***School leaders:***

- establish an orderly, secure and healthy learning environment, and maintain it through effective communication
- manage the school's human, physical and financial resources so as to create and maintain a learning organisation
- manage challenging and complex situations in a manner that demonstrates equality, fairness and justice
- develop and implement a system to promote professional responsibility and accountability

### **Domain Three: Leading school development**

#### ***School leaders:***

- communicate the guiding vision for the school and lead its realisation in the context of the school's characteristic spirit
- lead the school's engagement in a continuous process of self-evaluation
- build and maintain relationships with parents, with other schools, and with the wider community
- manage, lead and mediate change to respond to the evolving needs of the school and to changes in education

### **Domain Four: Developing leadership capacity**

#### ***School leaders:***

- critique their practice as leaders and develop their understanding of effective and sustainable leadership
- empower staff to take on and carry out leadership roles
- promote and facilitate the development of pupil voice, pupil participation, and pupil leadership
- build professional networks with other school leaders



## 8. Marking Scheme

- 8.1 The selection of the successful candidate shall be based on four competencies which are aligned to the Quality Framework for Leadership and Management (see above). The competencies are applicable to all Assistant Principal posts and to Deputy Principal posts which are being filled through internal competition (all are of equal weight) – see *Table 8.1.1*. The value of a teacher’s experience and how that contributes to their capacity to meet the requirements of the post will be reflected in the application of the criteria.

*Table 8.1.1.*

<b>Assistant Principal I &amp; II and Deputy Principal (Internal competition only)</b>		
<i>Demonstrated capacity (with relevant examples of professional, educational and life experience) in relation to:</i>		
i.	Leading Learning and Teaching	25 marks
ii.	Managing the organisation	25 marks
iii.	Leading school development	25 marks
iv.	Developing leadership capacity	25 marks

- 8.2 All records relating to the successful applicant should be retained by the school for the duration of employment plus 7 years.
- 8.3 Documentation should be kept for a period of 18 months for unsuccessful applicant(s) in accordance with Data Protection procedures.

## 9. Appointment of Successful Candidate in Schools

- 9.1 Following the completion of the interview process, the Chairperson of the Interview Board shall submit a written report to the Board of Management/ETB setting out:
- (i) that the selection procedures have been complied with,
  - (ii) if there has been a disclosure of interest/integrity to the Interview Board and the outcome of such disclosure, and



(iii) the name of the highest ranked applicant whom it considers most suitable for appointment.

9.2 The Board of Management/CE shall appoint the candidate nominated by the Interview Board, subject to the outcome of an appeal, if any.

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

*"The Board of Management/ETB 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/ETB within ten school days \* of the publication of this notice."*

*(Date of publication and signature of Chairperson/CE to be included with notice.)*

9.4 Teachers on approved leave, who presented themselves for interview, should also be sent a copy of this notice by registered post or email. Teachers on approved leave who wish to appeal the Board of Management/ETB's decision must do so within 10 school days of the date of the publication of the notice of "proposal to offer the post".

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

9.5 The Board of Management/ETB will confirm the appointment to the teacher, subject to compliance with the provisions of this circular. The provisional appointee may not be appointed to the position until after the expiry of the appeal period. The letter of offer should also state that the role is subject to regular review and that the responsibilities of the role may require the teacher to participate in the leadership and management role outside of the standard school day. Before taking up an appointment, the post holder will enter into a contract to undertake the roles and responsibilities of the post to which he/she is being appointed. The date of the contract will be the date it is signed, which must be a date which is post the expiry of the appeal period. The contract should be evidenced by the following format:

- a written agreement including the roles and responsibilities drawn up between the Board of Management/ETB and the teacher in question and signed by both the teacher and the Chairperson of the Board/CE (or his/her nominee).

This contract should also include an acknowledgement by the teacher that he/she is aware that:

- the roles/responsibilities of the leadership and management positions are subject to review and may change according to the needs and priorities of the school,
- fulfilling the roles/responsibilities may require him/her to participate outside of the standard school day.

9.6 The following is to be included in the contract:-



- In consideration of the teacher undertaking the roles and responsibilities assigned, the School/ETB shall authorise the Department of Education and Skills to pay the appropriate allowance for the category of post from the schedule of salaries and allowances for teachers at the rate agreed from time to time in the Teachers' Conciliation and Arbitration Scheme or such other Scheme as may replace same or be otherwise agreed from time to time, in addition to the teacher's salary scale.

It is not necessary to submit a copy of the relevant contract to the Department but the Board of Management/ETB and the teacher should retain a copy.

- 9.7 Once appointments have been made, a Board of Management/relevant ETB should notify the Department of same using form POR 1 Amend in order that the teacher can receive the post of responsibility allowance. This form is available on request from the Primary Payroll Section of the Department in Athlone or on the Department of Education and Skills website at [www.education.ie](http://www.education.ie).

## **10. Assignment of Roles and Responsibilities to Assistant Principal Posts**

- 10.1 All post holders are subject to assignment/re-assignment in accordance with this circular. Furthermore, post holders who are being paid an allowance in a school, including holders of post of responsibility allowances on a personal basis, must undertake roles and responsibilities assigned or re-assigned to them.
- 10.2 Assignment/re-assignment of roles and responsibilities to Assistant Principals may be delegated by the Board of Management/ETB to the Principal (following discussion at Board of Management level in primary schools other than Community National Schools). The Principal will have regard to the identified needs and priorities of the school and may following consultation with a post holder re-assign that post holder to alternative roles and responsibilities appropriate to the respective level of the post (AP I and AP II).
- 10.3 The roles and responsibilities attached to the posts of Assistant Principal I and Assistant Principal II respectively should be commensurate with the level of post.
- 10.4 The roles and responsibilities of each post holder will be set out in a Statement of Roles and Responsibilities. See Appendix 1 for template statement.
- 10.5 In line with best practice there should be a meeting between the Principal or Deputy Principal and the post holder, at which objectives should be outlined. Objectives may be linked to school self-evaluation and strategies used in school self-evaluation may be applicable.
- 10.6 The assignment of roles and responsibilities is to be reviewed at regular intervals, but at a minimum of every two years. It is critical that the assigned roles and responsibilities continue to be relevant to the school's needs and priorities. Cognisance should also be taken of the importance of affording post holders the opportunity to build on and develop



their leadership skills and capacities by assigning them to different leadership roles in the school where possible. This is seen as an important element of their own professional development.

## **11. Reporting and Review**

11.1 All post holders with leadership and management responsibilities are accountable to the Board of Management/ETB for the fulfilment of their roles and responsibilities and how their work contributes to the pedagogic and organisational advancement of the school.

### **11.2 Annual Report**

Each post holder including the Deputy Principal will submit an annual report to the Principal/Deputy Principal as appropriate with reference to the objectives set for the post holder in relation to his/her assignment/re-assignment to specific roles and responsibilities. This report will inform a discussion with the Principal/Deputy Principal. These reports will form part of the Principal's annual report on leadership and management in the school to the Board of Management/ETB.

### **11.3 Review (at Appendix 2)**

At regular intervals, but at a minimum of every two years, a post holder is required to undertake a review with the Principal/Deputy Principal. The review will include:

- (i) review of the role in the context of the changing needs of the school,
- (ii) review of professional development of the post holder,
- (iii) review of progress in the agreed areas of responsibility.

11.4 As the needs of the school continuously evolve, this review may result in re-assignment of the post holder's roles and responsibilities within the leadership and management team.

11.5 In the event of the teacher having a dispute with the Principal in relation to any aspect of the roles and responsibilities attached to the post and, if the matter cannot be resolved through discussions between the Principal and the teacher, the teacher may raise the issue with the Board of Management/ETB.

## **12. Acting Post Holders**

### **12.1 Acting Posts for Deputy Principal/Principal**

In the case of acting-up to Principal or Deputy Principal, in line with current arrangements, payment of the allowance may be sanctioned where the acting-up period lasts for a minimum consecutive period of one month.



## 12.2 Acting Posts for Assistant Principals

An acting post holder is appointed to the post of Assistant Principal I and Assistant Principal II:

- when the permanent post holder is absent on approved leave of absence or an inter-school job-sharing arrangement for a minimum 84 consecutive days, provided the post of responsibility is still warranted.
- where a special education post holder temporarily relinquishes his/her post of responsibility allowance, provided the post of responsibility is still warranted.
- where the school is within its threshold for Assistant Principal posts set out in this circular. If the school is above its threshold, then the vacant leadership and management post cannot be filled on an acting basis.

The Department shall pay an acting allowance when an acting arrangement has been in place for at least 84 days subject to sanction as set out in Section 13 below.

Payment will be made retrospectively after the role has been carried out for 84 days and fortnightly thereafter in the case of all acting-up posts.

## 12.3 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/ETB must ensure that the acting appointment is warranted.

An acting post is warranted when the terms of this circular have been fully satisfied. If necessary, a Board/ETB is required to seek clarification in this matter from the Allocations Section of the Department before proceeding with an acting appointment.

## 12.4 Role of an Acting Post Holder

A teacher appointed to an acting post shall be required to undertake the role and responsibilities appropriate to the post.

## 12.5 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.

## 12.6 Short Term Acting Appointments

Short term acting appointments apply for absences of less than one 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 (i) to (iv) below (e.g. *Where there is more than one post holder of the same grade on the staff, the acting position should be filled by the post holder with the longest service in the promoted post in question*).



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.

- (i) ***Acting Principal***  
In schools with 3 or more teachers, a Deputy Principal should be promoted to fill an acting Principal's post in the absence of the Principal teacher owing to illness or other cause. Should the Deputy Principal refuse to take the Acting Principal's post his/her Deputy Principal's allowance shall cease to be paid for the duration of the acting post. In two teacher schools, the mainstream class teacher must undertake the role of the Principal teacher during any period that he/she is absent from the school. In the event that the mainstream class teacher is not prepared to undertake the role of the Principal teacher his/her allowance shall be withdrawn. In one teacher schools the replacement teacher will be paid an acting allowance subject to the provisions of this circular.
- (ii) ***Acting Deputy Principal***  
The most senior suitable Assistant Principal I should be promoted to fill an acting Deputy Principal's post. In schools without an Assistant Principal I, the most senior suitable Assistant Principal II may be appointed as acting Deputy Principal.
- (iii) ***Acting Assistant Principal I***  
The most senior suitable Assistant Principal II should be promoted to fill an acting Assistant Principal I post.
- (iv) ***Acting Assistant Principal II***  
A vacancy for acting Assistant Principal II should be filled by the promotion of the most senior suitable unpromoted teacher within the staff of a school.

## 12.7 Long Term Acting Appointments

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

- (i) Long term acting appointments for Principals, Deputy Principals and Assistant Principals may be filled as set out in 12.6 (i) to (iv) above.  
  
The most junior/consequential acting vacancy arising, if any, must be filled by internal competition from within the staff of the school. The internal competition procedures are described in Sections 4 - 8 of this chapter.
- (ii) As an alternative to the procedures for making acting appointments outlined in 12.6 (i) to (iv) above, a Board of Management/ETB may fill a long term acting post by internal competition from within the staff of a school in accordance with Subsection (iv) below.
- (iii) In the event that the procedures above have been followed and no teacher is willing to undertake the role of the Acting Principal, it is open to the Board of Management/ETB to advertise the post of Acting Principal through external





open competition in accordance with Chapter 4 of this circular. However, if no suitable applicant applies for the post, the Deputy Principal will be obliged to act for the Principal. Should the Deputy Principal refuse to take the Acting Principal's post his/her Deputy Principal's allowance shall cease to be paid for the duration of the acting post and an acting Deputy Principal should be appointed.

- (iv) The procedures to be followed when making acting appointments through internal competition are outlined in Sections 4 to 8 of this chapter.

## 12.8 General Matters:

Short term acting appointments should be filled, where possible, by the same person for the duration of the absence. Long term acting appointments which are warranted and are set to continue into a second school year or longer may continue uninterrupted or where deemed appropriate by the Board of Management/ETB may be re-advertised within the school. Notification of continuation of appointment must be submitted to the Department.

## 13. Payment of an Acting Post of Responsibility Allowance

- 13.1 A teacher who carries out the role of acting Assistant Principal I or Assistant Principal II, for a minimum consecutive period of 84 days whilst the actual post holder is absent on approved paid or unpaid leave may be paid the appropriate allowance subject to the conditions at 13.3 to 13.5 below.
- 13.2 In the case of acting-up to Principal or Deputy Principal, in line with current arrangements, payment of the allowance may be sanctioned where the acting-up period lasts for a minimum consecutive period of one month.
- 13.3 Payment of the allowance will be subject to the Board of Management/ETB certifying that the teacher carried out the roles and responsibilities of the post for a minimum period of 84 days (or one month where applicable) while the actual post holder was on approved paid or unpaid leave.
- 13.4 Payment will be made retrospectively after the role has been carried out for 84 days (or one month where applicable) and fortnightly thereafter in the case of all acting-up posts provided medical certification of absence (where appropriate) for the payment period has been received from the actual post holder.
- 13.5 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/ETB certifies that the acting role was carried out. Where an actual post holder is absent on paid or unpaid leave which expires during a vacation period, and the Board of Management/ETB certifies that the acting role was 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 for a period which includes the summer vacation, the acting allowance may be paid in respect of the summer vacation subject to specified roles and responsibilities being



undertaken and the post holder performing this acting role before and during the summer vacation.

- 13.6 Where a teacher is initially appointed as an acting Principal or Deputy Principal, the effect of falling staffing numbers during the course of the assignment (i.e. greater than one year) does not lead to a reduction in the acting allowance. However, if the post holder changes during the same assignment and the numbers have fallen during that time, the new post holder is paid the allowance based on the reduced staffing.
- 13.7 Once acting post of responsibility appointments have been made a Board of Management/ETB should notify the Department using the form POR1 Amend so that the teacher can receive the post of responsibility allowance. This form is available on request from the Primary Payroll Section of the Department in Athlone or on the Department website at [www.education.ie](http://www.education.ie).

#### **14. Allowance for the Mainstream Class Teacher in a Two Teacher School**

- 14.1 A mainstream class teacher in a two teacher school who carries out the specified roles and responsibilities as determined by the Board of Management/ETB of the school, may be paid an Assistant Principal II allowance subject to the conditions at (a) and (b) below.
- a) Payment of the allowance will be subject to the Board of Management/ETB agreeing the role to be performed with the teacher and specifying the roles and responsibilities in writing. A copy of the roles and responsibilities should be retained in the school/ETB.
  - b) Payment is also subject to the teacher satisfactorily performing the roles and responsibilities of the post. A two teacher school, for the payment of the allowance, is defined as a school with a Principal and one mainstream class teacher (a school with a Principal and an ex-quota post only is not defined as a two teacher school for the purpose of this circular).
  - c) An allowance for acting Principal of a two teacher school is payable where the mainstream class teacher acts for a Principal teacher absent on approved leave for a minimum period of one month or more.
- 14.2 The roles and responsibilities of the post will be defined and determined by the Board of Management/ETB. It should be noted however, that there is a specific role which must be undertaken for the allowance to be payable:
- to undertake the role of the Principal teacher during any period that he/she is absent from the school. In the event that the mainstream class teacher is not prepared to undertake the role of the Principal teacher his/her allowance shall be withdrawn.
- 14.3 In the event of the resignation, retirement etc. of the second teacher the Board of Management/ETB should notify the Department of the replacement teacher due the



allowance using the form POR1 Amend. This form is available on request from the Primary Payroll Section of the Department in Athlone.

- 14.4 In the event that the staffing of the school has increased to a level which meets the threshold for a Deputy Principal, as set out in Table 2.1.1, it will be the teacher in receipt of the allowance that will be appointed to the post. Note: An open competition shall be held to fill a Deputy Principal post where such a vacancy will exist from 2022/2023 school year onwards.

## **15. Effect that an Increase/Decrease in Staffing may have on the Allowance payable to Principals and Deputy Principals**

- 15.1 Principals and Deputy Principals (excluding those holding allowances on a personal basis and those who did not agree to undertake revised roles under PCW), may have their allowance increased if the number of teachers in the school increases. This will only apply when the increase in the number of teachers results in a change of category for Principals/Deputy Principals (Circular 0004/2010 refers). Staff in Primary Payroll Section will do this automatically. There is no need for the school/ETB to contact the Department.
- 15.2 Allowances held by Principals and Deputy Principals will not decrease even if the size of the school decreases.

## **16. Retention of Post of Responsibility Allowances on a Personal Basis**

- 16.1 Where an acting Principal, acting Deputy Principal, acting Assistant Principal I or acting Assistant Principal II post is held for a period in excess of five consecutive school years, the acting-up allowance shall be retained on a personal basis. An acting appointment for career break or job-share is excluded. If the acting arrangement continues in excess of a period of five school years, the acting post holder will retain the allowance on a personal basis. The acting post holder is not eligible to retain the allowance if he/she voluntarily relinquishes the acting post.
- 16.2 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 Allocation of posts (Table 2.1.1). However, the post holder **must** continue to undertake responsibilities at a similar level of the relevant allowance or failing that at a minimum of an Assistant Principal II role while he/she continues to teach in the school in accordance with the provisions of this circular.
- 16.3 In the event that the post holder voluntarily leaves the school he/she loses the allowance. If a post holder is compulsorily re-deployed they will retain the level of allowance held and must undertake a leadership and management role. Such a role should be broadly in line with a role assigned to Assistant Principal II.



- 16.4 A Privileged Assistant is allowed to retain the allowance for one voluntary move only. A Privileged Assistant who is compulsorily re-deployed will retain the level of Principal's allowance. A Privileged Assistant must undertake a leadership and management role. Such a role should be broadly in line with a role assigned to Assistant Principal I.

## **17. Implications of Personal Basis Allowance Holders and Privileged Assistant on the Filling of Leadership and Management post**

- 17.1 The presence on the staff of personal basis post holders can affect the filling of posts of responsibility at Deputy Principal, Assistant Principal I and Assistant Principal II grades. Please see Section 18 below regarding the implication of personal basis allowance holders on the filling of posts of responsibility in amalgamated schools.

### **17.2 Deputy Principal**

A Deputy 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.

See Section 14 of this chapter regarding a two teacher school becoming a three teacher school.

### **17.3 Assistant Principal I**

Any one of the following personal basis post holders will prevent the filling of an Assistant Principal I's post:

- a Deputy 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 I,
- An Assistant Principal I (Personal Basis).

### **17.4 Assistant Principal II**

Any one of the following personal basis post holders will prevent the filling of an Assistant Principal II's post:

- a Deputy Principal (Personal Basis),
- an Assistant Principal I (Personal Basis),
- Assistant Principal II (Personal Basis).
- a Privileged Assistant (see Section 16 and 18 of this chapter)

- 17.5 The provisions at 17.2 to 17.4 above 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.



## 18. Amalgamations

18.1 All teachers who hold a leadership and management post will carry their post into the newly amalgamated school.

18.2 The Principal shall be selected from amongst the Principals of the amalgamating schools.

18.3 The Deputy Principal shall be selected through a competition between the remaining Principal(s) and the Deputy Principals of the amalgamating schools.

18.4 The Interview Board for schools other than Community National Schools shall consist of

<b>Amalgamated Primary Schools Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• 1 Single Manager/Chairperson.</li><li>• 2 Independent Assessors appointed by the Patron. who are selected from a list provided by the Patron.</li></ul>
<b>Amalgamated Primary Schools Deputy Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• The newly appointed Principal.</li><li>• 1 Single Manager/Chairperson.</li><li>• 1 Independent Assessor appointed by the Patron who is selected from a list provided by the Patron.</li></ul>

18.5 The Interview Board for Community National Schools shall consist of,

<b>Amalgamated Community National Schools Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• 1 Nominee of the CE of the ETB.</li><li>• 1 Education Expert appointed by the ETB.</li><li>• 1 Independent Assessor appointed by the ETB.</li></ul>
<b>Amalgamated Community National Schools Deputy Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• 1 Nominee of the CE of the ETB.</li><li>• School Principal.</li><li>• 1 Independent Assessor appointed by the ETB.</li></ul>

Note: Chairperson can be drawn from either the ETB representative or the independent member

18.6 The following regulations apply to schools which amalgamate with effect from the publication of this circular:

- (i) There is no blocking of posts of responsibility in schools with up to 5 ex Principals (i.e. Privileged Assistants)/ Deputy Principals. One post will be blocked where there are 6 ex Principals/ Deputy Principals and two posts are blocked where there are 7 or more than 7 ex Principals/ Deputy Principals.
- (ii) Where there are surplus Assistant Principals I & II (Personal Basis) post holders in schools following amalgamations, this number will be retained as the minimum number of posts for a period of five years following amalgamation. After five years the school's entitlement to posts of responsibility will be determined by the



allocation of posts as outlined in Section 2 of this chapter, and personal basis post holders may prevent the filling of posts of responsibility.

- (iii) The Privileged Assistant is allowed to retain the allowance for one voluntary move only. A Privileged Assistant must undertake a leadership and management role at a similar API level (by agreement with the BOM/ETB) or at a minimum of APII.
- (iv) The amalgamated school/ETB should notify the Primary Payroll Section of the Department of the actual post of responsibility holder in the amalgamated school using the POR1 Amend Form.

## **19. Appeal Procedure in respect of Assistant Principal Posts and Deputy Principal Posts filled through internal competition**

### **19.1 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 would replace the Interview Board. The appeal is not intended as a re-examination of the interview itself.

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.

### **19.2 Initiating the Appeal Procedure**

- (i) In the event of an unsuccessful applicant wishing to proceed with an appeal, the teacher (including teachers on leave) shall within 10 school days of the date of publication of the notice of appointment, submit a completed Notice of Appeal form ([Appendix 3](#)) to the Chairperson of the Board of Management/ETB setting out the grounds of appeal being relied upon, together with supporting documentation.
- (ii) It is a matter for the unsuccessful applicant to identify the grounds for an appeal and he/she may only appeal on one or more of the following ground(s) in relation to an alleged breach of procedure:
  - (a) Pre-interview:
    - 1) lack of consultation on the roles and responsibilities,
    - 2) breach of the advertising rules,
    - 3) non-notification about the post to teachers on leave of absence.
  - (b) Interview process:
    - 1) composition of the Interview Board,



- 2) non-disclosure of a family or a material relationship,
- 3) non gender-balanced Interview Board,
- 4) a computational error in the Interview Board marking sheet of the Appellant which makes a material difference to the outcome,
- 5) a departure from the agreed selection criteria or marking scheme.

Supporting evidence must be supplied in respect of the grounds of appeal identified and relied upon by the unsuccessful applicant.

- (iii) Upon receipt of the Notice of Appeal Form (template may be available from representative organisation) the Chairperson of the Board of Management/ETB shall inform the candidate to whom the leadership and management post has been provisionally assigned that an appeal has been lodged.
- (iv) Having received the Notice of Appeal form, the Chairperson of the Board of Management/ETB shall respond in writing by forwarding a Management Response form (Appendix 4) by registered post/ email to the Appellant within 10 school days of the date of receipt of the Notice of Appeal form. In the interests of resolving the matter at the earliest possible stage, the response of the Chairperson/ ETB should address the appeal grounds set out by the Appellant. Only appeals submitted on the Notice of Appeal form, and within the appeal period will be processed. Unless there is a valid reason (e.g. interview marks not received on time) any supporting documentation to the Notice of Appeal received after this time will not be processed and will be returned to the appellant.
- (v) On receipt by the Appellant of the Management Response form, 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/ETB accordingly, in writing, within 5 school days of the date of the Management Response.
- (vi) In responding to the Appellant, it is open to the Chairperson/ ETB to collapse the appointment procedure, thus preventing the commencement of a formal appeal process. If the process is to be repeated, the Chairperson/ ETB will advise the Appellant and all other applicants that the appointment process will recommence at either;
  - (a) the initial consultation/allocation of role stage,
  - (b) the advertisement stage or
  - (c) interview stage.
- (vii) 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.

### 19.3 Appeal Procedure

- (i) Following completion of the stages outlined in 19.2 above and where the Chairperson of the Board of Management/ETB has been notified in writing by the





teacher within the time specified that he/she wishes to proceed, the Board of Management of the school/ETB should, within 5 school days, contact the Patron/CE'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.

- (ii) 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/CE,
  - a representative of the INTO,
  - an agreed independent Chairperson.
  
- (iii) Once the Chairperson of the Arbitration Board has been appointed, the Chairperson of the Board of Management/ETB, shall furnish him/her, within 5 school days:
  - three copies of the Notice of Appeal and supporting documentation received from the Appellant,
  - three copies of the Management Response,
  - on a confidential basis, the marking sheets/records of the Interview Board,
  - Only documents specifically referenced in the Notice of Appeal or Management Response to the appeal are admissible. Any additional and/or unsolicited documentation will not be considered by the Arbitration Board and will be returned to the sender. The Arbitration Board may seek copies of certain documents relevant to its consideration of the appeal from either party to the appeal (see below),
  - The Appellant is required to substantiate each appeal ground selected on the Notice of Appeal form with supporting rationale/defence. The supporting rationale must be relevant to the specific appeal ground selected.

#### **19.4 Arbitration Board Hearing**

- (i) The Board of Arbitration is empowered to call witnesses where it is considered necessary.
  
- (ii) The Arbitration Board shall arrange a hearing, if required without delay and shall invite the Appellant, the Respondents, i.e. the Board of Management/ETB 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 all documentation (excluding the marking sheets which shall be available to the Arbitration Board only on a confidential basis), including Notice of Appeal, Management Response and any additional submissions requested by the Arbitration Board shall be copied to all the parties in advance of the hearing. No additional documentation will be accepted at the hearing;





- that the Chairperson of the Arbitration Board will clarify to both parties i.e. the Appellant and the Respondent, the procedures that he/she intends to adopt at the hearing and that it is only those grounds of appeal as set out in the Appellant's Notice of Appeal that will be considered by the Arbitration Board;
  - 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 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 all documentation given by the Appellant to the Arbitration Board to be made available to the Board of Management/ETB;
  - 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.
- (iii) 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.

### 19.5 Arbitration Board Findings

- (i) 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/ETB to recommence the appointment process at either (a) the initial consultation on roles and responsibilities 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.

- (ii) 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/ETB and to the Appellant. The Chairperson of the Board of Management/ETB shall in turn notify the provisional appointee of the outcome.
- (iii) The decision of the Arbitration Board shall be final and binding on the parties involved.
- (iv) If the appeal has been rejected, the Board of Management/ETB confirms the appointment of the original successful candidate and notifies the Department of Education and Skills accordingly at the earliest possible date.
- (v) Where an appeal has been upheld and the Board of Management/ETB is required to establish a second Interview Board the following will apply:

<b>Primary Schools -</b>	<ul style="list-style-type: none"> <li>• The Chairperson of the Board of Management.</li> <li>• The Principal Teacher.</li> <li>• 2 Independent Assessors, (to be drawn from a panel agreed with the union, neither of whom were involved in the original selection) shall comprise the second Interview Board.</li> </ul> <p>In the event of a tie, the Chairperson shall have a second or casting vote.</p>
<b>Community National Schools</b>	<ul style="list-style-type: none"> <li>• 1 Nominee of the CE of the ETB.</li> <li>• School Principal.</li> <li>• 2 Independent Assessors, to be drawn from a panel agreed with the union, neither of whom were involved in the original selection.</li> </ul> <p>In the event of a tie, the Chairperson shall have a second or casting vote.</p>

Note: Chairperson can be drawn from either the ETB representative or the independent members.

- (vi) 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,



- **For the ETB sector**  
the ETB should forward the second Notice of Appeal to the INTO to be adjudicated on jointly by the ETBI and the INTO on whether a second appeal will be allowed.
  
  - **All other primary schools**  
the Chairperson of the Board of Management should, in the first instance, forward the second Notice of Appeal setting out the specific grounds of the appeal which are to be considered, together with a Management Response 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.
- (vii) Expenses incurred by the Arbitration Board shall be shared between the parties, i.e. Management and INTO.



# Appendices



## Appendix 1: Template Statement of Roles and Responsibilities

The post of responsibility structure in schools is based on a distributed leadership model, involving the establishment and facilitation of leadership teams with appropriately defined and shared responsibilities.

Subject to the overall authority of the Board of Management/ETB, the post holder is accountable for the fulfilment of his/her role to the Principal of the school.

Name of Teacher: .....

Tick level of post:    AP I     AP II

Roles, Responsibilities and Objectives<sup>2</sup>:

Date: .....

..... Teacher

Acknowledgement of Receipt:

..... Principal/Deputy Principal

Date: .....

<sup>2</sup> Guideline: Forms should be completed in a succinct manner e.g. maximum of 400 words.



## Appendix 2: Report to Inform Review

Name of Teacher: .....

Post Held: .....

1. Outline of roles, responsibilities and objectives fulfilled for the period XX to XX:

.....  
.....  
.....  
.....

2. Review of the role in the context of the changing needs of the school:

.....  
.....  
.....  
.....

3. Professional development of the post holder:

.....  
.....  
.....  
.....

4. Review of progress in the agreed areas of responsibility:

.....  
.....  
.....  
.....

Date of review: .....

..... Teacher

..... Principal/Deputy Principal

**Appendix 3: Notice of Appeal form**

**Section A – Personal Details**

Name of appellant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

**Section B – School Details**

School name: \_\_\_\_\_

School roll number: \_\_\_\_\_

**Section C – Notice of Appeal**

I hereby give notice of appeal against the decision regarding the appointment to the post of

\_\_\_\_\_.

**Section D – Grounds for Appeal**

**A candidate may only appeal on one or more of the grounds in (a) and/or (b) below. Where a ground is cited (box ticked), detail must be provided and supporting evidence supplied in respect of the grounds of appeal identified and relied upon**

**(a) Pre-interview:**

- 1) lack of consultation on the roles and responsibilities

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2) breach of the advertising rules

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3) non-notification about the post to teachers on leave of absence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(b) Interview process:**

- 1) Composition of the Interview Board
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 2) Non-disclosure of a family or a material relationship
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 3) Non gender-balanced Interview Board
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 4) A computational error in the Interview Board marking sheet of the Appellant which makes a material difference to the outcome
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 5) A departure from the agreed selection criteria or marking scheme
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

- This form should be completed and forwarded to The Chairperson of Board of Management/ETB within 10 school days of the date of publication of the notice of appointment.
- Supporting evidence must be supplied in respect of the grounds of appeal identified and relied upon by the unsuccessful applicant.
- Only appeals submitted on the Notice of Appeal form, and within the appeal period will be processed. Any documentation received after this time will not be processed and will be returned to the appellant.
- Any queries on this form should be brought to the attention of school management who may wish to consult with their representative organisation/INTO.
- It is the responsibility of the appellant to ensure that the contact details / information supplied with this form are correct and up-to-date.



**Appendix 4: Management Response Form.**

**Section A – Details of School**

School name: \_\_\_\_\_

Name of Chairperson of BoM/ETB Contact Person: \_\_\_\_\_

Correspondence address for purposes of appeal: \_\_\_\_\_

\_\_\_\_\_  
Email address for purposes of appeal: \_\_\_\_\_

School/HR Dept. daytime contact number: \_\_\_\_\_

**Section B – Details of Appellant**

Name of appellant: \_\_\_\_\_

Position being appealed \_\_\_\_\_

**Section C – Timeline**

Date of publication of notice of appointment: \_\_\_\_\_

Date of receipt of Notice to Appeal Form  
and supporting documentation(must be  
within 10 school days of the date of  
publication of the notice of appointment) \_\_\_\_\_

**Section D - Response to Grounds of Appeal as specified on Notice to Appeal Form**

The following is presented below by way of management's response to the Notice of Appeal. School management should address and respond to each ground of appeal identified by the appellant in his/her Notice of Appeal Form. It may be appropriate to substantiate management's response with supporting documentation, where necessary.

**(a) Pre-interview:**

- 1) lack of consultation on the roles and responsibilities
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



2) breach of the advertising rules

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) non-notification about the post to teachers on leave of absence

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(b) Interview process:**

1) Composition of the Interview Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) Non-disclosure of a family or a material relationship

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) Non gender-balanced Interview Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) A computational error in the Interview Board marking sheet of the Appellant which makes a material difference to the outcome

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) A departure from the agreed selection criteria or marking scheme

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
Chairperson of BoM/CE (or nominee)

The completed Management Responses Form must be forwarded by registered post / email to the Appellant within 10 school days of the date of receipt of the Notice of Appeal Form.

- Any queries on this form should be brought to the attention of school management who may wish to consult with their representative organisation.



## Chapter 4

# Appointment Procedures for Principal & Deputy Principal (Open Competition)

The term ‘school leaders’ typically refers to formal leadership roles including teachers with posts of responsibility and others who carry out roles and responsibilities integral to the administration, leadership and management of the school. Therefore, both leadership and management roles are considered at all times as serving the school’s core work: learning and teaching. Every teacher has a leadership role within the school community and in relation to pupil learning.

### 1. Principal and Deputy Principal

- 1.1 In accordance with Section 22 of the Education Act, 1998, and Section 23 of the Education (Amendment) Act 2012, the Principal provides leadership to teachers, other staff and to the pupils and the wider school community. The Principal has overall responsibility, under the direction of the Board of Management/ETB, as appropriate, for the day-to-day management of the school. The Principal has responsibility for the internal organisation of the school, including the assignment of roles and responsibilities to members of the teaching and non-teaching staff delegated in Community National Schools by the Chief Executive. The Principal submits to the Board of



Management/ETB, as appropriate, all such statements and reports affecting the conduct of the school as the Board of Management/ETB, requires.

- 1.2 While the Principal is ultimately responsible to the Board of Management/ETB, as appropriate, for the leadership and management of the school, the Deputy Principal occupies a position of vital importance within the senior leadership team in a school. Shared leadership requires openness and willingness on the part of Principals and Deputy Principals, to share and to distribute leadership and management responsibilities in a manner that encourages and supports partnership. The Deputy Principal co-operates with the Principal in the fulfilment of the Principal's role and acts or deputises as the Principal in the Principal's absence. Acting as Principal does not confer automatic right of succession to principalship.

## **2. Recruitment and Appointment Procedures for Principal Teachers and Deputy Principal (Open Competition) in Recognised Primary Schools**

- 2.1 The procedures set out in this chapter are designed to provide fair and impartial procedures for the appointment of Principals and Deputy Principals (Open Competition) to posts in recognised primary schools funded by monies provided by the Oireachtas. A Board of Management/ETB is bound to apply these procedures.

## **3. Role Of The Board Of Management/Manager/ETB**

- 3.1 It is the responsibility of each employer to maintain effective procedures to ensure:
  - a) Openness and transparency in the process of appointment to posts from monies provided by the Oireachtas,
  - b) Compliance with:
    - (i) Relevant legislation in force at the time of making the appointment, and
    - (ii) In accordance with Section 15 of the Education Act, 1998 the Board of Management manages the school on behalf of the Patron. All appointments of teachers in the school shall be made by the Board of Management/ETB in accordance with relevant legislation, the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron/CE.



## 4. Eligibility Criteria For Appointment As Principal and Deputy Principal

4.1 On application for the post of Principal/Deputy Principal the applicant must meet the eligibility criteria for the setting in which the vacancy arises. Please see table 4.1.1.

**Table 4.1.1.**

<b>Setting</b>	<b>Teaching Council (Registration) Regulations 2016 and Service Requirements</b>
Primary schools with less than 80 pupils	Fully registered under Route 1 (Primary) with the Teaching Council.
Primary schools with 80 pupils or more	Fully registered under Route 1 (Primary) with the Teaching Council and have 5 years recognised teaching service, two of which must be in a recognised primary school within the Republic of Ireland.
Special Schools	Fully registered under Route 1 (Primary) or Route 4 (Other) with the Teaching Council and have 5 years recognised teaching service, two of which must be in a recognised primary school within the Republic of Ireland.
Special School where children are enrolled up to the age of 18 years of age <sup>3</sup>	Fully registered under Route 1 (Primary), Route 4 (Other) or Route 2 (Post Primary) with the Teaching Council and have 5 years recognised teaching service, two of which must be in a recognised primary school or post-primary school within the Republic of Ireland.

4.2 Teachers registered with the Teaching Council under Section 31(2) & (3) of the Teaching Council Act 2001 must hold qualifications suited to the sector in which they are teaching and must have completed all qualification shortfalls.

4.3 Service in a recognised post-primary school within the Republic of Ireland or in a primary school or post-primary school outside of Republic of Ireland may be reckoned towards service provided this service was reckonable for incremental credit.

4.4 A Board of Management/ETB should request proof of the award of incremental credit from an applicant where applicable.

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<sup>3</sup> Including High Support Units, Children Detention Schools, Youth Encounter Projects and Special Care Units and in such schools a proportion of the pupils attending the special school are of post primary age and where second level programmes, such as Junior Certificate School Programme (JCSP) and Junior Cycle Level 2 Learning Programmes (L2LPs) are being provided.



## 5. Competition Process for Principals

- 5.1 An open competition shall be held for the appointment of Principal.
- 5.2 Confidentiality must be maintained throughout the process.
- 5.3 There is no appeal mechanism available for Principal posts.

## 6. Appointments to Deputy Principal Posts by Open Competition

- 6.1 An open competition should be held in accordance with Table 6.1.1 below to fill a Deputy Principal post where such a vacancy will exist. There must also be a staffing vacancy in the school.

Table 6.1.1

Open Competition for Deputy Principal	
School Year	No of Mainstream Posts
2019/2020	14 or more
2020/2021	10 or more
2021/2022	6 or more
2022/2023	All Primary Schools

- 6.2 There is no appeal mechanism available for Deputy Principal posts that are filled through open competition.
- 6.3 Deputy Principal posts in schools which are smaller than those specified in *Table 6.1.1* are to be filled through **internal competition** as outlined in Sections 4 to 10 of [Chapter 3](#) in this circular.
- 6.4 Where a school has advertised and there is no applicant for a Deputy Principal's teaching vacancy in schools where internal competition normally applies per Table 6.1.1., then the school may proceed to fill the post through open competition provided there is a permanent staffing vacancy in the school.
- 6.5 Deputy Principals appointed by open competition which could include an internal candidate under the terms of this circular will be ranked second in seniority next to the Principal irrespective of length of service in the school. Seniority of existing Deputy Principals and those appointed through internal competition remain in accordance with chapter 5 of this circular.
- 6.6 A Deputy Principal appointed by open competition under the terms of this circular may only step down from the position of Deputy Principal where there is a teaching vacancy in the school and where the Principal teacher does not wish to exercise their right to step down. The resulting Deputy Principal vacancy shall be filled in accordance with the provisions of this circular. Where a Deputy Principal teacher relinquishes the post of Deputy Principal and takes up the available permanent vacancy in the school he/she



becomes the most junior teacher in the school. Previous service given in the school does not count for seniority purposes in this case.

- 6.7 Where a school appoints a Deputy Principal, it shall be understood that it is a core function of the Deputy Principal's role to act or deputise as the Principal in the Principal's absence.

## 7. Advertising Rules

- 7.1 Vacancies must be advertised on at least one of the websites as approved by the Management Bodies and should be notified to all teaching staff in the school including teaching staff on approved leave.
- 7.2 As provided for in the Action Plan for Teacher Supply, a new portal for the recruitment of teachers is being developed as a central resource for schools. Education Partners will be notified in due course of any amendments to this circular on foot of this development.
- 7.3 There shall be no unreasonable delay between the notification of the vacancy, insertion of the advertisement and the filling of the post.
- 7.4 The advertisement shall invite applications from eligible teachers to be submitted to the Chairperson of the Board of Management/ETB.
- 7.5 The advertisement shall state:

1	The name, address, roll number and patronage of the school.
2	The number of teaching posts (including Principal Teacher).
3	The nature of the vacancy (i.e. Principalship/Deputy Principal).
4	The status of the vacancy (i.e. permanent).
5	The expected commencement date of the post.
6	The address to which applications should be sent. This may be a postal or e-mail address. Refer to paragraph 8 for electronic applications.
7	The latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
8	Whether a curriculum vitae or standard application form is required. (Applicants should not be required to submit both a curriculum vitae and an application form).
9	A list of documentary information required to support the application (e.g. evidence of qualifications; Teaching Council Certificate of Registration).
10	Any other relevant documentation (e.g. certificate to teach Catholic religious education for schools under Catholic Patronage).



7.6 The advertisement may also state:

1	Whether a minimum number of applications are required for the competition to proceed.
2	Whether a stamped addressed envelope is required for the return of documentation.
3	That the applicant should mark envelope “Application”.

7.7 Advertisements must not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2008, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race or a member of the Travelling Community. Special care should be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.

7.8 Vacancies for Principal/Deputy Principals posts should not be advertised in July or August except in exceptional circumstances and with the prior approval of the Patron/CE.

## **8. Electronic Applications**

8.1 Where the employer chooses to accept electronic (e-mail/on-line) applications then the following procedures should be followed.

8.2 A separate e-mail/on-line account shall be set up for the application process. Where the employer does not have access to a distinct e-mail/on-line address then a service such as gmail may be used e.g. *Schoolnameapplications@gmail.com*. Only one email address shall appear on the advertisement.

8.3 Access to applications shall be restricted to members of the Interview Board only.

8.4 The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail/electronically.

8.5 Applications shall be opened and downloaded by the Interview Board at its short-listing meeting. In Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.

8.6 The applications will be assessed in accordance with procedures as set out in this circular.

8.7 Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail/electronically.

8.8 Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the: bcc option or e-mail applicants on an individual basis.





- 8.9 Employers may decide to reply in writing (including via e-mail/on-line) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail/on-line system is used employers should save or print a copy of the letter to the successful applicant for school/ETB records.
- 8.10 The e-mail address may be required for a new recruitment campaign by a new Interview Board. Therefore, all electronic applications must be saved by the school electronically, deleted from the email/on-line system and after the appropriate retention period, from the saved electronic file.
- 8.11 Where the same e-mail address/on-line system is utilised for subsequent competitions, the passwords/security access should be changed to ensure that only the new Interview Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Interview Board.

## 9. Composition of Interview Board-

<p><b>Primary School Principal Teacher Interview Board</b></p>	<ul style="list-style-type: none"> <li>• Chairperson of the Board of Management.</li> </ul> <p>In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Interview Board.</p> <ul style="list-style-type: none"> <li>• At least two assessors independent of the Board of Management, to be appointed by the Patron after consultation with the Chairperson.</li> </ul> <p>The person who is vacating the position of Principal of a school shall have no involvement in the recruitment and appointment procedure for the Principal Teacher that will replace him/her.</p>
<p><b>Primary School Deputy Principal Teacher Interview Board</b></p>	<ul style="list-style-type: none"> <li>• Chairperson of the Board of Management.</li> <li>• Principal Teacher.</li> <li>• An independent assessor to be appointed by the Patron after consultation with the Chairperson.</li> </ul> <p>Note: It is an integral part of the Principal’s role as school leader to be a member of an interview board for all recruitment processes, unless there are exceptional circumstances and valid reasons for him/her not to be a member of the interview board. In exceptional circumstances and for valid reasons, the Principal can apply to the Patron to be excluded from the process. Where the Patron decides to</p>



	allow the exclusion, the Patron will arrange for a replacement appointment to the Interview Board.
<b>Community National Schools Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• 1 Nominee of the CE of the ETB.</li><li>• 1 Education Expert appointed by the ETB.</li><li>• 1 Independent Assessor appointed by the ETB.</li></ul> Note: <ul style="list-style-type: none"><li>• The person who is vacating the position of Principal of a school shall have no involvement in the recruitment and appointment procedure for the Principal Teacher that will replace him/her.</li><li>• Chairperson can be drawn from either the ETB representative or the independent member.</li></ul>
<b>Community National Schools Deputy Principal Teacher Interview Board</b>	<ul style="list-style-type: none"><li>• 1 Nominee of the CE of the ETB.</li><li>• School Principal.</li><li>• 1 Independent Assessor appointed by the ETB.</li></ul> Note: <ul style="list-style-type: none"><li>• Chairperson can be drawn from either the ETB representative or the independent member.</li></ul>

9.1 At least one of the members of the Interview Board shall be female and at least one member a male.



## 10. Leadership Framework

The Quality Framework for Leadership and Management in Irish schools, set out in *LOOKING AT OUR SCHOOLS 2016 - a Quality Framework*, provides a common understanding and language around the organisation and practice of leadership and management roles in Irish schools. It identifies the key leadership and management areas in a school (domains), and these are then further divided into various content *standards* for each domain. It also identifies statements of practice for each standard.

### **Domain One: Leading Teaching and Learning**

#### ***School leaders:***

- promote a culture of improvement, collaboration, innovation and creativity in learning, teaching and assessment
- foster a commitment to inclusion, equality of opportunity and the holistic development of each pupil
- manage the planning and implementation of the school curriculum
- foster teacher professional development that enriches teachers' and pupils' learning

### **Domain Two: Managing the organisation**

#### ***School leaders:***

- establish an orderly, secure and healthy learning environment, and maintain it through effective communication
- manage the school's human, physical and financial resources so as to create and maintain a learning organisation
- manage challenging and complex situations in a manner that demonstrates equality, fairness and justice
- develop and implement a system to promote professional responsibility and accountability

### **Domain Three: Leading school development**

#### ***School leaders:***

- communicate the guiding vision for the school and lead its realisation in the context of the school's characteristic spirit
- lead the school's engagement in a continuous process of self-evaluation
- build and maintain relationships with parents, with other schools, and with the wider community
- manage, lead and mediate change to respond to the evolving needs of the school and to changes in education

### **Domain Four: Developing leadership capacity**

#### ***School leaders:***

- critique their practice as leaders and develop their understanding of effective and sustainable leadership
- empower staff to take on and carry out leadership roles
- promote and facilitate the development of pupil voice, pupil participation, and pupil leadership
- build professional networks with other school leaders



## 11. Criteria Of Assessment

- 11.1 Prior to advertising a position the employer may set a minimum number of applications which must be received for the competition to proceed.
- 11.2 Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not re-apply and their application will be held until the next closing date.
- 11.3 The Interview Board shall meet as soon as practical. The selection of the successful candidate shall be based on four competencies which are aligned to the Quality Framework for Leadership and Management (see above). The competencies are applicable to all Principal and Deputy Principal posts (all are of equal weight) – see *Table 11.3.1*. The value of a teacher’s experience and how that contributes to their capacity to meet the requirements of the post will be reflected in the application of the criteria.

Table 11.3.1 Marking Scheme

<b>Principal and Deputy Principal</b>		
<i>Demonstrated capacity (with relevant examples of professional, educational and life experience) in relation to:</i>		
i.	Leading Learning and Teaching	25 marks
ii.	Managing the organisation	25 marks
iii.	Leading school development	25 marks
iv.	Developing leadership capacity	25 marks

- 11.4 The application of the criteria should reflect the needs and priorities of the school.
- 11.5 For schools other than Community National Schools, the applications shall be opened only in the presence of the Interview Board.
- 11.6 For Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.
- 11.7 Section of applicants for interview will be based on an initial assessment of applications against the established criteria.



11.8 If there are three eligible applicants or fewer all eligible applicants shall be called for interview by the Interview Board or, where the minimum number of applications set by the employer under 11.1 for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.

11.9 If there are no eligible applicants the position will be re-advertised.

11.10 The applications will be assessed in accordance with procedures as set out in this circular.

11.11 Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail.

11.12 Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the: bcc option or e-mail applicants on an individual basis.

11.13 Employers may decide to reply in writing (including via e-mail) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail is used employers should save or print a copy of the letter to the successful applicant for ETB records.

11.14 **Disclosure of interest/integrity of Interview Board proceedings**

(i) The Board of Management/ETB shall inform the Chairperson of the Interview Board that it is the responsibility of the Interview Board to address disclosures of interest/integrity in accordance with the procedures set out in this circular. In Community National Schools the ETB distributes the applications and a conflict of interest form to the members of the Interview Board (completed forms are returned to the ETB).

(ii) A member of the Interview Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Interview Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Interview Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.

(iii) Following this disclosure, the Interview Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management/ETB level. Where the Interview Board finds that there is a concern regarding an Interview Board member, the Chairperson of the Interview Board shall inform the Chairperson of the Board of Management/ETB who in turn informs the Patron unless the Chairperson of the Interview Board is the Chairperson of the Board of Management/ETB in which case they should contact the Patron/CE directly.



The Patron/CE shall nominate another member in his/her place following consultation with the Chairperson of Board of Management/ETB.

(iv) Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Interview Board to the Board of Management/ETB on completion of the process. In the event that a conflict is determined in a Community National School, the applications are returned to the ETB or deleted.

(v) Failure to disclose any relationship may invalidate the process.

## 12. Interviews

12.1 Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:

- i. at least 7 days' notice (after the closing date for receipt of applications) of a specific interview date, time (outside school hours) and the location of the interview venue,
- ii. details of the established criteria for the post, and
- iii. a request for the applicant to notify the Interview Board/ETB if he/she requires any additional assistance in relation to a special need.

12.2 The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation. Schools may facilitate interviews using digital technology, particularly in the case of qualified applicant's resident outside the State.

All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from an applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Interview Board has a preconceived view of the suitability of either a male or female for a particular post.

12.3 Each member of the Interview Board is required to complete his or her own individual marking sheet for each applicant and give it to the Chairperson of the Interview Board on completion of the interviews.

12.4 The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants who are deemed suitable for appointment.

12.5 Following completion of the interview process the Chairperson of the Interview Board shall, on behalf of the Board of Management/ETB, conduct reference checks of the highest ranked applicant (not applicable in Community National Schools the ETB checks



the references of the successful applicant prior to any offer of appointment). This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Interview Board at its sole discretion will determine the suitability of any reference. The Interview Board further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

12.6 An applicant's own marking sheets should be made available on request after the recruitment process is complete.

### **13. Appointment Of Successful Applicant**

13.1 Following the completion of the interview process, the Chairperson of the Interview Board shall submit a written report to a meeting of the Board of Management/ETB setting out:

- i. that the selection procedures have been complied with,
- ii. if there has been a disclosure of interest/integrity to the Interview Board and the outcome of such disclosure. In the event that a conflict is determined in a Community National School, the applications are returned to the ETB or deleted, and
- iii. the name of highest ranked applicant whom it considers most suitable for appointment, and Confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment (not applicable in community National Schools the ETB checks the references of the successful applicant prior to any offer of appointment).

13.2 The Chairperson of the Interview Board will retain:

- i. a record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer, and
- ii. an order of merit which can be used if the highest ranked applicant nominated for appointment declines the position.

13.3 References of applicants shall be checked prior to any offer of appointment being made.

13.4 The Board of Management/ETB shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Interview Board in which instance the matter shall be referred to the Patron/CE, whose decision in this matter shall be accepted by the Board of Management/ETB.



- 13.5 The offer of employment should not be made to the prospective employee until the prior approval of the Patron/CE has been obtained by the Chairperson of the Board of Management/ETB.
- 13.6 Employers shall follow the normal recruitment practice in relation to the following:
- i. Verification of documentation: Teaching Council registration, qualifications and vetting.
  - ii. Medical Fitness: All successful candidates being appointed for the first time to a teaching position in Ireland or teachers returning from leave of absence or other break in service in excess of two full school years will be screened by pre-employment medical questionnaire and fitness confirmed before the teacher takes up or resumes a teaching post. For further details, see the *Occupational Health Service for Teachers and Special Needs Assistants, Standard Operating Procedures Manual*.
- 13.7 All appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
- 13.8 The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanction of the Minister, to the terms as outlined in this circular, confirmation of qualifications, confirmation of registration with the Teaching Council and continuous registration with the Teaching Council for the duration of his/her employment, compliance with Garda vetting requirements and pre-employment medical screening, where applicable, prior to commencement of the employment. In the case of Deputy Principals should reference the fact that the role is subject to regular review and the responsibilities of the role may require a teacher to participate in the leadership role outside of the standard school day. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.
- 13.9 As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 13.10 A contract of employment should be entered into prior to the commencement of employment of the successful applicant. This is in line with the Terms of Employment (Information) Act 1994 as amended. The contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment. The Deputy Principals contract should include in it that the Deputy Principal is required to deputise for the Principal in the Principal's absence.
- 13.11 Both the successful candidate and the employer should complete the Appointment /Re-appointment form(s) for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed Principal/Deputy Principal is set up on Payroll as soon as possible.





## **14. Reporting and Review**

### **14.1 Annual Review**

At regular intervals, but at a minimum of every two years, the Deputy Principal is required to undertake a review with the Principal which will be informed by the Deputy Principal's annual report. The review will include:

- (i) review of progress in the areas of responsibility;
- (ii) review of the role in the context of the changing needs and priorities of the school; and
- (iii) review of professional development of the Deputy Principal.

### **14.2 Annual Report**

The Deputy Principal will provide an annual report to the Principal on how his/her work contributes to the pedagogic and organisational advancement of the school. This report will form part of the Principal's annual report on leadership and management in the school to the Board of Management/ETB.

14.3 As the needs and priorities of the school continuously evolve, this review may result in re-assignment of the Deputy Principal's role and responsibilities within the leadership and management team. In the case of Deputy Principals cognisance should also be taken of the importance of providing opportunities for them to build on and develop leadership skills and capacities within a number of leadership roles. This is seen as an important element of their own professional development.

## **15. Contracts – Terms Of Employment**

15.1 The contract should include the names of the employee and the employer. It should be signed and dated by both parties. It should also include a written statement of the particulars of the employee's terms of employment e.g., place and hours of work, duties/responsibilities, disciplinary/ grievance procedures, employer policies (e.g. health and safety, harassment, sexual harassment, etc.), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 as amended.<sup>4</sup>

15.2 Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within the contract.

15.3 The employer shall retain one of the completed signed duplicate contracts on the teacher's personnel file and furnish the other signed duplicate contract to the employee.

15.4 Employers should ensure compliance with all relevant employment legislation e.g. the Unfair Dismissals Acts, etc. when dealing with issues pertaining to appointments and contracts of employment.

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<sup>4</sup> e.g. Employment (Miscellaneous Provisions) Act 2018



## 16. Compliance

- 16.1 All employers and teachers must adhere to the regulations and procedures set out in this circular. The Department shall not be liable for any costs, obligations or funding of contracts arising from failure to adhere to the terms of this circular.
- 16.2 Each employer will maintain effective procedures to ensure Principal Teacher/Deputy Principal appointments are made in accordance with the procedures outlined in this circular and other relevant Department Circulars.
- 16.3 The Department may carry out examinations of Principal/Deputy Principal appointment records. All documentation relating to Principal/Deputy Principal appointments, listed in paragraph 17.1 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

## 17. Record Of Documents To Be Retained By School Authorities

- 17.1 The following documents should be safely retained in the school for all Principal/Deputy Principal appointments:

1	A copy of the advertisement.	
2	The Principal's/Deputy Principal's application for the post.	
3	Criteria for assessment of applicants.	
4	Any documents and/or notes created by the Interview Board.	
5	The Interview Board Report – including confirmation of verification of references from previous employers.	
6	A copy of the Principal's/Deputy Principal's educational qualifications e.g. initial teacher education qualifications, Post Graduate courses or Masters Degrees.	
7	A copy of the Registration Certificate for the Principal/Deputy Principal Teacher from the Teaching Council of Ireland.	
8	Confirmation of compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.	
9	A copy of the confirmation of medical fitness received from the Occupational Health Service.	
10	Any other relevant documentation relating to individual Principal/Deputy Principal appointment.	
11	Record of the Patron's/CE's approval of the appointment.	



12	One part completed contract of employment i.e. signed by the employer and the Principal/Deputy Principal.	
13	A copy of the appointment form completed by both parties that was submitted to the Paymaster.	

17.2 All records relating to the successful applicant should be retained by the school for the duration of employment plus 7 years.

17.3 Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.



## Chapter 5

# Seniority of Teachers

### 1. Importance of Seniority

- 1.1 The sequence in which teachers are appointed in a permanent/CID capacity to a school/ETB determines the seniority of teachers. Seniority is important in deciding the order in which teachers are eligible to be placed on the re-deployment panel when the enrolment figures drop sufficiently to warrant the suppression of a post and in determining teachers' eligibility for an acting post of responsibility.

### 2. Responsibility of Board of Management/ETB

- 2.1 A teacher can only be appointed in a Permanent/CID capacity where they are appropriately qualified. The Board of Management/ETB, based on the teacher's date of commencement of duty in the school/ETB in a permanent/CID capacity, determines the seniority of teachers. An exception to this is where a teacher is on a statutory absence when appointed to the post e.g. maternity leave, adoptive leave etc., in such instances the teacher's seniority commences from the date when the teacher should have commenced duty in the school/ETB in a permanent/CID capacity but for the teacher's absence on statutory leave.
- 2.2 Once a teacher's order of seniority has been established by the Board/ETB it cannot be changed without the prior sanction of the Patron/CE.
- 2.3 Each Board of Management/ETB should ensure that the seniority listing of teachers employed in a permanent/CID capacity is posted on the staff notice board each September.



### **3. Rules for Determining Seniority**

- 3.1 A Principal teacher is always the most senior teacher in a school, irrespective of length of service given in a school (see Chapter 4 6.5). A Principal teacher can only relinquish a post of Principal teacher and remain employed as a teacher in the same school provided there is a permanent vacancy in the school. Where a Principal teacher relinquishes the post of Principal and takes up the available permanent vacancy in the school he/she becomes the most junior teacher in the school. Previous service given in the school/ETB does not count for seniority purposes.
- 3.2 A Deputy Principal appointed through open competition is second in seniority to the Principal. A Deputy Principal appointed by open competition under the terms of this circular may only step down from the position of Deputy Principal where there is a teaching vacancy in the school and where the Principal teacher does not wish to exercise their right to step down. The resulting Deputy Principal vacancy shall be filled in accordance with the provisions of this circular. Where a Deputy Principal teacher relinquishes the post of Deputy Principal and takes up the available permanent vacancy in the school he/she becomes the most junior teacher in the school. Previous service given in the school does not count for seniority purposes in this case.
- 3.3 Status of CID holders  
A teacher employed on a contract of indefinite duration holds an employment status that is equal to that of a permanent teacher and is awarded seniority in accordance with the provisions of this circular.
- 3.4 Service given previously in the same school/ETB as a substitute or fixed term (qualified or unqualified) teacher does not count towards seniority.
- 3.5 A teacher due to be re-deployed but who is subsequently retained in the school retains their seniority. The following is the order of seniority where two or more teachers commence employment in a permanent/CID capacity on the same day:-
- A teacher awarded a Contract of Indefinite Duration in the same school
  - A teacher appointed to a permanent post in the school from the main redeployment panel
  - A teacher appointed to a permanent post in the school from the supplementary panel
  - A teacher appointed to a permanent post in the school by open competition (excluding the person appointed to post of Deputy Principal through open competition).
- 3.6 Determining order of seniority where two or more teachers commence employment in a permanent/CID capacity on the same day by the same method of appointment:-
- If two or more teachers commence duty on the same day following an interview process, the Board of Management/ETB should establish their order of seniority based on the order the teachers were ranked in the interview process i.e. the teacher who was ranked highest following the interview process should be given the higher seniority ranking.



- Where two or more teachers commence duty on the same day through any other means of appointment, the Board of Management/ETB should determine their order of seniority, in a fair and transparent manner, taking account of the overall needs of the school.
- 3.7 If a teacher leaves a school/ETB either voluntarily or is redeployed and is subsequently reappointed to the school in a permanent capacity at a later date then the teacher's seniority will commence from the date of re-commencement of employment in a permanent capacity.
- 3.8 Job sharing service is reckoned as full service for the purpose of seniority. All approved absences e.g. career break, maternity leave, adoptive leave, parental leave, paternity leave, sick leave do not affect a teacher's seniority.
- 3.9 The order of seniority set out in this circular in relation to determination of surplus permanent/CID holding teachers for redeployment supersedes all other Department Circulars in this regard.

#### **4. Seniority in an Amalgamated School**

- 4.1 In the case of an amalgamated school, where a teacher has given unbroken permanent/CID service continuously in one or more of the schools being amalgamated, the aggregate of that service will be reckoned in determining seniority.
- 4.2 A Principal(s) who becomes a Privileged Assistant(s) in the amalgamated school will be less senior to the Principal and Deputy Principal appointed under the terms of this circular, irrespective of the length of actual service in his/her former school(s). Where there is more than one Privileged Assistant it is the length of service as Principal of the former school which determines the order of seniority.
- 4.3 Deputy Principals appointed in an amalgamated school under the terms of this circular will be ranked second in seniority next to the Principal irrespective of length of service in the school.

#### **5. Redeployed Teachers**

- 5.1 The seniority of a Privileged Assistant who is redeployed via the panel or who voluntarily moves into a school will commence from the date of taking up duty in the new school.