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CIRCULAR 0009/2007

DEPARTMENT OF EDUCATION AND SCIENCE

SECONDMENT OF TEACHERS TO THE EUROPEAN SCHOOLS

JANUARY 2007

For the attention of

- **Boards of Management and Principals of Primary and Post-primary Schools**
- **Teachers seeking secondments to the European Schools**
- **Teachers on secondment to the European Schools**

1. The European Schools

The European Schools are a system of nursery, primary and secondary schools established and maintained by the European Union and its Member States. The schools serve the needs of children whose parents are officials of the EU Commission, European Parliament and other official European institutions. The schools have been established by an intergovernmental treaty – the Convention of the European Schools – to which Ireland is a signatory. The schools are administered by a Board of Governors, which includes representatives of each of the signatory countries, the European Commission and others.

The schools are located in Brussels (three schools), Luxembourg (two schools), Bergen (the Netherlands), Alicante (Spain), Culham (United Kingdom), Frankfurt, Karlsruhe and Munich (Germany), Mol (Belgium) and Varese (Italy). A further school is due to open in Brussels in the near future.

The Department of Education and Science is committed to fulfilling its obligations under the intergovernmental Convention of the European Schools. The Department supports the operation of the schools by arranging for the secondment of teachers from Ireland to fill teaching positions in the European Schools and by funding replacement teachers in schools in Ireland.

2. Purpose of this circular

This circular sets out arrangements regarding the secondment of teachers from Ireland to the European Schools.

3. Fixed term secondment: nine year rule

In pursuance of the aims of the European Schools, the Board of Governors of the European Schools have adopted regulations entitled *Regulations for Members of the Seconded Staff of the European Schools*, which govern secondments of staff to the European Schools. These regulations set the maximum period of secondment to the European Schools at nine years. (The *Regulations* also provide that in exceptional cases, the Director of a European School may seek a one-year extension to a teacher's secondment in accordance with the provisions of Article 29(a) of the *Regulations*.) A copy of the Regulations may be found on the website of the European Schools, www.eursc.org

4. Secondment from a school in Ireland

As and from 1 July 2007, a teacher seeking to be seconded to a post in the European Schools must

- be serving as a teacher in a recognised school in Ireland (or be on secondment or career break from such a position)

and

- have an expectation that the contract of employment with the board of management of his/her school in Ireland will continue for *either* a period of not less than nine years following the proposed date of commencement with the European Schools *or* until the earlier retirement of the teacher.

5. Agreement of board of management

The secondment of a teacher to the European Schools shall occur only with the agreement of the board of management of the recognised school in Ireland in which he/she is employed. When considering a request from a teacher that he/she be seconded to a European School, a board of management should note that, subject to completion of a probationary two-year period and continued satisfactory service, it is envisaged that the teacher will complete the normal nine-year secondment at the European Schools. Thus, a board of management agreeing to release a teacher on secondment after 1 July 2007 should plan on the basis of a nine-year secondment of the teacher.

However, the board of management of the school in Ireland remains the employer of the teacher for the duration of the secondment. A board may review the continuance of the secondment at regular intervals in conjunction with the employment needs of the school, and may terminate the secondment prior to the end of the nine-year term if the needs of the school warrant the return of the teacher.

A board of management that wishes to terminate a secondment prior to the end of the nine-year term, should inform the teacher involved and the International Section of the Department, normally not less than nine months prior to the expected date of the teacher's return to the school in Ireland.

6. Registration with An Chomhairle Mhúinteoireachta/The Teaching Council

Each teacher on secondment to the European Schools must be registered with An Chomhairle Mhúinteoireachta/The Teaching Council as a teacher who has completed his/her probationary period and is fully qualified to teach in a mainstream class setting for the level in a recognised school in Ireland at which they are seconded to the European Schools. Teachers must maintain their registration with An Chomhairle Mhúinteoireachta/The Teaching Council for the duration of their secondments.

7. Termination of post in the European Schools

The conditions under which service in the European Schools may be terminated are listed in Article 31 of the *Regulations for Members of the Seconded Staff of the European Schools*. In addition, it should be noted that termination of the secondment to the European School will occur

- if the teacher resigns his/her position in the European Schools, or
- if the teacher resigns his/her post in the employing school in Ireland, or
- if the employing school in Ireland terminates the secondment, or
- if the teacher fails to maintain his/her registration with An Chomhairle Mhúinteroirachta/The Teaching Council, or
- if the teacher is proposed for appointment to a substantive promoted post in the European Schools (see section 9 below).

Teachers should note that Article 32 of the *Regulations for Members of the Seconded Staff of the European Schools* provides that a resignation request must be submitted to the European Schools at least six months prior to the end of the school year (i.e. no later than 1 March). However, as appointment procedures for teachers to the European Schools commence in January each year, teachers who intend to resign at the end of the academic year are asked to inform the European Schools of their intention to resign if possible before 1 January.

A teacher submitting a letter of resignation to the European Schools should copy the letter to the board of management of his/her school in Ireland and to the International Section of the Department of Education and Science.

8. Pension entitlements

A seconded teacher's superannuation entitlements continue to be determined in accordance with the terms of the superannuation scheme of which the individual teacher is a member immediately prior to secondment. Where benefits become payable either during or at the end of the secondment these are based on the substantive Irish-based teacher's pensionable pay (including relevant pensionable allowances). It is important to note that any monies paid to the seconded teacher by the European Schools do not form part of the teacher's pay for purposes of calculating superannuation benefits.

9. Secondment to promoted posts in the European Schools

Eligible teachers seconded to the European Schools may seek secondment to a range of substantive promoted posts in the European Schools system (including, for example, posts such as director or deputy director of a school, and the posts of secretary general and deputy secretary general of the European Schools). Secondment to such a position is regarded as a new secondment: the teacher's original secondment to the post of teacher in the European Schools terminates and he/she must seek the agreement of his/her board of management in Ireland for the new period of secondment. The length of this new secondment is determined by the conditions of the promoted post as set by the Board of Governors of the European Schools.

10. Replacement of seconded teacher by temporary teacher

When a board of management agrees to the secondment of a teacher to the European Schools, the Department will sanction the appointment of a fully qualified temporary teacher to replace the seconded teacher. The salary of this replacement teacher will be paid by the Department of Education and Science.

Where a board of management is authorised to appoint a fully qualified temporary teacher, the board should advise the temporary teacher that he/she is being appointed to replace a teacher on secondment to the European Schools and this must be reflected in the replacement teacher's contract. The board must make clear to the temporary teacher that this secondment and the temporary position will cease to exist (and the temporary contract end) upon the termination, for whatever reason, of the secondment of the teacher to the European Schools.

11. Secondment of temporary and fixed term contract teachers

Consideration will be given to offering secondments to the European Schools to temporary teachers whose contracts are of less than nine years duration if and when national arrangements are put in place for such secondments. Arrangements for how such teachers may seek secondment to the European Schools in the future will be included among the issues under discussion between representatives of school management, teachers and the Department in the context of the Protection of Employees (Fixed Term Work) Act 2003 and other recent employment and equality legislation.

12. Spouses of seconded teachers

Spouses of teachers seconded to the European Schools, who are themselves teachers in recognised Irish schools and who wish to accompany their spouses while on secondment, may be entitled to seek a career break subject to the approval of their board of management. As with all career breaks, the maximum permissible period of career break is five years for such teachers.

13. Queries

Queries in relation to this circular should be directed to the following:-

Primary Teachers Secondments etc.	Tom Seery	Tel. (0906) 48 39 88
Primary Teachers Pensions	Geraldine Kennedy	(0906) 48 36 36
Post primary Teachers Secondments etc.	Rachael McNamara	(0906) 44 39 67
Post primary Teachers Pensions	Melanie Rhatigan	(0906) 48 40 28
General queries	Eileen McGuire	(01) 889 23 95

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