

Important News for Part-Time and Fixed-Term Teachers

New Fixed-Term Circular

Following discussions between the ASTI, the other teachers' unions and the official side under the aegis of the facilitator Janet Hughes, the terms of a new circular dealing with implementation of the Protection of Employees (Fixed-Term Work) Act 2003 have been agreed with the Department of Education and Science (DES) and it is expected that this circular will issue to schools very shortly.

This circular has very important implications, particularly for those teachers who hold CIDs on less than full hours (full hours defined by the DES as being 18-22 hours per week in the Voluntary Secondary Sector and 22 hours per week in the Community and Comprehensive Sector)¹. Those teachers are urged to read the following very carefully.

Opportunities for part-time CID holders to obtain full-time positions

Under the terms of this new circular vacancies are to be filled in the following manner:

5.1.4 Where the combined number of permanent/CID teachers is less than the number of approved permanent posts (expressed in wholetime equivalents), the filling of a permanent post may arise. Where such a vacancy occurs, the employer shall apply the following options in the sequence shown to the filling of such posts:

(a) offer a CID where an existing fixed-term teacher qualifies for such in accordance with the terms of this circular, or

(b) submit the vacancy for filling by redeployment in accordance with agreed arrangements, or

*(c) consider an opportunity, the qualification requirements of the post permitting, for a teacher employed on a CID in a part-time capacity to undertake additional hours up to but not exceeding full-time hours (see * below).*

These options having been exhausted, any permanent post(s) remaining unfilled shall be advertised by the employer and filled through a formal recruitment process using the standard procedures and criteria for the filling of such posts including the filling of a part-time post on a permanent basis.

* As far as possible, employers should give consideration to requests by workers to transfer from part-time to full-time work or to increase their working time should the opportunity arise. In doing so, as with all teaching appointments, employers must have regard to the curricular needs of the school and the qualifications required for the post.

¹ This discrepancy in the definition of full hours for CID holders is the subject of a claim at the Teachers' Conciliation Council and is being pursued with full vigour by your ASTI representatives.

Teachers of Students with Special Educational Needs and the Quota

It has come to the attention of the ASTI that when Teachers of Students with Special Educational Needs obtain permanent positions that they are regarded as being part of the in-quota allocation for schools. This is despite the fact that these positions are supposed to be ex-quota.

Following representations from the ASTI and the managerial authorities, the DES have advised that schools in this situation should appeal their allocation through the appeal process and that this appeal will be treated favourably. This advice applies to schools who find that such a teacher has been regarded as part of the quota in a school for the coming school year and where this has occurred in the past and is still affecting the in-quota allocation to the school.

Chaplains

A separate circular on the position of chaplains in relation to the Fixed-Term Act is also due to be issued shortly. This circular will establish the fact that chaplains should be employed on Contracts of Indefinite Duration. However, some of the conditions of these contracts will differ from those of other teachers due to the method of the appointment of chaplains. All school chaplains are advised to read this circular carefully.

Unqualified or Incompletely Qualified Teachers

A separate circular on the position of unqualified or incompletely qualified teachers in relation to the Fixed-Term Act is also due to be issued shortly. This circular will establish the entitlement of these teachers to be eligible for CIDs. All unqualified or incompletely qualified teachers are advised to read this circular carefully.

What this means is, where a school has a vacancy, and it has established that there is no teacher on the premises who is qualified to receive a CID in the coming year and that there is no teacher to be redeployed into the school, the school should seek to provide part-time CID holders with an opportunity to undertake additional hours (up to full-time hours) so that they earn a full salary.

Exceptions

While this development is very good news for part-time CID holders it is important to stress that it does not provide a guarantee of full-time employment to all of these teachers. The school is entitled to take into account the curricular needs of the school and there may be some cases where it is not possible to provide the CID holder with additional hours. However, it is the view of the ASTI that schools should be able to provide these opportunities to part-time CID holders in most cases.

Memorandum of Understanding

In addition to the circular, the facilitator of the talks on this issue drafted a Memorandum of Understanding between the parties. Among its provisions are the following:

"...it is agreed that, while there may be exceptions, the regular form of indefinite and permanent employment, is in full time teaching posts. There is no desire, nor is it a legitimate objective on the part of employers, to maintain CID holders in part time positions based solely on the terms of their employment as fixed term teachers."

This is clearly an important advance for part-time teachers who hold CIDs. However, the Memorandum goes on to state:

"...this may not be possible in all instances taking into account the curricular needs of the school and the qualifications for the post. In such circumstances school management may be obliged to fill the post on a permanent part time or full-time basis subject to the school not exceeding their permanent allocation. It is recognised that an opportunity for a part-time CID holder to attain full hours in a particular school may not arise on the occasion of a vacancy in that school but may require a period of time before their aspirations are fully met."

Review

The circular and the Memorandum, when taken together, provide a definite path whereby part-time CID holders will be able to progress to full-time teaching. In order to ensure fairness in the implementation of the circular a review will take place in November 2008.

Monitoring

In order to be properly prepared for this review, the ASTI needs to have full information on how the circular has been implemented in schools. We urge all members, and particularly school stewards, teacher representatives on Boards of Management and part-time teachers to familiarise themselves with the circular, and to monitor its implementation in their own schools. If any teacher believes that a school is not implementing the circular they should inform ASTI Head Office immediately.

Contact Head Office on 01-6040160 or by email to info@asti.ie

For more information visit www.asti.ie