**A Guide to Circular Letter 24/2015**

A new Circular Letter published in March by the Department of Education and Skills outlines new entitlements which will benefit thousands of temporary and part-time teachers.

Circular Letter 24/2015 sets out the arrangements for the implementation of seven of the recommendations of the ‘Expert Group on Fixed-Term and Part-Time Employment in Primary and Second Level Education in Ireland’, which was established under the Haddington Road Agreement (HRA). The Group reported in September 2014 and the new Circular will apply from the start of the school year 2015/16.

The Circular follows a long running campaign by TUI and ASTI to highlight the problem of casualisation and temporary employment in second level teaching. TUI has continuously prioritised the issue and campaigned vigorously to highlight the casualisation of the teaching profession with the aim that permanent and whole time jobs become available to new teachers to protect both the viability and the professionalism of the career.

**Key Points under the Circular:**

* A teacher will qualify for a Contract of Indefinite Duration (CID) after two years of continuous employment with the same employer, subject to certain conditions. (Under fixed-term worker legislation the qualifying period is four years and under the HRA it had been 3 years for teachers).
* Hours held by a fixed-term teacher who is covering for a teacher on career break or a teacher on secondment will now be counted towards their CID. The teacher will be placed on a redeployment panel immediately prior to the return of the teacher on career break / secondment.
* The hours of the CID will be all hours worked in the full school year prior to the issuing of the CID (i.e. the qualifying year), regardless of the source of the hours.
* A teacher who has qualified for a CID after two years will be liable for redeployment if their subjects become surplus to the curricular requirements of their school.
* The new arrangements will apply from the start of the school year 2015/16.

**Additional hours for Part-Time CID holders**

Where a qualified teacher holds a part-time CID and is working additional hours under a separate fixed-term contract, they will receive a CID for these hours after a period of one year, if the hours continue to be viable and available under the allocation.

**Post automatically advertised after Year 1**

All teachers on their first fixed-term contract will have their positions terminated at the end of year 1. The position will automatically be re-advertised and a new recruitment process undertaken. Therefore, the teacher will need to apply for and interview for the position at the end of year 1.

**What is a CID?**

A Contract of Indefinite Duration or CID is equivalent in every way to a permanent contract with the single difference being that a Permanent Whole-time Contract is always for 22 hours per week but a CID may be for less. For instance if a teacher is teaching 16 hours fixed term in the qualifying year then they will receive a CID for 16 hours.

A teacher with a CID enjoys the same rights as a permanent teacher.

**How do I qualify for a CID under the new arrangements?**

1. To qualify for a CID you must have up to date registration with the Teaching Council and be qualified to teach in your sector.
2. You must have in excess of two years continuous service with the same employer, on one or more fixed term/fixed purpose contracts.
3. The post must be viable for at least a full school year and come from the allocation.
4. In the qualifying year, at least some of the hours held must be free from an ‘objective ground’ for not awarding a CID.

**What is an ‘objective ground’?**

If all of the hours that a teacher holds in their qualifying year contain what is known as an ‘objective ground’ they will not receive a CID. Objective grounds apply if the hours are of a legitimate fixed purpose nature i.e. covering for a teacher on maternity leave, sick leave or job share OR if there is a legitimate reason as to why the post is not viable in the employment (school/scheme) for at least a full school year.

The teacher’s contract must include a statement detailing the specific objective ground(s).

A generic objective ground (e.g. the post is dependent on funding) is not acceptable.

Please note, if a teacher holds even one hour that is free from an objective ground in their qualifying year, they will get a CID for all hours worked in the qualifying year.

Under CL 24/15, hours covering for a teacher on career break or secondment are no longer considered to be objective grounds for not awarding a CID.

**What are the advantages of the new arrangements for teachers?**

Qualification for a CID after two years is a key concession that has been secured for teachers by their unions and does not apply to other grades in the public service. Under the provisions of the Fixed Term Work Act 2003 the qualifying period for a CID is four years (i.e. this is what workers are entitled to under employment law).

In addition, teachers with a CID for less than full hours can now add other fixed-term hours to their CID after just one year, subject to certain conditions.

**How do I apply for my CID?**

In the ETB sector the HR department will issue you with a CID. In the C&C sector you need to write to their Board of Management stating that they have an entitlement to a CID.

If you a member is refused a CID, they should contact their TUI Branch without delay as there is a 4 week deadline to lodge an appeal (under CL 50/06).

**How it effects members**

**Teachers in YEAR 1**

**If you were first employed on a fixed term contract in the school year 2014/15, you are in Year 1.**

Your post will automatically be terminated at the end of your first year. You will need to apply for and attend for interview in order to secure a post for year 2. You have no automatic entitlement to the position. Therefore, you should also apply for other teaching posts.

You must be notified by your employer that the post is being advertised and be given the details of the application process.

When the post is advertised please check that it is the same post and number of hours that is advertised and, for example, that two posts are not being subsumed in to one or one divided into two. Please contact your TUI Branch or TUI Head Office in such circumstances.

**Teachers in YEAR 2**

**If you were first employed on a fixed term contract in the school year 2013/14, you are in Year 2.**

If your position or hours are available in the school/ETB/scheme in the school year 2015/2016 and some/all of the hours are not comprehended by an ‘objective ground’, you are entitled to a Contract of Indefinite Duration (CID) for all hours worked in year 2 when you enter your third year of employment. This is equivalent to a permanent contract. No interview will apply.

(Note, covering for a teacher on secondment or career break is no longer an applicable objective ground.)

Please contact your TUI Branch or TUI Head Office if you are not offered a CID under these circumstances.

**Teachers in YEAR 3**

**If you were first employed on a fixed term contract in the school year 2012/13, you are in Year 3.**

You will automatically be granted a CID from the commencement of the 2015/2016 school year. No interview will apply.

Your CID will be based on the hours worked in the school year 2014/2015 (i.e. year 3).

Please contact your TUI Branch or TUI Head Office if your hours worked in Year 2 were greater than those worked in Year 3. Please also contact your TUI Branch or TUI Head Office if you are not offered a CID.

**Teachers with a CID for less than full hours**

**You currently have a CID for less than full-time hours, i.e. less than 22 hours.**

If you have been working additional hours on a fixed term basis in the school year 2014/2015 and these hours are available in the school/ETB/scheme in the school year 2015/2016 you are entitled to get a further CID based on these hours or have these hours added to your existing CID.

Please contact your TUI Branch or TUI Head Office which will assist you in your case.

**In order to ensure that the Circular Letter is being implemented correctly and that teachers are benefitting from permanency and increased hours and wages, TUI is requesting that all teachers in their first, second or third year supply us with the information below.**

Please complete this form and post it to Roisin Farrelly, TUI Head Office, 73 Orwell Road, Rathgar, Dublin 6 or scan it and email to [rfarrelly@tui.ie](mailto:rfarrelly@tui.ie)

Alternatively the form can be downloaded from the TUI website and filled in electronically.

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| Name |  |  |  |  |  |  |  |
| Phone Number | |  |  |  |  |  |  |
| Email address | |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Current School | |  |  |  |  |  |  |
| Current ETB (if applicable) | |  |  |  |  |  |  |
| TUI Branch | |  |  |  |  |  |  |
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| Are you in: | | ***(Please tick the correct box)*** | | | |  |  |
| Year 1 (i.e. employed from August/September 2014) | | | | |  |  |  |
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| Year 2 (i.e. employed from August/September 2013) | | | | |  |  |  |
|  |  |  |  |  |  |  |  |
| Year 3 (i.e. employed from August/September 2012) | | | | |  |  |  |
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| Hours held in: | |  |  |  |  |  |  |
| Year 1 |  |  |  |  |  |  |  |
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| Year 2 (if applicable) | |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Year 3 (if applicable) | |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| How many hours do you currently hold: | | ***(Please fill in the number of hours that you hold under each applicable heading)*** | | | | | |
| In own right | |  |  |  |  |  |  |
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| Covering for a teacher on career break | | | |  |  |  |  |
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| Covering for a teacher on secondment | | | |  |  |  |  |
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| Covering for a job share | | |  |  |  |  |  |
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| Covering for a teacher on maternity leave | | | |  |  |  |  |
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| Covering for a teacher on long term sick leave | | | | |  |  |  |
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| Covering for Whole School Community Liaison | | | | |  |  |  |
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| Subjects taught: | |  |  |  |  |  |  |
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Please also note that teachers who have a CID for over 18 hours can have this CID automatically topped up to 22 hours by filling in the following H22 form and returning it to the Department of Education in the C&C/Voluntary Sector or to HR in the ETB sector. *(The form can also be downloaded from the TUI website).*



An Roinn Oideachais agus Eolaíochta,

Corn a Madadh,

Baile Atha Luain,

Co. na hIarmhí.

Department of Education and Science,

Cornamaddy,

Athlone,

Co. Westmeath

**Form H 22**

School Roll Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

School Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I (name) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_being the holder of a Contract of Indefinite Duration of *18 or more* hours agree to be timetabled up to 22 hours per week in accordance with [Circular 0011/2009](#Formh221).

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Teacher \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Principal \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date

This From to be returned to Department of Education and Science, Post Primary Teacher Allocations Section, Athlone, Co. Westmeath for all Community and Comprehensive schools and to Vocational Educational Committee headquarters in the case of VEC schools.