



What does it mean for you?

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# A Word from The President



TUI PRESIDENT, GERARD CRAUGHWELL

TUI members are now signed up to the full terms of the Haddington Road Agreement (HRA). There is understandable and palpable anger at its measures, some of which has been directed towards the TUI executive, TUI officials and the ICTU. However, we must keep our focus on the real enemy, that is, the inept Government which decided to unilaterally tear up the Public Service Agreement 2010 – 2014 (Croke Park Agreement) and once again target public sector workers.

Lest there be any doubt from a TUI perspective, everything about the HRA is objectionable and its impositions have only been accepted grudgingly. TUI members signed up to the HRA not because we wanted to, but because we had the Financial Emergency Measures in the Public Interest (FEMPI) gun held to our heads.

Even still, TUI can claim credit for some gains negotiated through the HRA process. We secured a better pay scale for new entrants, we reduced the qualifying period for contracts of indefinite duration (CIDs) and an expert group will be established to examine the issue of casualisation of employment in teaching and lecturing. At third level we secured the phased conversion of H/PAL and Associate Lecturers to pro-rata Assistant Lecturer status. These are additional gains over and above what was on offer under the failed Croke Park 2 deal and are set out in more detail in this edition.

We must now focus on the battles ahead. The first and most pressing of these for second level teachers will be Junior Cycle (JC) reform. TUI has been working for some time at a number of levels on this vital issue and full details of that work are set out in this edition. With the roll out of the professional development for principal teachers in the early part of November, there is a real fear that teachers will be allowed to drift into the new JC without any opposition. At a recent meeting in the Department of Education and Skills (DES), TUI made its position crystal clear: teachers are already overburdened with workload and can take no more. Over the coming weeks TUI will hold a series of meetings with the Department in order to obtain full information on their plans for the implementation of JC reform. Members will be informed of developments at each stage of this consultation. There are some among us who feel that we should immediately ballot for industrial action in order to stop what they see as drift. While understandable, this would be premature. However, unless all of our concerns are taken on board and our demands fully met, we will not be participating in the implementation of any JC reform. In such a case, it will be resisted using all of the methods available to us as a trade union up to and including a ballot for industrial action.

We have also sought urgent consultation on the usage of the 33 hours, which was a commitment under the HRA. We have described it in the national media and to the Department as being overly bureaucratic and professionally demeaning and we are acutely aware of the frustration this provision is viewed with by many members. We will continue to prioritise this vital issue and we ask you to send us details of your experiences in this regard.

We are still in the process of assessing the impact of Section 30 of the Teaching Council Act and the impact of last year's

attack on the pupil teacher ratio on further education.

Another issue facing TUI is the drive towards the establishment of Technological Universities. TUI welcomes the consultation and information meetings for staff organised by the Dublin Institute of Technology (DIT), Institute of Technology Blanchardstown (ITB) and Institute of Technology Tallaght (ITT) relating to the proposal to form a Dublin Technological University (DTU). I have asked for the establishment of a Working Group comprising members of the three branches to advise on members' issues, concerns and positions. At the appropriate time TUI will also organise a seminar on critical issues relating to mergers in higher education. TUI is committed to maintaining multi-level programmes, regional provision, access routes and advocating for members academic and research interests.

Finally, our commitment to the education system and those we serve has led to a situation where some hard won conditions of service are being eroded as we struggle to keep schools running. Directives on issues such as management posts are being ignored simply to keep order. If we are to continue in the direction we are going we must ask ourselves why any Government that has already succeeded in removing promotional posts would reverse this situation when teachers are undertaking the duties for free. Clearly there is a need to agree a joint union position on these issues. If we fail to do so, teachers will pay a very high price if, for example, duties outside the post system are being carried out for no payment or pensionable credit. We must start to act as trade unionists if we are ever to bring this Government back to its duty of respect for collective bargaining.

A handwritten signature in black ink, reading "Gerard P. Craughwell".



BÓTHAR HADDINGTON  
HADDINGTON ROAD  
2013  
to  
2016

# Haddington Road Agreement – an overview

The outcome of the ballot of members regarding the Haddington Road Agreement was announced on September 20th, 2013. TUI members voted to accept the Agreement by a majority of 54% to 46% on a turnout of 65%. In announcing the result, the General Secretary, John MacGabhann, observed that members had expressed their view in a democratic ballot and that, in doing so, had taken the pragmatic decision to accept the lesser of two evils. It is clear that members considered the full application of the Financial Emergency Measures in the Public Interest Act 2013 (the FEMPI Act 2013) to be worse than the provisions of the Haddington Road Agreement which provide for application of the FEMPI Act in modified form. Following issue of the ballot result the union registered the Haddington Road Agreement (HRA) as a collective agreement with the Labour Relations Commission.

## Application of HRA with effect from 1st July 2013

The union also registered the interim agreement that had been concluded on the 8th July 2013 between the TUI, ASTI and the Department of Education and Skills. The significance of the interim agreement for TUI members is that it provides for the back-dating to the 1st July 2013 of all provisions of the HRA, (including protection against compulsory redundancy for permanent staff - holders of PWT contracts or CIDs). Therefore, for example, any member of TUI who is due an increment will receive that increment, with retrospective effect including backdated payment where

applicable. Equally, any new entrant to teaching or lecturing since the 1st January 2011 will be entitled to application of the revised pay scale for new entrants with effect from 1st July 2013.

## TUI and ASTI

As members will be aware, the ASTI, by ballot of members, rejected the Haddington Road Agreement and decided to commence industrial action with effect from 2nd October 2013. The TUI and ASTI have liaised closely in order to ensure that there is mutual respect for the position of each union. Specifically, the TUI issued an instruction to members not to undertake any work that would normally be done by ASTI colleagues. The unions also issued a joint letter advising that it is agreed between the TUI and ASTI that for the duration of the current dispute between the ASTI and the Department of Education and Skills there should be no transfer of existing members between ASTI and TUI. This agreement, the letter advised, is consistent with the provision of the constitution of the Irish Congress of Trade Unions and is intended to ensure that the position of each union in the current circumstances is afforded full respect. Persons who are not existing members of either union may be taken into membership, subject only to compliance with the rules of the particular union to which they apply. This joint letter issued on the 24th September. Applications for transfer of membership which were received by either union before the conclusion of the ballot are being processed.

## Implementation of the HRA

The TUI also advised members that, pending issue of circular letters by the Department of Education and Skills, implementation of the measures set out in the HRA should not proceed. On the instruction of the Department of Education and Skills and following discussion at the Institutes of Technology IR Forum, a circular letter issued from the Higher Education Authority to IoT management on 3rd October. At second level a circular letter - 0049/2013 – issued on 9th October. Therefore, implementation of the provisions of the HRA has commenced in each sector. Members are now entitled to the payment of increments (where applicable) and to application of the revised scale in the case of new entrants. In regard to the latter, a revised scale for new entrants to the Assistant Lecturer grade will issue in due course; this scale is being developed in tandem with scales for other Public Service entry grades. When available it will have retrospective effect to the 1st July 2013.

## Contracts of Indefinite Duration

Of particular importance to a substantial number of members is the entitlement to a Contract of Indefinite Duration upon commencement of a fourth consecutive year of service with the same employer. In effect, this involves amending circular letters 93/2007 (third level) and 34 and 33/2009 (second level). It should also be noted that Circular Letter 93/2007 will be applied to hourly paid Assistant



Lecturers, thereby giving them access to Contracts of Indefinite Duration upon commencement of a fourth successive year. The conversion from hourly paid Assistant Lecturer status to Assistant Lecturer will also proceed as set out in the HRA. At both second and third level, expert groups are being established to address the issue of casualisation which in recent years has had a devastating effect on the public education system.

## TUI members in the Voluntary Secondary Sector

TUI members in the Voluntary Secondary sector also have a clear and uncontested entitlement to have the provisions of the HRA applied to them. This is acknowledged by the Department of Education and Skills which will issue further guidance or a circular letter to this effect. CL 49/2013 makes reference to this matter.

## Consent Form – Appendix I of 49/13

At second level, the circular letter, as an initial, interim mechanism, applies the terms of the HRA to those working in the ETB sector, with the exception of dedicated Community Colleges. Therefore, teachers in the sector, apart from those working in dedicated Community Colleges, are not required to return the teacher consent form at Appendix I of CL 49/2013. Teachers in Community and Comprehensive Schools and in designated Community Colleges in ETBs are required to return the consent form if they wish to have the terms of the HRA applied to them and, thereby, to avoid full application of the terms of the FEMPI Act 2013.

Under Circular Letter 49/13, teachers in designated Community Colleges in the ETB sector and in Community and Comprehensive schools are required to return the consent form at Appendix I of the letter to the ETB or the Department of Education and Skills respectively.

The individual consent form appended to circular letter 49/2013 does not breach data protection requirements or regulations. In this regard, the union had sought and received advice from the Data Protection Commissioner and had informed the DES and the management bodies that the TUI would not be providing lists of members, at either local or national level, to the employer. Receipt of the teacher consent form by either the Department of Education and Skills (in the case of teachers in the Community and Comprehensive sector) or the relevant ETB (in the case of teachers in dedicated Community Colleges) will trigger application of the HRA to that teacher. As stated on that form, early submission will assist in enabling the DES or the ETB to implement adjustments to salary under the Haddington Road Agreement at the earliest possible date. Conversely, delay in submitting the form will result in delay in adjustments to salary and/or, if applicable, in award of a CID at the commencement of one's fourth year.

## Anomalies

A number of significant anomalies in the terms of the HRA and/or FEMPI Act 2013 have been identified by the TUI and by other unions. One concerns the disproportionate, adverse effect on those who retire following expiry of the "grace period" on the 31st August 2014 but before restoration of salary under the terms of the HRA. The other concerns the application on a pro-rata basis of pay cuts to jobsharers and to part-time employees whose salary would, were they full-time, exceed €65,000. Jointly with the other public sector unions, the TUI is addressing these matters.

## Application of such benefits as the HRA provides

In the context of implementation of a collective agreement (the HRA) which is to nobody's liking, the TUI is determined to ensure, at the least, that where there is benefit for members it should be delivered without delay. The Department of Education and Skills has explicitly undertaken to ensure that this is the case. If employers at second or third level seek to frustrate or delay application of what benefits there are in the HRA, this should be reported as a matter of urgency to the Branch, the Area Representative and TUI Head Office.

In particular, anybody who has an entitlement to a Contract of Indefinite Duration by virtue of having moved into her/his fourth successive year of employment with the same employer should, advised by the workplace committee and/or branch, seek offer of that contract without further delay. If a Contract of Indefinite Duration is offered the member should consult with the workplace committee or the Branch to ensure that the hours specified in the contract are correct and appropriate. If any problem arises in this regard it may be necessary to submit an appeal for adjudication under Circular Letter 50/2006. In such a case it is important to note that the appeal must be submitted within four weeks of either refusal to award the contract or offer of a contract that does not specify the appropriate number of hours.

## Updates on TUI Website

In order to assist members on matters relating to the HRA, the union regularly updates its FAQ section on the TUI website. Any queries that are directed to Head Office will be taken into account when the FAQ is being updated.

Further information on the Haddington Road Agreement is set out on p.18-22

# The question of the 33 hours – usage must be more creative, imaginative and educationally valid

It requires no particular wisdom to know that the Irish public education system at second level has always been resourced in a miserly fashion or to recognise that the voluntary, unpaid, additional work of teachers has always supplemented state funding and has hugely enriched the educational experience of students. It was, therefore, a matter of regret, concern and, latterly, anger within the teaching profession that, in the Public Service Agreement 2010 - 2014 (The Croke Park Agreement), the State chose to measure the immeasurable but invaluable and to codify the voluntary. While acknowledging that this was perhaps demanded by external agents as an element of the Troika effect, the decision to impose the 33 hours has been regressive. It is not simply that what was given voluntarily was now unnecessarily coerced but that the purposes to which the hours were applied were far too often unproductive and, not infrequently, bizarre.

At every available opportunity since the commencement of the PSA 2010-2014 the TUI has raised with the Department of Education and Skills and with the Minister the problematic and counter-productive effect of the imposition. During the sectoral discussions in May 2013 regarding the Haddington Road

Agreement, the TUI and the ASTI argued trenchantly for withdrawal of these coerced hours, on the basis, not least, that the education system and students would profit as a result. Different and better work would be done, guided by the real needs of schools and of students and by the professional judgement of teachers and school management.

The Department of Education and Skills, in response, stated definitively that no reduction in the quantum of hours would be entertained. However, acknowledging the consistent concerns of the unions and without prejudice to the position of any party, the Department agreed that a process to review the use to which the hours are put would be made available. This process would be outside the context of the Haddington Road Agreement (which carries forward the commitment to delivery of the 33 hours). The TUI has called for engagement in this process to commence. The TUI President, Gerard Craughwell observed that “in too many cases the manner in which the 33 hours are being used in schools and the constraints that apply to that usage are regarded by our members as professionally demeaning. This sense of frustration and professional slight at the bureaucratic and coerced nature of the usage of the hours is growing with each

passing week. Too often management appear to display more of an obsession with ticking off these blocks of time rather than ensuring that the resource is of any real benefit in supporting education within the school”.

If the 33 hours are to be used, it is the strong view of the TUI that they must be used in a more creative, imaginative and educationally valid manner than at present. It is only fair to note that in many schools the collective professional knowledge and wisdom has been brought to bear on the usage of the hours. Common sense and professional judgement have combined to ensure that they are being used to greatest effect. However, in other schools, a dim and sullenly bureaucratic mind-set has resulted in entirely unproductive use of the hours. Students don't benefit, teachers – with justification – feel professionally slighted and collegiality is fractured. In regard to this latter group of schools national managerial bodies would do well to dispense some timely advice.

For our part, we in TUI are committed to securing the review of usage of the hours as quickly as possible and to addressing what has become a matter of very significant professional and personal concern for members.

## ESRI report shows education cuts damaging vital programmes

Figures in an ESRI report on second level school funding released in October show that schools have been forced to make considerable cuts to provision as a result of funding constraints. Programmes that provide students with alternative pathways to

secure a second level qualification have been particularly badly hit.

Commenting on the report, TUI President Gerard Craughwell said that ‘this is clear evidence of the effects of the austerity agenda on

education. One third of schools were forced to drop subjects while one in ten dropped the Leaving Certificate Applied (LCA) and 6% dropped the Leaving Certificate Vocational Programme (LCVP).

# Probation process should be fair, consistent and professionally sustainable

In a case currently being dealt with by the union, a member who had completed an initial year of pro-rata fixed-term service with a VEC employer did not have the fixed term contract renewed for the succeeding year, apparently on the basis (at least in part) of a locally devised, unilaterally imposed, probationary process that had not been agreed with the TUI or brought to the Teachers' Conciliation Council. It is the position of the TUI that this treatment of the teacher by the employer is both unfair and unacceptable.

A wider question also arises. In 2006, the need to develop an agreed, nationally applicable process for probation for/into an employment (in a school or an ETB) was acknowledged by all parties to the Teachers' Conciliation Council (TCC). In

that context it was decided that, with the exception of a very small number of identified probationary processes that were already in use at that stage, no further locally devised processes should be implemented and that, instead, the parties to the TCC would develop a nationally agreed process that would have the advantage of consistency and manifest fairness. Through no fault of the unions, development of such a process was delayed. However, in 2012, a sub-committee of the TCC was charged with advancing the work and is making progress in this respect.

For individual employers to seek to preempt or undermine the development of an agreed process is unacceptable. Therefore, members of the TUI, including principal teachers and deputy principal

teachers, are advised that they should have no involvement in any purported probationary process that has been locally devised, has not been approved by the TCC and has not been agreed with the TUI. If any member is invited, requested, instructed or otherwise required to be involved in such an un-agreed process, s/he should immediately inform the workplace committee representative and the local branch and seek union advice and assistance.

The TUI sees the need for a probationary process that is fair, transparent, consistent and professionally sustainable. Locally devised, un-agreed processes characteristically lack one or more of these qualities – a fact to which our member in the case referred to above can attest.

# Budget measures will damage student progression and retention

TUI criticised cuts to the third level sector announced in October's Budget which it says will make progression a bridge too far for too many students. The union described the provision of new teachers as a small step in the right direction that will not address previous staff cuts.

“The provision of 500 new teachers at second level is a small step in the right direction but these posts are a necessity as a result of rising student numbers and will not address staffing cuts inflicted by previous cutbacks,” said TUI General Secretary John MacGabhann.

‘Last year’s Budget reduced the funding allocation to third level colleges by €25m with the understanding that it was to be restored in this Budget. The draconian decision not to restore this for another year is damaging in the extreme at a time

when student numbers have spiralled and the numbers of academic staff have plummeted. Lecturers are finding their workload has increased and find it extremely difficult to allocate the necessary time for academic support for students. Lecturer workload involving assessment, examinations, feedback and administrative duties has increased massively. This is resulting in less time for research, scholarship and other academic duties such as engagement with industry and community.’

‘Similarly, the measure that apprentices attending Institutes of Technology must now themselves pay a student contribution of €540 previously paid for by the Exchequer is a swingeing attack on student participation, upskilling and reskilling. This will only add to existing logjams in the apprenticeship area.’



‘Further increases in the student contribution that will bring the fee to €3,000 per annum will have hugely damaging effects. This hike comes at a time of increasing anecdotal evidence that many students are passing exams but still unable to continue with their studies due to the rising expense of education.’

# Junior Cycle: Current developments and TUI position

In September 2012, at the first meeting of the Department of Education and Skills Consultation Group on Junior Cycle, the General Secretary stated unequivocally that the TUI “will oppose implementation of change until and unless adequate and appropriate resources are made available”. He further stated that, “The Resources will have to reflect the work involved and protect against additional workload for teachers. They will also have to support practice, services and systems that will ensure quality and consistent standards and promote equitable provision”.

## National Context (background and current)

- The NCCA advised the Minister on Junior Cycle in 2011. TUI endorsement of the proposals was conditional; contingent on government commitment to providing adequate resources, including time, for implementation.
- Minister Quinn launched a Framework for Junior Cycle in 2012 (4th October) which departed from the advice provided by the NCCA Council. He made a unilateral decision to terminate the Junior Certificate examinations and placed emphasis on school-based assessment, to be phased in from 2014-2020. TUI and ASTI expressed strong concern about the manner in which the framework was announced and opposition to particular elements of the proposed framework, especially the proposed approach to assessment (which set aside the NCCA advice).
- Mandated by Ministerial decisions, the NCCA is developing new “curriculum specifications” (to replace subject syllabuses) and a new assessment strategy.
- A proposed new specification for English has undergone public consultation and has recently been approved by Council of the NCCA. TUI and ASTI participated in the Development Group and the NCCA national consultative conference in September 2013. The TUI has advised the NCCA of the union’s view that the structure and focus of the consultative conference was inadequate and did not allow English teachers to address the issues that

most concern them, particularly in respect of assessment and the attendant administrative workload. The union has also formally advised both the NCCA and the Department of its policy position on school-based assessment and serious concerns about workload, resources, certification, educational equity issues and the lack of agreement on an overall framework for assessment (inclusive of terminal examinations).

- A number of short courses, including SPHE, CSPE, PE and Programme Coding, will shortly be the subject of consultation. Development Groups have been established for Irish, Science and Business Studies and meetings have commenced. As in other discussion for a, engagement by TUI members or officials in the process will be underpinned by TUI policy (as per Congress motions) and will be without prejudice to any policy position the union may take on implementation at a later time.
- An assessment and moderation toolkit is under development by the NCCA. This will include details of how it sees the assessment process, moderation and certification being managed and supported. It will form the basis of detailed discussions between the NCCA, the Department and the teacher unions on operational issues, educational and equity implications, workload and resources. Where appropriate, those discussions will have an industrial relations focus.
- A Partners’ Consultation Group (led by the Department) has met 5 times (Sept and Nov 2012; Jan, Feb, Mar, June 2013). A further meeting is due in November 2013. This group considers practical implementation issues. While useful, it is not, however, a negotiation forum and does not, of itself, satisfy the requirements of the TUI. Therefore, a separate forum for discussion with an IR focus is also needed.
- A national director (Pádraig Kirk) and a professional development team have been appointed to roll out continuing professional development (CPD) for principals and teachers (commencing in October 2013). Paid substitution hours have been committed to facilitate attendance and school planning meetings. The TUI and ASTI have met with the CPD team at a consultative forum led by the

Department. Both teacher unions have trenchantly stated their concerns that the level of CPD planned is insufficient and, equally importantly, that it lacks context in the absence of clarity regarding the mechanisms envisaged for assessment. The unions, without prejudice to the positions they may take on the matter, have demanded that the precise nature of the assessment proposals be clarified.

- In response to the unions’ demands, the Qualifications and Curriculum Unit (Department) is preparing a document to communicate the Department’s position on the parameters for implementing a new junior cycle. This will be considered by the Partners’ Consultation Group. More significantly, it will also form the basis for formal negotiations on resources and implementation strategies between the teacher unions, management bodies and the Department.
- The Minister remains committed to his decision that a new junior cycle will be phased in from September 2014.

## Current TUI Strategy and Action

- The General Secretary and President attended a meeting in the Department on 7th October at which the Department outlined its plans for commencing a Continuing Professional Development Programme. The TUI and ASTI made very clear the concerns of teachers and principals (see above).
- TUI has sought IR meetings with the Department at senior level to discuss specific details regarding the Department’s implementation proposals and to commence formal discussion on timing and resource issues and related IR concerns. An initial meeting took place on the 15th October and a further meetings are scheduled.
- A team of three officials (Education/Research Officer and two Assistant General Secretaries) are preparing background briefing notes to inform the union’s discussions with the Department. Areas covered include strategies to prevent increases in workload (e.g. payment for work, substitution time, co-ordination time, flexible timetabling arrangements),



resources for planning support, external moderation and assessment, certification etc.

- The TUI has met with the NCCA team leading junior cycle development and clearly set out members' concerns in relation to a range of issues and, in particular, assessment and moderation.
- With regard to school-based assessment at Junior Cycle, TUI is guided by motions passed by Congress 2012 and 2013. The union position is based on compelling arguments that others, even if they don't agree, will respect. A "clarification and issues" paper on assessment was jointly commissioned by TUI and ASTI. This paper will assist the unions in promulgating an informed, evidence-based view on assessment and the resources and systems that would be essential for any kind of school-based assessment.
- An updated briefing document setting out TUI policy (as per Congress motions) and union engagement with the Department about educational, student equity, resource and teacher workload issues will be circulated to members shortly.
- An on-going media strategy will be pursued in relation to TUI policy and concerns.
- The union will continue to liaise with Parents' Organisations for an open exchange of views on the possibilities and difficulties arising from the change proposals, especially in respect of assessment, certification and student access.
- An internal working group, comprising executive committee members from the Education, Second Level and C&C Sub-Committees as well as officials, has been formed to oversee the development and implementation of TUI strategy. It had its first meeting on 18th October and will convene regularly.
- The union will maintain close contact with our colleagues in the ASTI with a view to ensuring a coherent approach that will best represent teachers' concerns and requirement.
- We will liaise with the Ulster Teachers' Union and the NASUWT to explore issues of common concern in respect of school-based assessment and learn from their experience to date.
- The union will maintain close contact (via area representatives and /or the ERO) with TUI members involved in the PDA network schools and the NCCA school network to elicit views on developments in respect of

resource and workload issues and day-to-day operational issues. This will support TUI analysis of resource and support issues.

- A members' consultation event will be organised before the end of 2013 to facilitate feedback on short courses now at consultation stage.
- Consideration is being given to convening a national consultation conference on Junior Cycle similar to that held in December 2012.

## TUI Engagement up to October 2013

- Since the Ministerial launch of the framework for a new Junior Cycle (October 2012) the TUI has sought meaningful engagement with the Department and the management bodies on the educational, resource, workload and practical implications of introducing a new junior cycle.
- In a number of public addresses and meetings the Minister has noted the potential for negotiations on an implementation strategy and resources. However, there has been a marked reluctance on the part of the Department to commence formal discussions. Continued delay in this regard is unacceptable to the TUI. The union is determined to ensure that there will not be "drift" into implementation.
- Guided by union policy and Congress motions from 2012 and 2013, TUI has been emphatic in its position that union support for any change is contingent on adequate and appropriate resources (in the broadest sense of the term). TUI representatives, in every available forum, highlight teachers' demonstrated commitment to the development of appropriate curriculum and to the provision of an educational experience of the highest quality. They illustrate this by reference to the many and on-going curricular initiatives over the years. However, TUI representatives also clearly set out members' serious concerns about the proposed approach to assessment at Junior Cycle and related issues.
- TUI has issued regular consultation material to support discussion and has invited on-going feedback from members.
- TUI and ASTI jointly organised a members' consultation seminar in 2010/2011 and a joint meeting for schools involved in the NCCA Junior Cycle Network in 2012.

- Relevant officials and area representatives addressed the issue of Junior Cycle at 12 branch/area meetings during 2010/2011. These were generally well attended and very representative.
- Six regional meetings on Junior Cycle were organised in 2012.
- A PDA network of schools (11) was formed in 2012 to examine the practicalities of Junior Cycle implementation. TUI provides on-going support.
- There has been on-going contact with TUI schools involved in the NCCA Junior Cycle Network and the PDA network to elicit views in respect of resource and workload issues and day-to-day operational issues. Details received were relatively scant due to the early stage of development of work undertaken by these schools.
- In December 2012 a (well attended) TUI national consultative conference on Junior Cycle was held in NUIM
- A further regional meeting was held before Congress 2013.
- In May 2013 TUI organised a members' consultation event on the proposed English specification and prepared a detailed response.
- In conjunction with ASTI, the TUI repeatedly raises members' concerns with the NCCA and the Department and seeks further explication of the plans for change so that a genuine critique of educational and resource issues can be undertaken.
- Implementation of a new Junior Cycle is separate from and does not form part of any commitment under the Haddington Road Agreement. The TUI and ASTI secured explicit clarification in this regard during the course of the sectoral discussion on the HRA.

It is clear that members' concerns have remained consistent since 2010 and relate to:

**Educational Standards  
Public Confidence  
Equity in Student Access  
System and School Capacity.  
Resource and Implementation  
Issues  
Assessment, Moderation and  
Certification  
Teacher Workload**

The TUI is committed to representing these concerns comprehensively and effectively and will - where and when appropriate - give due consideration to action, including industrial action, in the event that any unacceptable impositions in relation to Junior Cycle are attempted.

## Dublin Technological University

The union welcomes the consultation and information meetings for staff organised by the Dublin Institute of Technology (DIT), Institute of Technology Blanchardstown (ITB) and Institute of Technology Tallaght (ITT) relating to the proposal to form a Dublin Technological University (DTU). This type of consultation process was proposed by the union at a prior meeting with senior managers of the three institutes.

The three institutes have engaged in a consultation process with the main unions who represent staff who work there. The initial proposal was to open a dialogue on the DTU project. The engagement has developed and parties have agreed to the establishment of a joint union/management group. While the terms of reference of the union/management group need to be finalised, there is general agreement of

the role the group will have to take in communicating key developments. The composition of the joint union/management group will be four representatives from each union, three of whom will attend meetings with senior managers of the three institutes.

In consideration of the importance of this project the union has established a Working Group consisting of members from the three branches (DIT, ITB, and ITT). This Working Group will serve a central role of engaging with branch members about DTU developments and informing the nominations on the joint union/management group of concerns, issues and positions. In addition, the union has invited the management group to participate in a seminar to explore critical issues relating to higher education mergers.

The union noted that its primary concern was its members in the institutes who have a direct interest in the academic mission of the project, the research strategy and pedagogical practice. Members want the high level of academic quality assurance to be maintained with the establishment of a DTU and the retention of both multi-level programmes and regional provision. Members have emphasised that they expect their union to be the sole representative in any discussions with management pertaining to members' conditions of service. The union will continue to represent the interests of members in this project as it develops. Members in the three branches (DIT, ITB, ITT) should raise any issues or concerns with their branch committees or Area Representatives.

## TUI sets out its position to the Apprenticeship Review Group

At a meeting with the Apprenticeship Review Group, TUI raised its concerns about the lack of trade union representation on the Review Group and called for the establishment of a sub-group comprising of trade unions who have a direct involvement in apprenticeship. The union stated that any outcome from the review that impinges on our members' conditions will have to be negotiated directly with the union. The union offered to assist the Review Group in their work by organising site visits, meetings with staff and a national seminar. The union's draft submission contained the following points:

- (1) Both the National Skills competition and the Worldskills competition should be adequately resourced and supported.
- (2) A centralised registration system for apprenticeship applications similar to the CAO should be introduced. Pre-apprenticeship and work placement programmes to be offered by the ETBs.
- (3) There should be an agreed enrolment floor and ceiling for the number of apprentices allowed into the system each year.
- (4) Apprentices need an assurance that they can complete their apprenticeship even in cases where redundancy is a factor.
- (5) The trade areas should be

regulated and a licensing system for both apprenticeship and qualified trades people introduced.

- (6) A Professional Standards Programme (PSP) should be introduced to maintain the quality, upskilling and professionalism of the trade areas.
- (7) A range of gender equality policies need to be developed and enforced in the trade areas.
- (8) A series of common foundation modules such as learning-to-learn, communications, problem solving, health and safety and dignity at work should be introduced.
- (9) Key modules in mathematics and science that provide the broad range of theory and applied concepts relevant to the new world of work should be introduced.
- (10) The QQI should review the NQF level of apprenticeships based on the required learning outcomes for each trade area.
- (11) A five point marking scale for examinations should be introduced and all individual apprentices' results recorded on an examination supplement document.
- (12) The IoT sector's quality assurance and programme validation and programme review process should be utilised.



- (13) Career paths for apprentices should be developed.
- (14) A 13 person representative council should be established to govern the apprenticeship system.
- (15) The range of designated trade areas should be reviewed and where appropriate new trades introduced.
- (16) The apprenticeship system should continue to be funded by the income generated from the training levy.
- (17) The provision of apprenticeship education and training should remain with the IoTs and the new ETBs.
- (18) The ETBs should provide workplace programmes for students who are interested in becoming apprentices.
- (19) Traineeship should not become part of the apprenticeship system.

## Fair or not fair procedure: Advice on dealing with student complaints

The union recognises that students have a right to process a complaint through an institute's complaints procedure. Most of these procedures contain the general principles of 'fair procedure', 'due process', 'prompt local resolution in the instance' and 'the use of informal procedure first then the formal procedure'. While TUI agrees with these general principles and advises members to utilise them, the union is, however, concerned about some cases. The union has been made aware of cases where management have not informed staff that a complaint was made against them, have moved complaints to the formal stage without any local engagement or informal procedure and sought to invoke disciplinary action against staff based on findings from an investigation that the staff member was unaware of.

The union advises members to be vigilant and where a complaint is made to note the following:

- Do not engage in a complaints procedure on your own
- Report the complaint to your branch and seek advice and representation
- Request a copy of the complaint
- Request a copy of the procedure the complaint is made under
- If the institute is not following its own procedure request the branch to lodge grievance
- Do not become isolated - confide in your union colleagues
- Where an employer is informed that an employee is suffering from work related stress arising from a complaint the employer is obliged to

provide a reasonable accommodation

- Do not agree to terms of reference for an investigation without union advice

The union has noticed that some student complaints that start off as an appeal of a student's examination marks have mushroomed into complaints about staff underperformance and in some cases allegations of bullying. Members are advised to keep records of class attendance and follow the quality assurance and marks and standards procedures. Members should report issues relating to students as they arise to their Head of Department and keep a record. Issues relating to marks and standards should be reported to course boards and examination boards. If members have any queries they should contact their local branch.

## European study on supportive environments for academic staff

Both TUI and IFUT will participate in a research project exploring supportive environments for academic staff in higher education institutes. The research will be co-ordinated by Education International. It will consist of a questionnaire and semi-structured interviews and will commence shortly. The focus of the research will be:

1. To explore participants' perceptions of the division of labour in their work (ie research, teaching and administration), and their views on the teaching/research nexus.
2. To determine the extent to which participants consider themselves to have autonomy over the substance and scope of their role.
3. To examine the extent to which participants consider discourses on and practices of managerialism to impact on their role and the degree to which they view themselves to be on an 'academic assembly line'.
4. To capture diversity among academics (in terms of discipline and stage of career) in their experiences of changes (if any) in the degree of control over their work since the beginning of their academic career
5. To explore participants' views on the extent to which their role is controlled by bureaucrats from outside.
6. To explore participants' views on collegiality within their organisation.
7. To explore participants' views on the extent to which knowledge developed (through research) in their discipline is controlled by vested or other 'outside' interests.

TUI is requesting members in the higher education sector to participate in this important research project and the union's Education & Research Officer will co-ordinate the union engagement. Third level branches will receive more information shortly.



## TUI Credit Union appoints manager

The board of the Teachers' Union of Ireland Credit Union Ltd is delighted to announce the appointment of Paul Roche to the full-time position of manager of the TUI Credit Union.



PAUL ROCHE  
TUI CREDIT UNION MANAGER

Paul brings to the credit union a business career spanning over one and a half decades through his role with VHI Healthcare, Tyndall National Institute, a short period in Australia, and most recently Glanmire & District Credit Union Ltd where he held the position of Finance Officer.

Paul is a graduate of UCC where he studied Commerce, specialising in Economics/Finance and Information Systems.

Paul brings to the TUICU a wealth of credit union knowledge and experience at a time when the credit union movement is undergoing unprecedented change and uncertainty.

Paul believes strongly in the credit union ethos. He believes that the credit union movement is more important and useful now than ever before. In the credit union members can save and have access to credit whenever they need it.

Paul, as manager will play a fundamental role within the TUI Credit Union defining key priorities, preparing and proposing strategies for membership growth and developing the loan book. He will report directly to the board of directors and will lead office staff in implementing the all-important credit union Strategic Plan as envisaged by the Central Bank.

Outside of the working environment Paul shares a passion for sport and in particular GAA & Athletics. Paul has competed with Sarsfields Hurling Club in Cork at senior level and recently turned his attention to athletics where he has completed numerous half marathons. In March this year he completed his first marathon in Barcelona. He hopes to complete the Amsterdam marathon this October.

## Special Christmas Loan

A special Christmas loan of maximum €2500 over one year at 5.99% APR is being offered to members from the 1st November 2013 to 6th January 2014. If you take out the maximum loan your monthly repayments will be €214.96 and the total interest on the loan will be €77.34.

## Special Car Loan 2014

Planning changing your car in the New Year! TUI Credit Union will be offering members a special car loan at 6.5% APR from the 1st January 2014 until the 28th February 2014 so contact us.

## TUI Recruitment in Institutes of Technology

TUI is recruiting new members in the Institutes of Technology and TUI Credit Union will also be represented. We invite those joining TUI to also become members of TUI Credit Union. (If you are a member of your local Credit Union you can also be a member of TUI Credit Union. You can save and repay loans through deduction at source with us.)

## CONFIRMED MEMBERS DRAW

### August Draw Results!

Congratulations to our lucky winners:

- 1st prize - €1500 Mary Cusack, Co. Cork
- 2nd prize - €1000 Eileen Maguire, Dublin 15
- 3rd prize - €500 Helen Kenny Murphy, Co. Meath

### September Draw Results!

- 1st prize - €1500 Mr Donhall, Co. Dublin
- 2nd prize - €1000 Sean Reidy, Co. Westmeath
- 3rd prize - €500 Quentin Nea, Dublin 16

**It's still not too late to join next month's draw - it only costs €5 per month.**

**Just download the application form from our home page or contact the office for more details.**

# SPECIAL CHRISTMAS LOAN



Maximum  
**€2500**  
over one year at  
**6% APR**

Repayments €214.96 per month for maximum loan.

Total Interest paid for maximum loan is only €82.82.

Running from 1st November 2013 - 6th January 2014.

Terms and conditions apply.

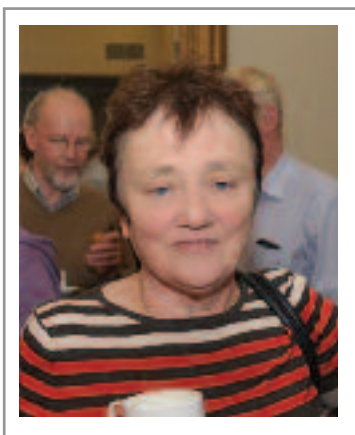
# TUI Pre-Retirement Seminar

A pre-retirement seminar took place in the Gresham Hotel in Dublin in October. The event was organised by TUI head office and featured sessions from the Retirement Planning Council, the Department of Education and Skills, TUI's Retired Members' Association and Cornmarket Group Financial Services.

There were over eighty participants and TUI wishes to acknowledge the contribution of Pauline Murphy from the Retirement Planning Council of Ireland, Nuala Heaney from the Department of Education and Skills, Christy Conville from the TUI Retired Members' Association and Brendan De LaHarpe and Michael Pitt from Cornmarket in making this seminar a success.



PAULINE MURRAY, RETIREMENT PLANNING COUNCIL, ANNETTE DOLAN, DEPUTY GENERAL SECRETARY, TUI, NUALA HEANEY, DEPARTMENT OF EDUCATION AND SKILLS AND MICHAEL GILLESPIE, ASSISTANT GENERAL SECRETARY TUI.



# Annual Congress 2014 - Kilkenny

**Congress 2014 will be held from 22nd to 24th April 2014 in the Newpark Hotel, Kilkenny.**



*Reservations for accommodation during Annual Congress can be made with the following hotels:*

## **Newpark Hotel**

Tel: 056-7760500

Email: [reservations@newparkhotel.com](mailto:reservations@newparkhotel.com)

B&B €65.00 per person sharing

€90.00 single

Children sharing with two adults: Under 3 years free of charge

Up to 12 years breakfast €5.50 per child

13 – 15 years €40.00 per night

*Bookings must be made before 31st December 2013 to avail of the above rates.*

## **Kilkenny River Court Hotel**

Tel: 056-7723388

Email: [info@rivercourthotel.com](mailto:info@rivercourthotel.com)

B&B €45.00 per person sharing

€70 single

Children sharing with two adults: Under 4 years free of charge

€20 per child per night B&B

*Bookings must be made before 31st December 2013 to avail of the above rates.*

## **Kilkenny Ormonde Hotel**

Tel: 056-7750200

Email: [reservations@kilkennyormonde.com](mailto:reservations@kilkennyormonde.com)

B&B €60.00 per person sharing

€75 single

Children sharing with two adults: Up to 2 children share free

## **Pembroke Hotel**

Tel: 056-7783500 Email: [reservations@pembrokekilkenny.com](mailto:reservations@pembrokekilkenny.com)

B&B €65.00 per person sharing

€90.00 single

Children sharing with two adults: Children free

Family room €150 B&B

*Bookings must be made before 31st December 2013 to avail of the above rates.*

## **Springhill Court Hotel**

Email: [reservations@springhillcourt.com](mailto:reservations@springhillcourt.com)

Tel: 056-7721122

€69 double/twin occupancy

B&B €59.00 single occupancy

Rooms will be allocated on a first come first serve basis.

## **Reservations**

*Reservations should be made directly with the hotels. There are no booking forms required.*

## **Crèche**

Child care facilities will be available at a registered local crèche, but places are limited. Bookings will open in February 2014 and **MUST BE MADE BY 7th MARCH 2014.**

*Please note that bookings must be made by this date.*

*No bookings will be possible after the 7th March 2014.*

*Places will be allocated on a first come, first served basis.*

## **Meals at Congress**

All meals will be available to purchase in The Newpark Hotel, i.e. lunch and an evening meal.

# Some recent TUI successes

## The following are examples of cases taken recently for members by TUI officials under

- The provisions of the fixed term and part-time legislation to Rights Commissioners seeking a Contract of Indefinite Duration or seeking that hourly paid lecturers be paid as per their whole time comparators and
- The provisions of Circular letters 50/06 (second level) and 45/06 (third level) to the Adjudicator seeking either a determination that the member was entitled to a Contract of Indefinite Duration or that the member should have been awarded a greater number of hours in his/her CID.

### The following case was taken to the Adjudicator on behalf of a member in third level:

In this case the appellant commenced employment as an Assistant Lecturer at the commencement of the 2007/2008 academic year. The appellant received a second contract as an Assistant Lecturer for the duration of the academic year 2008/2009. The third contract received by the appellant was for a five year period from the 1st September 2009 to the 31st August 2014. This contract stated:

*“The Institute is not in a position to offer you a permanent position at this time as it is subject to state controls as set out in the Moratorium on Recruitment and Promotions in the Public Service and the Employment Control Framework for the Higher Education Sector together with budgetary constraints within the institute.”*

The Appellant sought a CID from his employer and was refused same.

Paragraph 2.2.1 of Circular letter 93/07 states that :

“The employer shall issue a Contract of Indefinite Duration to any fixed term lecturer with four or more successive lecturing service on 1st September 2006 or any date thereafter who is deemed qualified and who is not excluded by reason of one or more of the following which the employer can demonstrate:

- (i) That the post will not be viable within a reasonable period and where such a ground was set out in writing in the previous contract.
- (ii) That the person is covering for a post holder on an approved scheme of leave of absence.”

The Appellant is entitled to a Contract of Indefinite Duration pursuant to the provisions of Paragraph 2.2.1 when he has attained four or more years unless the employer can demonstrate that any of the objective grounds set out above

apply. The objective ground set out in the contract commencing September 2009 provides that the employer cannot offer a permanent position as it is subject to state controls as set out in the Moratorium on Recruitment and Promotions in the Public Service and the Employment Control Framework for the Higher Education Sector.

It is this objective ground which must be judged in accordance with the provisions of paragraph 2.2.1. The only ground which could be relevant is that set out in subparagraph (i) – that the post will not be viable within a reasonable period.

The provisions of Circular letter 93/2007 reflect the entitlement of an employee to a fixed term contract unless objective grounds are established by the employer. The onus is on the employer to establish that such objective grounds exist and were set out in the contract.

The Adjudicator determined that while “it is clear that the employer is subject to State controls as stated in the contract, it has not been demonstrated that the post which the Appellant holds in the present case will not be viable within a reasonable period. Further that was not set out as an objective ground in writing in the contract at the time of execution.”

The Adjudicator noted that the employer is undergoing a programme of reorganisation which may result in a rationalisation of programme delivery. However the Adjudicator further noted that even if this had been included as an objective ground in the contract that it does not of itself demonstrate that the post will not be viable within a reasonable period.

The Adjudicator awarded the Appellant a CID for 18 hours as an Assistant Lecturer.



## Rights Commissioner case taken under the provisions of the Protection of Employees Part Time Work Act 2001 on behalf of member in an Institute of Technology.

The Claimant in this case who had been employed for a number of years by the Institute concerned claimed that her employer was in breach of the Protection of Employees (Part Time Work) Act 2001 by treating her less favourably in her conditions of employment than her comparable grade of Assistant Lecturer.

The Claimant's contract described her position as an hourly paid Assistant Lecturer. The Claimant submitted that she was fully qualified for the position and that when her duties were compared to those of her full time comparator that she was carrying out the same range of duties as her full time comparator. It was contended that the employer was in breach of the provisions of the Part Time Act as the Claimant, unlike her full time comparator, was not in receipt of pro-rata pay, incremental credit, pay for sick leave etc.

The Rights Commissioner having reviewed:

- “the evidence presented at the hearing and noted in particular the duties of the Claimant and her comparator having regard to skill, physical/mental requirements, responsibility and working conditions.
- the duties set out in the contracts held by the Claimant and her comparator.”

concluded that the core duty of the claimant and her comparator is to teach/lecture students. The Rights Commissioner also stated: “I am satisfied that the named comparator, is a comparable full time employee.” The Rights Commissioner further stated: “While I acknowledge the additional duties of Assistant Lecturer set out by the Respondent I have on the basis of the evidence presented concluded that these extra activities arise precisely because the comparator is engaged on a full time basis.”

The Rights Commissioner required the Respondent to amend the terms and conditions of employment of the Claimant and to ensure that the Claimant is treated no less favourably than her named comparator and to pay the Claimant €7,500 compensation for breach of her statutory entitlement under the Act.

## Rights Commissioner case taken under the provisions of the Protection of Employees Fixed Term Work Act 2003 on behalf of a third level member.

The Claimant in this case submitted that the respondent was in breach of Section 9 of the Protection of Employees Fixed Term Work Act 2003. The Claimant was let go from their employment when it was the Claimant's view that they were entitled to a CID and that the objective grounds set out in the Claimant's contracts could not be objectively justified. The Rights Commissioner determined in this case that the Claimant was entitled to a CID by operation of law and required the Respondent to reinstate the Claimant from the date the Claimant's employment was terminated.

## CHURCH OF IRELAND COLLEGE OF EDUCATION

### Master of Arts (Education)

Applications are invited for the Master of Arts (Education) in the Church of Ireland College of Education, focusing on Learning Support/Special Educational Needs. This course is open to graduates of the Postgraduate Diploma in Learning Support and Special Educational Needs or equivalent and is university-accredited.

Applications are invited from suitably qualified candidates, who will be short-listed for interview on the basis of information supplied in their application forms.

Application forms and further information can be obtained from

**The Church of Ireland College of Education**  
96 Upper Rathmines Road  
Dublin 6

**Email:** info@cice.ie  
**Telephone:** (01) 497 0033  
**Fax:** (01) 497 1932



or can be downloaded at [www.cice.ie](http://www.cice.ie)

Completed application forms should be returned to the above address, clearly marked **MA (Education) Application**. The closing date for receipt of applications is **Monday 13th January 2014**.

# Key points of Haddington Road Agreement

## ● Pay cuts

Members earning €65k-€80k: 5.5% cut on earnings up to €80k subject to a floor of €65k. Additional earnings between €80,000 and €150,000 reduced by 8%.

Earnings between €150,000 and €185,000 reduced by 9%.

Any earnings over €185,000 reduced by 10%.

There will be an offset to account for the abolition of the Supervision and Substitution allowance to prevent a 'double hit' (\*example set out at end of opposite page).

## ● Pay restoration

Pay for those earning between 65k and 100k will be restored in full by 1 January 2018. Restoration will occur in two equal phases on 1 April 2017 and on 1 January 2018.

## ● Increments

Those earning less than €35k will receive their next increment on their normal incremental date and then wait 15 months for the following increment (ie a 3 month delay). Subsequent increments will be paid at 12 month intervals.

Those earning €35k-65k will receive the next increment on their normal incremental date and each of the following 2 increments will be paid at 15 month intervals (i.e. two 3 month delays). Subsequent increments will be paid at 12 month intervals.

Those earning €65k-100k will receive the next increment on their normal incremental date and each of the following 2 increments will be paid at 18 month intervals (i.e. two 6 month delays). Subsequent increments will be paid at 12 month intervals.

Increments are frozen for three years from July 1, 2013 for those earning over €100,000.

## ● New entrant salary scales

There will be an improvement in new entrant salary scales at second and third level. New entrant refers to those who entered teaching/lecturing from January 1, 2011.

(See TUI website for entrant salary scale at second level. The new scales for third level have not been finalised.)

## ● Supervision and Substitution

Payment for S&S is discontinued.

Participation is compulsory for all.

The 37 hours per annum requirement will be increased to 43. For new entrants from February 2012, the S&S liability will be reduced from 49 to 43 hours per annum.

Teachers will be required to indicate availability for substitution for 5 classes per week. The maximum (combined) S&S that can be required will be 3 hours per week, subject to a maximum of annual total of 43 hours.

In recognition of the loss of the S&S pensionable allowance, a gross payment of €1592 will be applied to the incremental scale for teachers. This will be applied in two equal moieties; €796 in the school year 2016/17 and €796 in the school year 2017/18.

## ● 33 'Croke Park' hours & flex hours

These hours will continue to be worked because

Haddington Road commits teachers and lecturers to cooperate with "reform measures advanced under the framework of the Public Service Agreement".

## ● Extra hours at third level

The 78 hours per annum will be fully absorbed or dealt with by being applied towards evening weighting (which will be reduced from 1.5 to 1.25) and church holidays. There will be no individual counting and there will be no residue either individually or collectively. The hours cannot be accumulated or deployed for any other purpose.

## ● Exam marking fee

The examination marking fee will be reduced to 75% of current rates.

## ● Extra hours for members on 35 hours

Members with a working week of 35 hours or less will increase to a minimum of a 37 hour week.

## BÓTHAR HADDINGTON HADDINGTON ROAD

2013  
to  
2016

### ● Fixed-term / Part-time Employment

An Expert Group(s) on fixed term / part-time employment at second and third level will be established to enhance the situation for fixed term and part-time teachers and lecturers.

This will include reducing the qualification period for the granting of a CID from 4 years to 3 years to take effect for the 2014/15 school year.

There will be early application of the granting of CIDs for those entering their fourth year in September 2013.

### ● Hourly Paid Assistant / Associate Lecturers

A process will be put in place for the phased conversion of HPALs/Associate lecturers to pro-rata Assistant Lecturers. This process will in the first instance establish and agree those posts which are appropriate to be converted and thereafter such posts will be converted over a period of 3 years commencing in or before the academic year 2014/15.

### ● Supplementary panel for Permanent positions

A supplementary panel for permanent positions will be established for teachers who have had sustained periods of employment with more than one school/ETB over an extended period of time.

### ● Job security

Job security commitments for permanent staff / staff with CIDs are reaffirmed in the Haddington Road Agreement. This includes protection against compulsory redundancy for these staff.

### ● Redeployment

At second level, guideline redeployment distance will be set at 50km from the current work location or the home address, whichever is the shorter commute.

### ● Headcount reductions

The parties accept that additional working hours and related productivity measures have the potential to facilitate further reductions in staff numbers over the course of the Agreement.

Commitments to no compulsory redundancies for permanent / CID staff remain in place.

### ● Performance management

The parties accept that further steps are needed to strengthen performance management systems and procedures in place across the Public Service.

### ● Posts of Responsibility

Alleviation of the moratorium on posts of responsibility will be applied to the full extent allowed under CL53/2011.

### ● Industrial action

Parties to the proposed Agreement will not take industrial action on matters covered by the Agreement for the lifetime of the Agreement.

\* Example of the S&S offset

Current Gross Salary: €70,406 (including S&S payment)

Less S & S Payment: €1,769

New Gross after loss of S & S: €68,637

A 5.5% pay cut on €68,637 = €3,775

However, as the annual S & S payment of €1,769 has already been lost, this reduces the pay cut element to €2,006 (i.e. €3,775 - €1,769)

Post Pay Cut Gross Salary = €66,631 (€68,637 - €2,006)

The total loss for this teacher is €3,775, inclusive of the loss of S&S

(Example based on teacher on point 25 of pre-2011 common basic scale with a pass HDip and honours Degree, a B post and receiving the S&S allowance).

# FAQ on Haddington Road Agreement – Second Level

## **Should TUI members continue to participate in the 33 hours?**

Yes. In accepting the HRA proposals TUI members are obliged to attend meetings under the 33 hours as set out in their agreed school calendar.

Continued delivery of the 33 hours is part of the Haddington Road Agreement. The criteria that apply to the 33 hours are the same as they were under the PSA. For details of the PSA go to the TUI website.

## **I teach in a dual union school. A meeting designated for the whole staff is scheduled to take place as part of the agreed calendar for use of the 33 hours. ASTI members will not be attending because of their industrial action. What should TUI members do?**

If the meeting was designed as a whole school activity, and the whole staff cannot attend then the meeting should not proceed.

## **If there are meetings that are not designed as whole staff meetings e.g. subject department meetings or planning meetings scheduled as part of the 33 hours, do TUI members attend?**

In TUI-only schools, if those meetings are part of the agreed usage of the 33 hours and are specified in the agreed calendar, TUI members should attend.

In dual union schools TUI members should attend. However, TUI members should not carry out duties normally carried out by ASTI members e.g. if an ASTI member is the convenor of a meeting then TUI members may not assume this responsibility. TUI members should continue to carry out their normal responsibilities in relation to the 33 hours e.g. if a TUI member is normally the convenor of a meeting then the meeting may be convened and TUI members should attend.

## **What happens if a meeting or event on the agreed school calendar is cancelled due to the ASTI industrial action?**

The calendar (for use of the 33 hours) is agreed at the start of the year and can only be changed by consensus. If management decides not to proceed with a meeting or event due to the ASTI's industrial action then the meeting may not be rescheduled as consensus cannot be established. Where a scheduled meeting is cancelled the hours must be credited to TUI members as part of their 33 hour commitment.

## **In a dual school, where a parent teacher meeting had been scheduled for outside school hours (as part of the 33 hours) and it has now been moved by management to within school hours, what should TUI members do?**

In a dual school, where a parent teacher meeting had been scheduled for outside school hours (as part of the 33 hours) and as a consequence of the ASTI industrial action, it has now been moved by management to within school hours, TUI members should attend the rescheduled parent-teacher meeting.

TUI has had it confirmed by the Association of Community and Comprehensive Schools (ACCS) that in such circumstances, TUI members will be regarded as having been available for and as having fulfilled their quota of the 33 hours as per the original scheduling of the meeting.

For example, a parent teacher meeting had been scheduled for October 10th (outside of school hours and counting for 3 hours of the annual commitment of 33 hours). This has now been rescheduled during school hours on October 10th. TUI members should attend the meeting and they will be regarded as having been available for and as having fulfilled 3 hours of the 33 hours, as per the original

scheduling of the meeting. Therefore, three hours will be credited against their liability of 33 hours.

## **I am asked by management to undertake duties normally done by an ASTI member. What do I do?**

A TUI member must not undertake any duties or work carried out by an ASTI member who is engaged in industrial action. The TUI has undertaken to respect the ASTI's position. If a problem in this respect arises locally contact your branch.

## **We have already completed a number of the 33 hours. Do these hours count?**

Yes. These hours have been delivered and are reckonable towards the 33 hours required for this academic year.

## **Can the 33 hours be used for supervision and substitution?**

The 33 hours cannot be used for supervision and substitution, unless the agreed calendar for use of the 33 hours has already assigned hours to Supervision and Substitution. This can only be done in accordance with the provisions for the use of the 33 hours in the PSA. Should management cancel meetings, due to the ASTI's industrial action, they may not utilise the hours lost for S&S.

## **Should I now be available for, and delivering S&S as per the Haddington Road Agreement?**

No, not yet. TUI members have accepted the HRA, and the new S&S arrangements. However, TUI is awaiting a Department of Education and Skills Circular Letter to implement the new arrangements. Pending the issue of this circular, TUI members should continue with the levels of availability and delivery that were in place in the 12/13 school year.



### **How will the new S&S scheme operate for part-time teachers?**

The S&S commitment will be pro-rata for teachers on part-time hours. Therefore, for example, a teacher on:

- 11 hours per week (eg job-sharing) will have an annual commitment of 21.5 S&S hours (ie 21 hours, 30 minutes).
- 5 hours per week will have an annual commitment of 9.77 S&S hours (ie 9 hours, 46 minutes).
- 10 hours per week will have an annual commitment of 19.55 S&S hours (ie 19 hours, 33 minutes).
- 16 hours per week will have an annual commitment of 31.27 S&S hours (ie 31 hours, 16 minutes).

### **I am not currently in the S&S scheme. What will my obligations be?**

From the date of commencement, as per the aforementioned circular, you will be required to deliver up to 43 hours per annum of S&S on the basis set out in the HRA. (Pro-rata for part-time staff as above).

### **I have already delivered a number of hours under the pre-existing arrangements. How will these hours be treated?**

Hours completed under the pre-existing arrangements will be reckonable toward the yearly maximum of 43 hours (pro-rata for part-time teachers) for this academic year that will be introduced by a Department of Education and Skills Circular Letter.

### **Will I be paid for S&S?**

No. TUI members will no longer receive the annual pensionable allowance for S&S. However, in recognition of the loss of this allowance, and the change to a compulsory scheme, a gross payment of €1592 will be applied to the incremental scale for all teachers who are covered by the HRA. This payment will be immediately pensionable from introduction and will be applied to the incremental scale in two equal moieties; €796 in the school year 2016/17 and €796 in the school year 2017/18.

### **Will a teacher not covered by HRA continue to be paid the annual pensionable allowance for S&S?**

Unless and until the minister issues an order to the contrary, a teacher not covered by HRA, but who has opted into the pre-existing S&S scheme (37/49 hours etc.) can expect to be paid in June 2014. This position was set out clearly in TUI News and at regional meetings in advance of the ballot.

### **Does the TUI have a directive on posts of responsibility?**

Yes. The Teachers' Union of Ireland has had a directive on posts of responsibility since the introduction of the moratorium on posts in 2009.

TUI members are directed:

- Not to agree to alter existing post duties in any way which will increase the workload of individual posts of responsibility;
- Where a post of responsibility is vacated, members are not to undertake any duties thereby arising unless they are pensionably remunerated for this.

The directive clarifies that duties will not be carried out:

- By way of combination of special

duties post holders to deal with the duties of an assistant principal

- By an un-promoted teacher or a special duties teacher getting a timetabled remission in order to carry out functions previously held by an assistant principal
- By an un-promoted teacher getting a timetabled remission to carry out duties previously carried out by an assistant principal or a special duties teacher
- By any teacher for a payment other than the appropriate pensionable payment for the post in question.

### **If I am already undertaking duties that are affected by the TUI directive set out above do I have to stop?**

Yes. As a member of TUI you are obliged to comply fully with all TUI directives. The TUI directive is more comprehensive than the directive recently issued by the ASTI as part of their campaign of industrial action.

If a TUI member is already doing additional post duties and is not in receipt of the specific pensionable post allowance related to those duties he/she must stop immediately.

### **Does acceptance of the HRA involve acceptance of Junior Cycle reform?**

No. There is no relationship between the HRA and Junior Cycle reform. The TUI has, at every point, made clear that it reserves the right to respond to reform proposals as appropriate.

## Dealing with bullying

Arising from the publication of the new procedures for schools in relation to handling and preventing bullying behaviour, a number of queries have been made to TUI head office. You will find useful supports, resources and toolkits at: [www.ispcc.ie](http://www.ispcc.ie), [www.antibullyingcampaign.ie](http://www.antibullyingcampaign.ie) and [www.npc.ie](http://www.npc.ie). These will provide training and guidance on how to go about framing policies, procedures and effective approaches to deal with bullying among students and how to use self-evaluation and reflective practices to support your work.

**The Anti-Bullying Research and Resource Centre (ABC)** now located in DCU (formally located at Trinity College) provides a range of supports including carrying out investigations and providing practical advice for those alleging that bullying behaviour is directed at them and those dealing with such allegations. It also conducts independent psychological assessments and provides counselling and mediation services for all concerned. It has recently put in place a series of practical workshops for employees, institutions and individuals concerned with preventing and dealing with bullying. These are being facilitated by Genevieve Murray (who has just completed PH.D studies on bullying in the post-primary schools and drew on the experiences of teachers and principals in TUI schools) and Murray Smith. For more details contact [louise.bent@dcu.ie](mailto:louise.bent@dcu.ie)

## Teaching Council initiatives

**Droichead, a pilot induction and probation programme**, is now underway in a number of schools. TUI has a representative on the steering group which will oversee the pilot and a research project that will identify what approach and resources are necessary to support full implementation.

**School Placement, a new approach to teaching practice** is currently being implemented in schools hosting students from third level colleges as part of their undergraduate or postgraduate studies to become a teacher. Overview guidelines can be accessed at the Teaching Council website and further details will issue from each individual third level college as appropriate.

The views of TUI members involved in each of these initiatives are important in shaping and advising on further development. Principals, those acting as mentors, those involved in the professional support team, newly qualified teachers who are undergoing induction and probation under the pilot, student teachers and their co-operating teachers are invited to forward their views for the attention of the Education & Research Officer at [bjudge@tui.ie](mailto:bjudge@tui.ie).

## Resources to manage challenging behaviour and promote positive relationships

**Therapeutic Crisis Intervention (TCI)** is designed to improve teacher competence and confidence in responding to challenging behaviour. The programme encourages a school wide approach and aims to equip teachers to prevent a crisis, de-escalate a potential crisis, intervene effectively in a crisis and process crisis events after an incident. According to David Carter, Principal of St. Paul's YEP in Finglas, TCI helps the young person explore how they manage their feelings and emotions and provides an opportunity to try out alternative behavioural strategies. In his centre staff are now seen as 'advocates and helpers' and not 'punishers' as a result of the programme. See [www.tci](http://www.tci) for more details.

**Restorative Practices** are based on valuing respectful relationships and focus on relational practices which can help prevent incidents of inappropriate behaviour from occurring. The aim is to support those working with children and young people to consciously and consistently build relationships and resolve conflict in a transparent and effective manner to improve outcomes. Those interested in exploring this approach may find the following studies/reports useful:

*Developing a Whole System Approach to Embedding Restorative Practices in Youthreach, Youth Work and Schools in County Donegal* (Donegal ETB Restorative Practice Project). This report sets out the experience of participating organisations and their views of the challenges and benefits of restorative practice. Details can be accessed at [www.donegaletb.ie](http://www.donegaletb.ie)

*Evaluation of the Restorative Practice Programme of the Childhood Development Initiative* (UNESCO Child and Family Research Centre, NUIG). See the summary policy brief that emerged at [www.twcdi.ie](http://www.twcdi.ie).

A research study completed in 2012 as part of a doctoral programme in Trinity College by a TUI member, Michael Dayton, examined suspension and expulsion as appropriate sanctions instruments. At the core of this study is the necessity for educators and administrators to become reflective practitioners who embrace restorative practices as a *modus operandi* in the daily execution of their work. Congratulations to Michael who is principal in one of three care units located in Dublin which specialise in emotional and behavioural disturbance.

## Review of Transition Year Programme

The Minister for Education and Skills has invited the Irish Second-Level Students Union to conduct a review of the Transition Year Programme. In this regard the ISSU plans:

1. To hold a number of Regional Forums
2. To provide an opportunity for students to offer comments online at [www.issu.ie](http://www.issu.ie)
3. To set up focus groups sessions for Transition Year Teachers/Co-ordinators – dates will be circulated later but these are expected to take place in the coming weeks.

It is important that students and teachers contribute to this discussion as the outcome is likely to provide some foundation for the future developments of Transition Year so please bring the attached notices to the attention of the students and the Transition Year co-ordinator/teachers in your school. Isobel O'Connor at [isobel@issu.ie](mailto:isobel@issu.ie) will be happy to provide clarification as necessary.

## Nominate your project for the 2014 AONTAS STAR Awards

The call for nominations for the 2014 STAR Awards are open. The STAR Awards are about recognising and celebrating the invaluable collaborative work undertaken by adult learning initiatives in our communities. In the current climate it's even more important that we continue to showcase the value of the sector in responding to the needs of individuals, communities, society and the economy.

Five awards in total will be granted to adult learning projects based within the island of Ireland - four regional awards (Leinster, Munster, Connaught, Ulster) and one nationwide award.



It's easy to nominate a project - just fill out the online nomination form at [www.adultlearnersfestival.com/starawards/nominate](http://www.adultlearnersfestival.com/starawards/nominate) and press submit. You have until the 18th November at 5pm to get your nomination in. So if you know of any great and innovative adult learning projects why not nominate them for a STAR Award today! And remember, even if you nominated your project before you can nominate again unless you were one of our fantastic winning projects in 2013. For more information and FAQs check out our website [www.adultlearnersfestival.com](http://www.adultlearnersfestival.com).

## State Examination Fees

A number of people have been in touch with TUI in respect of delays in payments for contract work related to the state examinations. The SEC has clarified that delays in payments were unavoidable due to staffing issues and it hopes that all payments will be made over the next two weeks. It notes its regret for any inconvenience caused to individuals waiting for payment.

## Science Fairs in Ireland – Information for Teachers



This new document provides information for teachers at post-primary level on how to encourage and support students to participate in science fairs. Engaging with science fairs provides opportunities for students to take more control of their own learning and build skills sets necessary for the 21st century.

The paper is divided into two sections. Section 1 covers the general questions about science fairs while Section 2 covers the specifics of science fairs at post-primary level. Information is also provided on how class/school-based science fairs can be organized.

Document can be downloaded from <http://www.intel.ie/content/www/ie/en/pdf-pages/Science-Fairs-In-Ireland.html> or else search for Science Fairs in the Search box on the [www.intel.ie](http://www.intel.ie) homepage. Document also available on TUI website [www.tui.ie](http://www.tui.ie).



## TUI PROFESSIONAL DEVELOPMENT PROGRAMME

# PRE-RETIREMENT SEMINAR

DATE	LOCATION	VENUE
Friday 24th January 2014 9.00 - 16.30	Portlaoise	Heritage Hotel Portlaoise Town

Places are limited and will be allocated on a first-come first-served basis. Please ensure you complete this form in full and return to the address below. Alternatively, you may email the completed Application Form for the attention of Liz Daly/Carol Ryan to: [reception@tui.ie](mailto:reception@tui.ie)

APPLICATION FORM	
Name	
School/College	Contact Telephone
Email Address	

**APPLICATIONS WILL ONLY BE ACCEPTED ON OFFICIAL FORM**

TUI, 73 Orwell Road, Rathgar, Dublin 6

Telephone: (01) 4922588 (Press 0) Fax: (01) 4922953





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JOHN MACGABHANN (TUI), PAT KING (ASTI), MINISTER FOR EDUCATION AND SKILLS RUAIRI QUINN, MINISTER FOR STATE BRIAN HAYES, SHEILA NUNAN (INTO) AND SALLY MAGUIRE (ASTI PRESIDENT) AT LAUNCH OF OFFICE OF PUBLIC WORKS NEWGRANGE ART COMPETITION

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# Laurence Hunt – An Appreciation

In the first week in March 2013, the death occurred of Laurence Hunt. Known to all as Larry, he made a unique contribution to education and in particular to engineering education.

Larry's first introduction to the world of engineering came through his father, William (Billy), who in his early days was a toolmaker and later taught apprentices in Bolton Street College of Technology. In 1949 he followed in his father's footsteps and commenced an engineering apprenticeship in the CIE Engineering Works, in Inchicore, Dublin. Taking full advantage of the CIE block release system, he studied in Bolton Street where he obtained a number of Higher Technological qualifications. Soon after completing his apprenticeship he obtained a scholarship which gave entry to the Department of Education's Metalwork Teacher Training Course (TTC). Larry graduated in 1955. It is an indication of his ability that, one year later, he was appointed to teach on the teacher training course from which he had so recently qualified. The course in question was located in the Pembroke Technical Institute, in Ringsend Dublin. He taught there until 1966 when he headed up the course following the resignation of Seamus Rossiter. One of the initiatives which developed during the last years in Ringsend was the placement of student teachers in schools for the purpose of teacher practice. The Metalwork teachers' course was the first course run by the Department of Education to participate in in-school teaching practice.

The course, which was one of the first educational initiatives of the Irish Free State, had commenced in Ringsend in 1928, and relocated to the College of Technology Bolton Street in 1972, Larry continued in his role as Senior Lecturer.

In 1979, Larry was appointed as a Senior Lecturer to the newly built Thomond College of Education. There he assumed the role as Head of the Metal and Engineering Technology Course.



During his time in both Ringsend and Bolton Street, he was involved as a Department of Education examiner. At the same time he was building a relationship with the body responsible for the Worldskills Competition (International Apprentice Competition). In 1963 the competition was held in Dublin and Larry acted as Workshop Supervisor for the precision trades, which included Turning, Milling etc. Four years later, in Madrid, he first represented Ireland as an Expert in the area of Turning. During the following ten years up to 1977, he was the Irish Expert in the areas of Turning, Instrument Making, Fitting and Press Toolmaking. This involved travelling to nine cities as widely separated as Brussels, Tokyo and Busan. He was held in very high regard by his fellow international experts. His final connection with the competition occurred in 1979 when Ireland acted as host for the second time. The venue was Cork, and Larry acted as an Observer in the precision trades sector.

Over the next number of years in Thomond College of Education, he oversaw the transition of the course from an ad hoc Department of Education Teacher Training course to an honours degree awarding course. The course also changed from one recruiting solely from the Engineering industry, to one in which Leaving Certificate holders were added to those from an industrial background. The award was a Bachelor of Technology (Education) in Materials and Engineering Technology.

Larry continued to act as Course Head, until Thomond College was subsumed into the adjoining University of Limerick. He continued for some time in the University's Education Department before taking early retirement in 1992.

Larry participated in two overseas projects, one in Lesotho on behalf of the Irish Government and the other in Jordan at the request of the United Nations.

With other members of his staff he went to Jordan in 1985, and there supervised the setting up of a new Engineering College at Madaba.

He was one of the few who taught at all three course locations, Ringsend, Bolton Street and Limerick. There is no accurate estimate of the number of teachers Larry helped train, suffice to say that every student teacher from 1956 to 1992 was taught by him. During his period in office many new elements were added to the curriculum. Some of these helped in the formulation of the Leaving Certificate syllabus, and in-service courses run by the staff of the TTC helped teachers through the adaptation of the new subject matter.

During the last number of years Larry suffered ill health. He eventually moved to a nursing home and there he died on March 6th. Throughout his illness he was lovingly supported by his wife Joan, sons John, Robert and Laurence, daughters Mary, Rose and Isabel, grandchildren, relatives and friends.

Ar dheis Dé go raibh a anam.

Liam Lee



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# Incremental credit entitlements

If a member believes he/she is entitled to incremental credit for previous teaching experience or other relevant experience that may count, then they should apply to their employer to be awarded this entitlement.

Incremental credit for all registered teachers employed as teachers in schools, colleges of Further Education or Youthreach centres should submit an

application based on Circular Letter 0029/2007 – Scheme for the Award of Incremental Credit to Teachers at Second Level.

In the first instance, the application should be made on the relevant form available under the circular letter on the TUI website. This form should be returned to the teacher's local ETB if employed in that sector, or directly to the Department of

Education in Athlone for teachers in the Community and Comprehensive sector.

If a member is refused such incremental credit to which there is a belief of an entitlement, then the decision to refuse the awarding of the incremental credit can be appealed to the Incremental Credit Appeal Committee directly in the Department of Education and Skills.



Coimisiún na Scrúduithe Stáit  
State Examinations Commission

## Leaving Certificate/ Leaving Certificate Applied/ Junior Certificate Examinations 2014

### APPOINTMENT OF EXAMINERS

Application forms for the following positions are available on our website [www.examinations.ie](http://www.examinations.ie) and in all second level schools.

- Examiner in Oral tests at the Leaving Certificate Examinations
- Examiner in Practical / Project tests at the Leaving Certificate / Junior Certificate Examinations

**Closing date is Friday 6 December 2013**

**And**

- Leaving Certificate Applied February Task Examination
- Leaving Certificate Applied May Task Examination
- Leaving Certificate Applied Oral Examination
- Leaving Certificate Applied Practical / Practical Coursework Examination

**Closing date is Friday 25 October 2013.**



Coimisiún na Scrúduithe Stáit  
State Examinations Commission

## Scrúduithe na hArdteistiméireachta/ Ardteistiméireacht Fheidhmeach/ Teastais Shóisearaigh Scrúduithe 2014

### CEAPACHÁN SCRÚDAITHEOIRÍ

Tá foirmeacha iarratais le haghaidh na bpost a leanas ar fáil ar an suíomh gréasáin [www.examinations.ie](http://www.examinations.ie) agus i ngach scoil dara leibhéal.

- Scrúdaitheoir sna Béaltrialacha i Scrúduithe na hArdteistiméireachta
- Scrúdaitheoir sna Trialacha Praiticiúla / Tionscadail sna Scrúduithe Teistiméireachta/ Teastais Shóisearaigh

**An dáta deiridh a nglacfar le hiarratais:  
Dé hAoine 6 Nollaig 2013.**

**Agus**

- Scrúdú Thasc mhí Feabhra san Ardteistiméireacht Fheidhmeach
- Scrúdú Thasc mhí na Bealtaine san Ardteistiméireacht Fheidhmeach
- An Bhéaltrial san Ardteistiméireacht Fheidhmeach
- An Tríail Phraiticiúil/an Obair Chúrsa Phraiticiúil san Ardteistiméireacht Fheidhmeach

**An dáta deiridh a nglacfar le hiarratais:  
De hAoine, 25 Deiradh Fómhair 2013.**

# Commencement of Section 30, Teaching Council Act 2001

Members should take very particular note of Circular Letter 52/2003 issued by the Department of Education and Skills on 25th October, 2013, and the earlier companion piece, Circular Letter 25/2013. We would strongly advise members to copy/download these circulars and retain a copy in their personal records.

Both concern the commencement of Section 30 of the Teaching Council Act 2001. In previous issues of TUI News, we had advised that it was anticipated that Section 30 would be commenced on 1st November 2013. Following representations by the TUI and extensive discussion of the implications of commencement of Section 30 with both the Department and the Teaching Council, it has now been decided that the commencement date will be 28th January 2014. The deferral of the commencement date provides a further period of time, albeit brief, for members who are eligible to register but currently unregistered to proceed with and/or complete the process of registration.

The purpose of the circular letter is to give direction to the system as to what will ensue upon commencement of Section 30. The simple stark fact is that, as the circular says at paragraph 1.1 “from 28th January, 2014, under Section 30 of the Teaching Council Act 2001, the paymaster will be prohibited by law from paying any person who is employed as a teacher in a recognised school unless she/he is registered with the Teaching Council”. In this context, a recognised school is a school which is recognised by the Minister for Education and Skills in accordance with Section 10 of the Education Act 1998. Members in the community and comprehensive sector and in mainstream second level schools and further education (PLC) colleges in the ETB sector are employed in recognised schools. Section 30 does not

apply to a person who is employed as a teacher in a centre for education or in other education or training settings. This is because the Teaching Council Act 2001 does not apply to such centres or settings. For example, a person employed as a teacher in a Youthreach centre is not required to be registered with the Teaching Council in order to be paid as a teacher from 28th January 2014.

However, the TUI would strongly advise anybody who is employed as a teacher in a centre for education or other education or training setting to register with and remain registered with the Teaching Council. Were she/he to seek employment in a ‘recognised school’, registration with the Teaching Council would be required. The TUI would also strongly advise persons who are qualified as teachers but who are currently employed as co-ordinators or resource persons in youthreach centres to register with and maintain their registration with the Teaching Council as such registration would be required were they to apply for teaching positions in ‘recognised schools’.

As Section 30 links payment as a teacher in a ‘recognised school’ to registered status, it follows that any teacher who is on paid leave of absence from a ‘recognised school’ must maintain her/his registration in order to have payment maintained.

In discussion with the Department of Education and Skills in relation to commencement of Section 30, the TUI has been advised that the records available to the Department indicate that a relatively small number of teachers in the ETB sector and/or in C&C schools is currently not registered. Some of these teachers are eligible to register and should do so without delay. Failure to do so effectively involves allowing your license to practise to expire and ensures that payment will cease.

While the date for commencement of Section 30 has slipped on a number of occasions, it must now be anticipated that it will be commenced on 28th January 2014. In advance of that date, anybody employed as a teacher in a recognised school who is unregistered will be notified by her/his employing school or ETB that payment of salary will cease from that date due to non-registration.

A number of those who are currently unregistered are not eligible to register as teachers because they are incompletely qualified. The TUI has made it perfectly plain to the Minister, the Department and employers that it simply will not accept that any member who is permanent by way of a Contract of Indefinite Duration should lose her/his livelihood and income by virtue of commencement of Section 30.

In the case, therefore, of persons employed as teachers, who are not registered with or registrable with the Teaching Council, the following will obtain:

- The Department has identified certain subject areas that, in the words of the circular, “are occupied by people who are not qualified teachers but whose posts have traditionally been classified as teaching posts.” It is the Department’s view that, in some of these areas, teaching qualifications are not required or appropriate. Where a post in such an area is occupied by a person who is incompletely qualified as a teacher, the person will continue in that employment and will continue to have her/his current rate of pay and conditions of service. She/he will, however, be reclassified as a tutor. Moreover, in future, in those areas, the posts will remain reclassified and will for the purposes of appointments be filled as tutor posts. The holders of

these posts will not be subject to the requirements of Section 30. Under CL 52/2013 the list of PLC courses/modules redesignated for delivery by a tutor are beauty therapy, hairdressing, security studies, animal care/grooming and first aid. If such an area is currently staffed by a qualified, registered teacher, she/he will continue to be employed and paid as a teacher. However, when the post next becomes vacant, it will be classified as a tutor post.

- If a position is classified as a teaching position but is occupied by a person who is unregistered and who is not eligible for registration with the Teaching Council, she/he cannot be paid as a teacher from Oireachtas funds on or after 28th January 2014. Under the terms of the circular letter, such persons will have the following options:
  - (a) Unpaid leave, subject to a maximum duration of 6 years. This form of leave is called “Teaching Council Non-Registration leave” (TCNR leave),
  - (b) Voluntary redundancy in accordance with the terms of the collective agreement; Redundancy Payments to Public Servants (June 2012). This collective agreement forms Appendix D of the circular letter, or
  - (c) Redeployment to non-teaching posts, provided the person is comprehended by the Haddington Road Agreement, as members of the TUI are.

Under the terms of the circular, a person in this situation is required to inform her/his employer of her/his preferred option **no later than Thursday, 28th November, 2013**. If they have not already done so, any members faced with these options **should immediately contact the union** at workplace committee, branch officer or head office level for advice and assistance.

You will note that redeployment has been added as a third option. It had not been provided for in Circular Letter 25/2013 and its inclusion followed intensive representation by the TUI.

- There are other areas where it is the Department’s view that the

employment of an industry or sectoral expert may be required to deliver programme content. The example provided in the circular letter of this concerns “content leading to industry awarded qualifications such as Cisco Networking of Microsoft Certified Engineer, where the awarding body specifies the qualification to deliver the programme”. The circular letter also makes reference to ‘other developing and specialist areas in the ICT area as well as areas such as highly specialised crafts, content leading to the awards of sports bodies and others’. The circular intends that people in these areas “will be employed as tutors or on a contract for service”. Where such persons already have permanency by way of a Contract of Indefinite Duration, they will retain their employment and their current rate of pay and terms and conditions of employment. New appointees in these areas would be paid as tutors.

The circular letter gives explicit instruction in terms of the appointment of replacement teachers in the event of the permanent teacher being on Teaching Council, Non-Registration leave. It also covers the requirements in regard to resumption of duty following TCNR leave and the operation of social welfare entitlements while one is on such leave. It is made clear that a period of TCNR leave does not reckon for pension purposes or for incremental credit purposes. A person on TCNR leave – because salary will have ceased – has sole responsibility to ensure that medical insurance policies, income continuance insurance, union subscriptions, credit union, local property tax payments do not lapse. However, a period of approved TCNR leave does not constitute a break in service for the purposes of operation of the single public service pension scheme (‘The Single Scheme’) which commenced with effect from 1st January 2013. What this means is that, if the person on TCNR leave commenced service before 1st January 2013, she/he remains entitled to resume membership of the occupational pension scheme (of

which s/he had been a member) upon resumption of duty after a period of TCNR leave.

A Ministerial Regulation is also appended to the circular letter which allows for the employment of a person who is not registered in the place of a registered teacher in a recognised school in very limited circumstances. Such a person will be remunerated out of monies provided by the Oireachtas at the unqualified rate of pay and for a maximum period of 5 consecutive school days.

The TUI, in discussions with the Department and the Teaching Council sought, but did not secure, conditional registration with the Teaching Council for those CID holders who are unregistered and are not eligible to register (including those who had been registered by virtue of being in employment on establishment day of the Teaching Council in March 2006 but who, subsequently, allowed registration to lapse). The TUI was alone in seeking conditional registration for this cohort.

The TUI, in common with the ETBI, opposed the designation of what are currently teaching areas as areas that can be tutor-led in future. Our efforts and those of the ETBI have secured a decision and commitment by the Department that, in general and with the exception of a limited number of areas, Further Education is and will remain teacher-led. We will continue to make our case in respect of areas such as those identified in Appendix C of the circular letter.

Very obviously, the commencement of Section 30 is a matter of major consequence for all teachers and, in that context, the union’s clear message and advice to members is:

**If you are not yet registered but are eligible to do so, REGISTER NOW, If you are registered, MAINTAIN YOUR REGISTRATION. If you are facing difficulty in regard to registration, contact the union immediately.**

# TUI in the media

*A small sample of issues recently addressed by the union in the national media*



BERNIE JUDGE ON RTE'S PRIMETIME PROGRAMME

**RTE's Primetime programme discusses Junior Cycle reform. TUI Education & Research Officer Bernie Judge outlines some of TUI's concerns over resources, equity and assessment model - RTE 1 Monday 29/10/13**

"We also have considerable concerns around the assessment model, inherently the lack of an external moderator to ensure a fair and consistent outcome for all students.....We believe that an external moderation system is critical to retaining public confidence in an exam system. At that point of the junior cycle, parents need to know where their children are at, and students need to know where they're at.

With regard to short courses, we welcome the broadening of the curriculum and the new areas of study. That's not at issue. However, will sufficient new resources travel to schools to enable all schools to offer fair opportunities to all students? That's an equity issue."

**Bernie Judge also interviewed on Newstalk bulletins and on Today FM's The Last Word programme 29/10/13**

**TUI Education and Research Officer Bernie Judge outlines TUI's concerns with Junior Certificate revamp Morning Ireland, RTE Radio 1, 29/10/13**

"TUI has a long history of group work and practical work in schools. We have always engaged in curriculum development and reform and have a long history of leading that reform in Leaving Cert Applied and Post Leaving Cert courses and adult education

Our concern is not so much about the reform itself, but about the difficulties posed by a lack of capacity across all schools at operational level and administrative level in terms of teaching time and technical expertise."

TUI is not confident that there has been enough done around this very sharp shift. We do not believe something should be done unless it is completely clear it will be done well. We have a fear that the quality of outcome for students could be negative instead of positive.

**Union warns against cutbacks to GMIT as student numbers grow - Galway Bay FM 22/10/13**

The Teachers' Union of Ireland has warned that cutbacks to education at GMIT will have a severe impact on the quality of experience for its growing student base.

The Dublin Road campus has lost 47 fulltime lecturers since 2008 but has increased its student enrollments by almost 8 percent.

Speaking to FYI Galway, TUI Assistant General Secretary Aidan Kenny says that increased student numbers are welcome

but academic staff are being put under severe pressure due to cuts.

He calls on the Government to support the regional mission of the institutes and boost economic recovery at a local level.

**Way opens for talks on secondary teachers' dispute - Irish Times 19/10/13**

In relation to provisions of Haddington Road, the Teachers' Union of Ireland has said its members are being professionally demeaned by the way that schools' management is using the 33 additional hours agreed to as part of the agreement.

There was growing frustration and professional slight "at the bureaucratic and coerced nature of the usage of the hours", said the TUI's president Gerard Craughwell.

In too many cases the way in which the hours are being used were regarded as "professionally demeaning" he said.

There was more an obsession ticking off these blocks of time than using them in support of education within the school.

**Talks possible between Quinn and secondary school teachers - Irish Examiner 19/10/13**

TUI president Gerard Craughwell said there is growing frustration that the [33 extra] hours could be used to the greater benefit of students instead of being assigned to bureaucratic work. He said both second-level unions were at pains to impress this on the department in talks that led to the HRA last May.

**CIT has lost 74 full-time lecturers - Evening Echo 17/10/13**

Lecturers at Cork Institute of Technology have hit out at the Department of Education, claiming they



are “over worked and under paid,” and warned education cutbacks were having a “detrimental impact” on students.

The lecturers who are members of the Teachers’ Union of Ireland (TUI) yesterday revealed that CIT lost 11.4% of its academic staff — 74 full-time lecturers out of around 649 — since 2008. During the same time, student enrolments increased by 9.5% — 899 students, leading to a 40% increase in workload for staff who also suffered sizeable pay cuts in the same time frame.

### **Trainees and apprentices will lose allowances or face charges – Irish Examiner 16/10/13**

‘From next year, the department will no longer pay the contribution charge to colleges for Fás apprentices for the two 10-week periods they spend in Institutes of Technologies. The measure means two €540 payments due by around 10,000 apprentices during their four years of training, bringing an annual saving of €1.6m for the department. It was described by the Teachers’ Union of Ireland as a swingeing attack on student participation, upskilling and re-skilling.’

### **Students suffer – Irish Mirror 16/10/13**

TUI General Secretary John MacGabhann said: ‘Last year’s Budget reduced the funding allocation to third level colleges by €25m with the understanding that it was to be restored in this Budget. The draconian decision not to restore this for another year is damaging in the extreme.’

### **Schools are at breaking point – The Star 16/10/13**

The Teachers’ Union of Ireland (TUI) hit out at a new measure which will force apprentices attending Institutes of Technology to pay a student contribution of €540, which was previously paid by the State. General Secretary John MacGabhann described it as “a swingeing attack on student participation, upskilling and reskilling. This will only add to existing logjams in the apprenticeship area,” he said.

### **Literacy and numeracy among Irish average or below, according to survey - Irish Times 9/10/13**

The Teachers’ Union of Ireland (TUI) warned that the State could fall further behind if education programmes were cut, while the National Adult Literacy Agency said the study provided evidence that mainstream education was insufficient to develop these skills for life.

### **TUI General Secretary John MacGabhann interviewed on RTE 's Nine o'clock News following TUI's acceptance of the Haddington Road Agreement, 20/9/2013**

He states that the proposals were accepted ‘with enormous misgivings and with huge residual resentment because this was a choice in their view between bad and very obviously worse. No joy was taken in the choice that was made.’

### **Hundreds of teachers axed despite surge in enrolments - Irish Independent 5/9/13**

The 3,800 rise in pupil numbers should have resulted in an extra 200 full-time teachers but 434 full-time posts were lost, according to the Teachers’ Union of Ireland (TUI). TUI president Gerard Craughwell said: “Schools will simply not be able to offer students the same level of choice and subjects such as physics, music and languages, to name but a few, could be lost in some schools.”

### **Teacher unions ballot on Haddington Road deal - Irish Times 5/9/13**

The executive of the TUI, which represents 14,000 second and third-level teachers, is also balloting its members on the agreement and on a mandate for strike action this week. Union leaders have not issued a recommendation . However, TUI president Gerry Craughwell has urged members to vote yes on industrial action in the event that members reject the agreement. Writing in the September edition of the TUI newsletter, Mr Craughwell said if the Haddington Road deal is rejected

“industrial action will be necessary to fight the full imposition of FEMPI [which includes] permanent pay cuts, loss of pay restoration to recently-recruited teachers and a three-year freeze on increments”.

### **Primary school groups unite to fight further cuts - Irish Examiner 5/9/13**

Gerard Craughwell, president of the Teachers’ Union of Ireland, said schools operated with 650 fewer teachers than they should have, contributing to the loss of subjects such as physics, music, languages, and others.

Overhaul of enrolment in schools 'falls short' - Irish Independent 3/9/13

Teachers’ Union of Ireland (TUI) general secretary John MacGabhann said the minister had not seized the opportunity sufficiently to deal with the exclusionary parties of fee-paying schools.



### **TUI General Secretary John MacGabhann interviewed on RTE's Six One News on the new school enrolment legislation - 2/9/13**

### **TUI General Secretary John MacGabhann interviewed on RTE Radio's News at One on the new school enrolment legislation - 2/9/13**

# RMA News

As I write this article I am preparing to depart for our autumn break in Kelly's Resort Hotel in Rosslare. I will be joined by a lot of our members who appreciate this aspect of our organisation as very beneficial to them. In the midst of all the doom and gloom, it is essential to keep in touch in a social way with our friends and colleagues, as it gives us a sense of balance which we need to keep sane.

A lot of things have been happening since we resumed after the summer. For one, several Branch meetings have been held including a Midlands Branch meeting, a Cork Branch meeting, a Meath Branch meeting and a Carlow Branch has also been formed. Offaly intends to form a Branch and a meeting is organised for end of October in Mayo. During the summer the Kildare Branch went to Derry for a five day break – this is the most active Branch.

It's hard to keep up with all the happenings but we have a solution. During the summer we organised one of our members to set up our own website [www.rmatui.ie](http://www.rmatui.ie). This has now been launched and you can access it for all the up to date information on the RMA generally and local Branches and other relevant information.

We have also been very active as part of the Alliance of Retired Public Servants. We have almost completed the Constitution for the Alliance and we submitted a Budget Proposal to the Minister as you can read below.

## Alliance Budget Proposals on Pension Reduction

While the Alliance is concerned with the effects of budgetary measures on pensioners generally (and this is reflected in this pre budget



CHRISTY CONVILLE ADDRESSES A TUI PRE-RETIREMENT SEMINAR

submission), its principal concern is with retired public servants whose pensions have been systematically reduced by emergency powers imposed by Government.

The Minister for Public Expenditure and Reform indicated, at his meeting with the Alliance on 27th May, 2013, his intention as a matter of priority to move towards reducing the burden of the public service pension reduction, with the initial focus on people in receipt of low pensions, at the earliest date that economic progress permits. In writing to the Alliance after the meeting he formally confirmed this approach indicating that he appreciated that this was of great importance to pensioners and that this would be the subject of ongoing official discussions with the Alliance. The Alliance would wish to see that such discussions on pension restoration would commence soon.

Despite popular belief, public service pensioners are not a rich and privileged group: they have contributed

to their pensions at levels considered appropriate by successive governments; the average public service pension is only €19,000 per annum; public service pensioners do not receive the state pension and, unlike their private sector pensioners in receipt of state pensions, they receive no exemptions from the universal social charge. Regularly enough their pension has to support a spouse (of whom many worked in the home and receive no state pension) and adult dependants against a background in which their life savings are gone, their pensions are cut, and like all other citizens, they still face ever increasing health, heating, transport and other charges.

The Alliance considers that the continuing use of emergency powers to reduce (by between 8% and 28%) public service pensions above €12,000 per annum now needs to be addressed, given the impact which this is having on public service pensioners and the improved economic climate since these emergency powers limiting constitutional entitlements were

originally introduced. The Alliance also considers that the bands at which deductions are made should, consequentially, be shifted upwards leading to the restoration of pension entitlements over a number of years.

In the context of the current budget, the Alliance proposes that the initial priority should be on low paid pensioners and that the exemption from pension deduction should be increased from €12,000 per annum to €18,000 per annum and that consequential changes should be made, i.e. by increasing the income limit (a €6,000 increase would arise if the same formula was extended to bands above €12,000) at which the higher levels of deduction take effect.

The Alliance are also conscious that, further to the enactment of the 2013 emergency legislation, arrangements have already been agreed with serving staff that recent deductions on salaries between €65,000 and €100,000 would be removed in 2017 and 2018 and they would seek that adjustments to pensions above €32,500 should take place earlier than those dates in line with an improving economy.

Public service pensioners have spent their working lives in the service of

the community. They are the only group whose pensions have been reduced by the government using emergency powers which would otherwise be unconstitutional. They fully appreciate the difficulties faced by government and are prepared to pay their fair share but basic equity dictates that those on similar incomes should, in effect, be subject to the same taxes.

The Alliance considers that the time and circumstances have now come to begin, in this budget, to reduce the burden of public service pension deductions. It may well represent a populist approach to cut public service pensions, but the concept of continuing to use emergency powers, selectively, to cut public service pensions at the level of €12,000 is obscene and should now be addressed.

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 The Budget has been announced and unfortunately the elderly have been hit very badly. First of all, the Medical Card income/pension limit has been reduced to €500 for a single person and €900 for a couple. When the limit was first introduced it was €700 for a single person and €1400 for a couple. At that time it was considered that a lot of retired teachers would be just

above the limit. Are there any teachers who served their full time or near full time that would now qualify for a Medical Card? We have heard in recent days that only 3% of card holders would lose the entitlement, but do you believe that? The taxable limit for health insurance is now €1000 for an individual, costs above that have been called 'gold plated' health cover. Anyone with a serious illness would have cover above that and they will now not receive tax relief on their cost above the €1000. Next we had the removal of the telephone allowance, how mean can you get! Well, try 41% on the interest of your savings!

We have had two reductions in our pension, added to that we have the above cuts plus the full property tax this year and the water tax coming soon how much more can we bear? If the Alliance had not been formed before now it surely would be now. Oh! I forgot the 50 cent increase on a bottle of wine.

Hopefully we will have a voice for the next Budget.

*Christy Conville.*

**Check out the RMA's  
 new website at  
[www.rmatui.ie](http://www.rmatui.ie)**





*Congratulations to*  
**LORNA CONNOLLY,**  
**MAYFIELD COMMUNITY SCHOOL,**  
**CORK**  
*winner of Vol 36 No 1 Crossword Competition*

# Crossword

**€250 prize for the first correct answer drawn from the entries**

**Only one entry per member.**  
 Photocopies can be submitted.

Name \_\_\_\_\_

Workplace \_\_\_\_\_

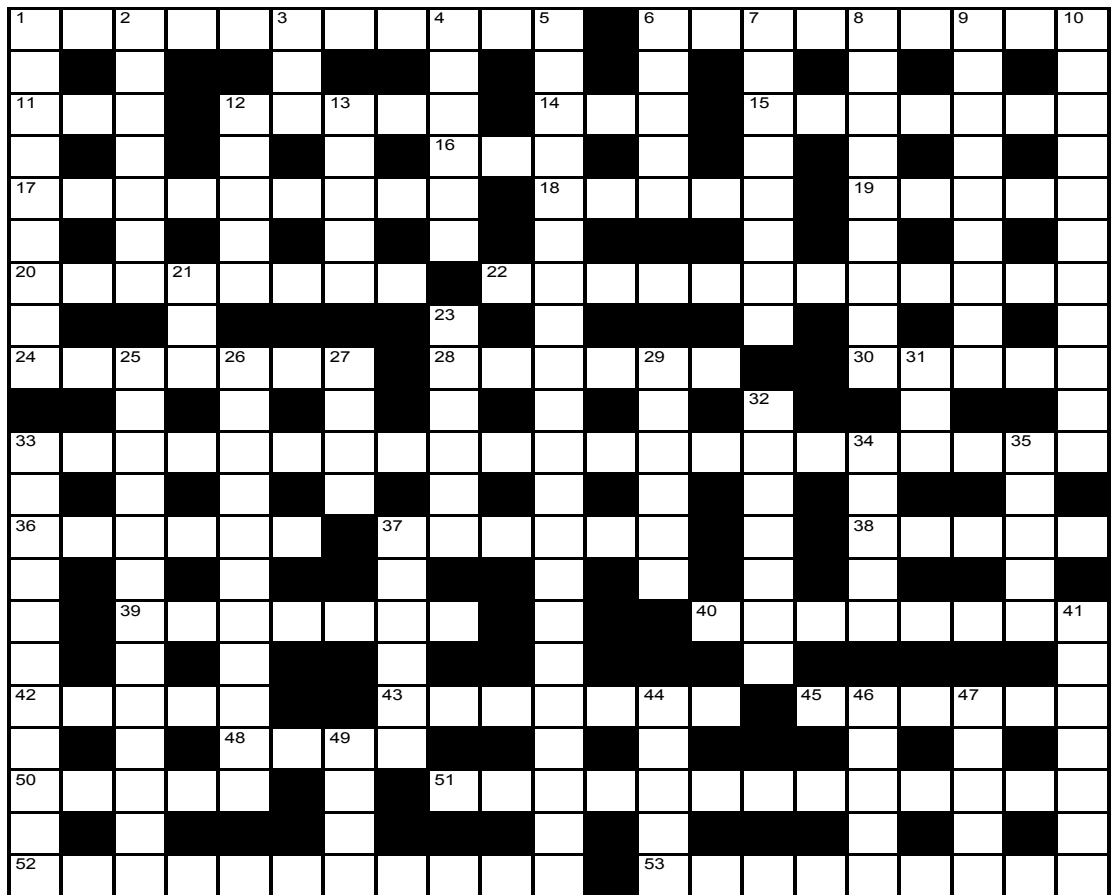
Address \_\_\_\_\_

Contact number \_\_\_\_\_

TUI Branch \_\_\_\_\_

Send entries to TUI  
 Crossword November '13,  
 TUI, 73 Orwell Rd, Rathgar,  
 Dublin 6

Closing date for entries:  
 9th December 2013



**ACROSS**

- 1 Wavelengths shorter than light but longer than X rays (11)
- 6 Searching out and harassing dissenters (5-4)
- 11 --- Arthur - Dorothy in The Golden Girls (3)
- 12 God of the underworld in Greek mythology (5)
- 14 To have something belonging to oneself (3)
- 15 Deteriorate in health or return to bad behaviour (7)
- 16 Son of Noah (3)
- 17 Tipperary village, home of Loughmoe Castle (5,4)
- 18 ---- French, Irish songwriter (5)
- 19 2013 film about a garden snail who dreams of becoming the fastest snail in the world (5)
- 20 In baking, is the technique of blending ingredients — usually granulated sugar — together with a solid fat like shortening or butter (8)
- 22 South African city; commercial centre for diamond and gold industries (12)
- 24 Robert ----- Irish actor best known for roles in Misfits and Love/Hate (7)
- 28 A Japanese plant of the family Cruciferae with a thick green root, often eaten with sushi (6)
- 30 Karen ----- fictional US Marshal in several books by Elmore Leonard
- 33 US cocktail made from whiskey and water (7,3,6,5)
- 36 Northern Ireland football manager Michael ----- (1,5)
- 37 1980 musical fantasy starring Olivia Newton John (6)

- 38 In architecture, is a convex molding (5)

- 39 Set up for use (7)
- 40 Capital of Malta (8)
- 42 Floridian city, famous for its Vice. (5)
- 43 It came after the Bronze Age (4,3)
- 45 The trait of being unduly vain and conceited (6)
- 48 Mark ----, recently deceased Australian criminal known as "Chopper" (4)
- 50 ---- Eastwood, American actor (5)
- 51 The practice of abstaining from the consumption of meat, poultry and seafood. (13)
- 52 A cry of sorrow and grief (11)
- 53 Someone worthy of imitation (4,5)

**DOWN**

- 1 A scar where the umbilical cord was attached (9)
- 2 Speak unfavourably about (7)
- 3 By way of (3)
- 4 Bat for ----- - stage name of Natasha Khan (6)
- 5 Commonly known as the Tommy Gun (8,10,3)
- 6 Louise ----- - British singer and novelist, formerly of the band Sleeper (5)
- 7 Staying longer than intended (8)
- 8 Bad breath (9)
- 9 Swinging blows directed upward (especially at an opponent's chin) (9)
- 10 Moor in Donegal, famed for its length (3,4,4)
- 12 So lacking in interest as to cause mental weariness (2-3)
- 13 Die through submersion in and inhalation of water (5)

- 21 A vote in the affirmative (3)
- 23 The basic unit of money in Angola (6)
- 25 Doctrine of movement that promotes cooperation and better understanding among different religious denominations (13)
- 26 A women's garment popular in the early 20th century, so named due to its tightness around the knees (6,5)
- 27 ---- Simone, an American singer, songwriter and civil rights activist widely associated with jazz music (4)
- 29 To strike or kick, usually repeatedly, so as to inflict severe physical damage. (4-2)
- 31 Plants of this genus are known generally as marsholders (3)
- 32 The medieval dialects of Languedoc (7)
- 33 Relating to the chemical characteristics of a particular living organism (11)
- 34 A round shape formed by a series of concentric circles (5)
- 35 Brilliance of success or effort; showy or elaborate display. (5)
- 37 Of or similar to wood (6)
- 41 Very bad, awful (7)
- 44 1976 film directed by and starring Burt Reynolds
- 46 The ----- - Welsh band popular in the 1980s, famous for '68 Guns' (5)
- 47 Epic poem attributed to Homer (5)
- 49 The Prophetess in the Gospel of Luke (4)