



Circular 49/2013

**To: The Managerial Authorities of Recognised Secondary,
Community and Comprehensive Schools
and
the Chief Executive Officers of Education and Training Boards**

**Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement)
and the Financial Emergency Measures in the Public Interest Act 2013**

Teachers

SECTION 1 – INTRODUCTION

1. The purpose of this Circular is to notify Managerial Authorities, Education and Training Boards and teachers of the changes to the salaries of teachers and other measures to take effect from 1 July 2013. These changes arise from the Financial Emergency Measures in the Public Interest Act 2013 and the Public Service Stability Agreement 2013 – 2016 (Haddington Road Agreement), having regard to section 7 of the Act.
2. For the purposes of this Circular, salary is to be taken to mean salary inclusive of allowances in the nature of pay which are fixed periodic pensionable allowances.

Interim Arrangement

3. Prior to the recent ballots on the Haddington Road Agreement, the Department agreed with TUI and ASTI that in the event that either or both unions accepted the terms of the Agreement, those terms would be applied to that union's membership with effect from 1 July 2013. TUI has now accepted the Haddington Road Agreement and ASTI has not. Consequently, the effective implementation date of 1 July 2013 and the provisions relating to protection from compulsory redundancy are no longer applicable in the case of ASTI.

Application of the Haddington Road Agreement/ Financial Emergency Measures in the Public Interest Act 2013

4. For the purposes of the initial implementation of this Circular, the general position in relation to union representation in the second level sector is taken to be as follows:

Sector	Union Representation
Voluntary Secondary Sector	ASTI
Education and Training Board Sector (excluding Designated Community Colleges)	TUI
Designated Community Colleges	ASTI and TUI
Community and Comprehensive Schools	ASTI and TUI

5. While the above is not definitive and certain issues of dual representation require further consideration, it provides an initial basis for the implementation of the Haddington Road Agreement. It is stressed however, that the application of the Haddington Road Agreement is entirely conditional upon adherence to its terms by the teachers to whom it is applied.
6. Under Data Protection legislation, the Department of Education and Skills/Education and Training Board cannot routinely use information held on the payroll systems in regard to an individual teacher's trade union membership for the purposes of application or non-application of the Haddington Road Agreement in respect of that individual teacher.
7. Having regard to the above and the terms of the Financial Emergency legislation, the Haddington Road Agreement as set out in Section 2 of this Circular will apply to teachers employed in Education and Training Boards schools (apart from Designated Community Colleges).
8. The Financial Emergency Measures in the Public Interest Act 2013 as set out in Circular 31/2013 and Section 3 of this Circular will continue to apply to teachers employed in Voluntary Secondary schools. The position of TUI members in these schools will be the subject of further guidance.
9. The Haddington Road Agreement as set out in Section 2 of this Circular will apply to teachers employed in Designated Community Colleges and Community and Comprehensive Schools who are TUI members. Such teachers who are employed in Designated Community Colleges should complete the form at Appendix 1 and submit the form by post to the Payroll section of their employer Education and Training Board, to enable the payroll adjustments under the Agreement to be implemented in respect of that teacher's salary.

Such teachers who are employed in Community and Comprehensive Schools should complete the form at Appendix 1 and submit the form by post to:

HRA Forms,
Post-Primary Teachers Payroll,
Department of Education and Skills,
Cornamaddy,
Athlone,
Co. Westmeath

SECTION 2 – THE HADDINGTON ROAD AGREEMENT

10. This section applies to teachers employed in Education and Training Boards schools (apart from Designated Community Colleges). This section also applies to teachers employed in Designated Community Colleges and Community and Comprehensive Schools who are TUI members.
11. The payroll adjustments, including the payment of increments, necessitated by the Agreement will be implemented at the earliest possible date and with retrospective effect to 1 July 2013 (or date of appointment, if later).

SECTION 2A – PAY AND OTHER ELEMENTS

Increments and related balancing measures

12. The first increment due on or after 1 July 2013 will be paid as normal.
13. For teachers on salaries (inclusive of allowances in the nature of pay) below €35,000, one three-month incremental freeze will apply. This will take effect after the increment referred to in paragraph 12 above is paid. The following incremental period will be 15 months long rather than 12 months.
14. For teachers on salaries (inclusive of allowances in the nature of pay) between €35,000 and €65,000, two three-month incremental freezes will apply. This will take effect after the increment referred to in paragraph 12 above is paid. The following two incremental periods will each be 15 months long rather than 12 months.
15. For teachers on salaries (inclusive of allowances in the nature of pay) of €65,000 or greater, two six-month incremental freezes will apply. This will take effect after the increment referred to in paragraph 12 above is paid. The following two incremental periods will each be 18 months long rather than 12 months.
16. Where a teacher's salary (inclusive of allowances in the nature of pay) surpasses €35,000 during the Agreement, a second incremental freeze of three months will apply, in accordance with the arrangements for teachers on salaries between €35,000 and €65,000 outlined at paragraph 14 above.
17. Specific arrangements will apply for teachers with salaries (inclusive of allowances in the nature of pay) between €35,000 and €65,000 who are on the final point of the incremental scale or who reach the final point of the scale following a 15 month incremental period (see paragraph 14). These arrangements will be notified in a separate communication.
18. If a teacher's salary (inclusive of allowances in the nature of pay) increases above €65,000 during the Agreement, the salary reduction provisions outlined at paragraphs 19 to 25 below will apply.

Higher Remuneration

19. In addition to the measures on increments above, there will be a reduction in pay for teachers on salary (inclusive of allowances in the nature of pay) of €65,000 or greater as follows:

Annualised amount of Remuneration relevant to this Circular	Reduction
Any amount up to €80,000	5.5% *
Any amount over €80,000 but not over €150,000	8%

* The 5.5% reduction applies to all remuneration below €80,000, not solely the portion of remuneration which is between €65,000 and €80,000.

20. As stated at paragraph 2 above, salary for the purposes of this Circular is to be taken to mean salary inclusive of allowances in the nature of pay which are fixed periodic pensionable allowances. When calculating a teacher's salary **for the purposes of the higher remuneration reduction only**, the Supervision and Substitution allowance should not be included in the total. Please see Appendix 2 for further detail and worked examples.
21. If a teacher's salary increases above €65,000 (inclusive of allowances in the nature of pay) during the Agreement, these salary reduction provisions will apply.
22. An individual teacher's remuneration will not fall below €65,000 as a result of the application of this reduction.
23. Where a teacher is employed on less than full hours (i.e. on a part-time or jobsharing basis) and their whole-time equivalent salary (inclusive of allowances in the nature of pay which are fixed periodic pensionable allowances) is greater than €65,000, the reductions outlined in the above table will apply to their salary on a pro-rata basis.

Restoration of Salary Reduction for Teachers covered by the Haddington Road Agreement

24. For teachers who have an annualised salary (inclusive of allowances in the nature of pay) of €65,000 or greater, the reduction outlined in paragraphs 19 to 23 above will be restored to the rate that they would have had, but for the salary reduction, within a maximum of 18 months of the end of the 3 year Agreement (which commenced with effect from 1 July 2013). The restoration will be in two equal phases – the first after 9 months and the second 9 months later. Specific directions in relation to this restoration will be issued by the Department closer to the time of its implementation.

Alleviation of Multiple Impacts for Teachers covered by the Haddington Road Agreement

25. Alleviation measures will apply in the case of teachers who lose pensionable salary both through the higher remuneration reduction as described at paragraphs 19 to 24 above **and** the withdrawal of the Supervision and Substitution allowance under the Agreement. Please see Appendix 2 for further detail and worked examples.

Revised Salary Scales and Rates for Teachers covered by the Haddington Road Agreement who entered Teaching between 1 January 2011 and 31 January 2012 and for Post-1 February 2012 Entrants

26. Revised incremental salary scales and hourly part-time rates for teachers who entered teaching between 1 January 2011 and 31 January 2012 as set out in Appendix 3 will apply with effect from 1 July 2013. Qualification allowances continue to be paid to this cohort of teachers, as appropriate.
27. Revised incremental salary scales and hourly part-time rates for teachers who entered teaching on or after 1 February 2012 and future entrants as set out in Appendix 4 will apply with effect from 1 July 2013. Qualification allowances are not payable to this cohort of teachers.

Reduction in the Service Qualification Requirements for Assessment for Entitlement to a Contract of Indefinite Duration under Circular 33/2009 and Circular 34/2009 for Teachers covered by the Haddington Road Agreement

28. In line with the terms of the Haddington Road Agreement, teachers who are employed on a fixed-term basis are eligible for consideration for a contract of indefinite duration once they have had in excess of 3 years continuous service with the same employer (a reduction from the current requirement to have in excess of 4 years continuous service).
29. Employers should now assess any member of teaching staff covered by the Haddington Road Agreement who, after 1 July 2013, has had in excess of 3 years continuous service with that employer, for entitlement to a contract of indefinite duration in line with section 2 of Circular 33/2009 and section 4 of Circular 34/2009 and issue a contract of indefinite duration to any teacher who satisfies the conditions therein.
30. The terms of Circular 33/2009 and 34/2009 remain unaltered apart from the reduction in service requirement for entitlement to assessment for a contract of indefinite duration from 4 years to 3 years.

Establishment of an Expert Group on Fixed Term/ Part Time Employment in Teaching for Teachers covered by the Haddington Road Agreement

31. An Expert Group will be established to consider and report on the level of fixed-term and part-time employment among teachers, having regard to the importance for teachers of employment stability and security and taking account of system and school needs and Teaching Council registration requirements. Further communication in relation to this matter will issue as appropriate.

Supplementary Panel Arrangements for Redeployment of Post-Primary Teachers covered by the Haddington Road Agreement

32. In line with the terms of the Haddington Road Agreement, a supplementary panel will be established for teachers who have had sustained periods of employment with more than one school/ETB over an extended period of time. The general principles to underpin this new scheme will include the designation of certain permanent vacancies to be filled from this panel having taken account of, *inter alia*, those permanent vacancies requiring to be filled by pre-existing panel arrangements, the awarding of CIDs, and the allocation of additional hours to existing CID holders. Discussions will be held with a view to introducing these arrangements for the school year 2014/15. A further communication will issue in relation to the panel following those discussions.

SECTION 2B – SUPERVISION AND SUBSTITUTION SCHEME UNDER THE HADDINGTON ROAD AGREEMENT

Compulsory Participation in the Supervision and Substitution Scheme for Teachers covered by the Haddington Road Agreement

33. With effect from the beginning of the 2013/14 school year, participation in the Supervision and Substitution scheme will be compulsory for teachers covered by the Haddington Road Agreement.

Change in Annual and Weekly Hours Requirements for Teachers covered by the Haddington Road Agreement

34. With effect from the beginning of the 2013/14 school year, each teacher will be required to provide 43 hours supervision and substitution per annum. This will include providing substitution cover for the absences referenced in paragraph 37 below.
35. With effect from the commencement of the school year 2013/14, the time currently assigned to supervision and substitution will be increased from 1 and a half hours in any given week to 3 hours. In this context, the additional time may only be used for substitution.
36. The requirement that a teacher be available for 3 timetabled class periods per week will be increased to 5 class periods per week.

Usage of Hours under the Supervision and Substitution Scheme

37. Hours provided under the revised Supervision and Substitution scheme will, in addition to usage under the existing scheme, be used as follows:
 - With effect from commencement of 2013/14 school year – to cover all uncertified sick leave absences
 - With effect from commencement of 2014/15 school year – to cover the first day of force majeure leave and illness in family leave

Supervision and Substitution Payments

38. The supervision and substitution allowance will be discontinued with effect from the commencement of the 2013/14 school year.
39. A gross additional payment of €1,592 will be included in the incremental scale for teachers in two moieties - half in the school year 2016/17 and half in the school year 2017/18.

SECTION 3 – THE FINANCIAL EMERGENCY MEASURES IN THE PUBLIC INTEREST ACT 2013

40. The provisions of Circular 31/2013 continue to apply in the case of teachers not covered by the Haddington Road Agreement. In particular:
- Incremental progression is suspended for all teachers who are not covered by the Haddington Road Agreement for three years with effect from 1 July 2013
 - For teachers who are not covered by the Haddington Road Agreement, the reduction in salary for teachers on salaries of €65,000 or greater will not be subject to the alleviation measures outlined in paragraph 25 and Appendix 2 of this Circular
 - The revised salary scales and rates for teachers who entered teaching between 1 January 2011 and 31 January 2012 and for post-1 February 2012 entrants as outlined in paragraph 26 and 27 and Appendix 3 and 4 of this Circular will not apply in the case of teachers who are not covered by the Haddington Road Agreement
 - The reduction in the service qualification requirement for assessment for entitlement to a Contract of Indefinite Duration from 4 years to 3 years will not apply in the case of teachers who are not covered by the Haddington Road Agreement
 - Any measures implemented as a result of the report of the Expert Group on fixed term/ part time employment in teaching (as described in paragraph 31 of this Circular) will not apply in the case of teachers who are not covered by the Haddington Road Agreement
 - Teachers who are not covered by the Haddington Road Agreement will not have access to the supplementary redeployment panel arrangements as set out in paragraph 32 of this Circular.
41. This Circular is without prejudice to any further measures that may be taken arising from Section 2B of the Financial Emergency Measures in the Public Interest Act 2013.

Circulation

42. Please ensure that copies of this Circular are provided to all members of the Board of Management/ Education and Training Board and its contents are brought to the attention of all teachers in your employment including those on leave of absence.
43. This Circular can be accessed on the Department's website under <http://www.education.ie>.

Philip Crosby
External Staff Relations
9 October 2013

Padraig Maloney
Payroll Division
9 October 2013

APPENDIX 1

TEACHER CONSENT FORM

To be completed by teachers employed in Designated Community Colleges and Community and Comprehensive Schools who are TUI members.

Name: _____

Teacher Payroll Number (not Teaching Council registration number): _____

School and School Address: _____

School Roll Number: _____

I confirm that I am a member of the TUI and I hereby consent to this data and data relating to my union affiliation in the payroll systems of the Department of Education and Skills or my employer Education and Training Board being used for the purposes of determining application of the Haddington Road Agreement in my case, in accordance with the relevant provisions of Circular 49/2013.

Signature: _____

Date: _____

Early submission of this form will assist in enabling the Department of Education and Skills/ Education and Training Board to implement the adjustments to your salary under the Haddington Road Agreement at the earliest possible date.

Designated Community Colleges: Teachers who are TUI members and are employed in Designated Community Colleges should complete this form and submit it by post to the Payroll section of their employer Education and Training Board.

Community and Comprehensive Schools: Teachers who are TUI members and are employed in Community and Comprehensive Schools should complete this form and submit it by post to: HRA Forms, Post-Primary Teachers Payroll, Department of Education and Skills, Cornamaddy, Athlone, Co. Westmeath

APPENDIX 2

HIGHER REMUNERATION – ALLEVIATION OF MULTIPLE IMPACTS FOR TEACHERS COVERED BY THE HADDINGTON ROAD AGREEMENT

Step 1

Calculate the teacher's current full gross salary, including all fixed periodic pensionable allowances apart from the Supervision and Substitution allowance, where that is paid to the teacher. It should be noted that the Supervision and Substitution allowance will be discontinued with effect from the commencement of the 2013/14 school year.

If the teacher's gross salary is less than € 65,000 following this calculation, the reductions under the Financial Emergency Measures in the Public Interest Act 2013/Haddington Road Agreement will not apply. If the teacher's gross salary equals or exceeds € 65,000, the reductions will apply and will be calculated in accordance with the steps below.

Where a person is employed on less than full hours then a calculation should be made to see whether their whole-time equivalent salary is greater than € 65,000. In the event that their whole-time equivalent salary is greater than € 65,000 then the reductions should be applied to their salary on a pro-rata basis.

Step 2

Apply a 5.5% reduction to all of the teacher's salary which is below € 80,000.

Step 3

Calculate the portion of the teacher's salary which exceeds € 80,000 and apply an 8% reduction to that portion.

Step 4

Combine the figures from Steps 2 and 3.

Step 5

Reduce the figure arrived at through Step 4 by the amount of the Supervision and Substitution allowance applicable to the cohort to which the teacher belongs i.e. reduce the figure by € 1,769 for teachers paid on the pre-1 January 2011 entrant payscale and by € 1,592 for teachers paid on the post-1 January 2011 entrant or post-1 February 2012 entrant payscales.

The resulting figure is the total annual salary reduction applicable to that teacher.

Step 6

The teacher's new annual salary is the gross salary (calculated in Step 1) minus the total annual salary reduction (calculated in Step 5). Where this would result in the teacher's salary being reduced to a figure below € 65,000, the full reduction is not applied and the teacher's new annual salary is € 65,000.

Step 7

This calculation should be re-done whenever an event occurs that would affect the teacher's salary eg. achieving an increment, changes to allowance entitlements or on promotion.

Step 8

It should be remembered that for teachers on salaries of €65,000 or greater, the reduction will be restored to the rate that they would have had, but for the salary reduction, within a maximum of 18 months of the end of the 3 year Agreement (which commenced on 1 July 2013) in two equal phases.

Worked Example 1:**Step 1**

In this example, the teacher's full current gross salary is € 85,664 (comprising of Point 25 of the pre-2011 entrant Common Basic Scale plus Honours Degree allowance plus a Category 7 Principal allowance). The teacher also receives the Supervision and Substitution allowance of €1,769, but this is disregarded for the purposes of this calculation.

As the teacher's gross salary exceeds € 65,000, the reductions under the Financial Emergency Measures in the Public Interest Act 2013/ Haddington Road Agreement will apply.

Step 2

The portion of salary which should receive the 5.5% cut is € 80,000. This results in a reduction of € 4,400.

Step 3

The portion of salary which exceeds € 80,000 is € 5,664. The 8% cut should therefore be applied to € 5,664. This results in a reduction of € 453.

Step 4

Combining € 4,400 and € 453 gives € 4,853.

Step 5

Reducing € 4,853 by € 1,769 gives € 3,084. The total annual salary reduction applicable to this teacher is therefore € 3,084

Step 6

The teacher's new annual salary with effect from 1 July 2013 is € 82,580 (equates to € 85,664 minus € 3,084). It should be noted that the Supervision and Substitution allowance will be discontinued with effect from the commencement of the 2013/14 school year.

Worked Example 2:

Step 1

In this example, the teacher's full current gross salary is € 65,247 (comprising of Point 16 of the pre-2011 entrant Common Basic Scale plus Honours HDip allowance plus Masters Degree allowance plus an Assistant Principal allowance). The teacher does not currently carry out supervision duties and does not receive a supervision and substitution payment.

As the teacher's gross salary exceeds € 65,000, the reductions under the Financial Emergency Measures in the Public Interest Act 2013/ Haddington Road Agreement will apply.

Step 2

As the teacher's salary does not exceed € 80,000, the portion of salary which should receive the 5.5% cut is € 65,247. This results in a reduction of € 3,589.

Step 3

Reducing € 3,589 by € 1,769. The total annual salary reduction applicable to this teacher would normally be € 1,820. However, as application of a € 1,820 reduction would bring the teacher's salary below € 65,000, the salary is reduced to € 65,000 only. The teacher's new annual salary with effect from 1 July 2013 is € 65,000.

APPENDIX 3

- (a) Revised incremental salary scales for teachers covered by the Haddington Road Agreement who entered teaching between 1 January 2011 and 31 January 2012, to apply with effect from 1 July 2013. Qualification allowances continue to be paid to this cohort of teachers as appropriate.

Point	1/1/2011 Existing scale (continues for teachers covered by FEMPI Act)	1/1/2011 Revised scale from 1 July 2013 (applies only to teachers covered by the Haddington Road Agreement)
1	27,814	27,814
2	28,775	28,775
3	29,737	30,702
4	30,702	31,924
5	32,198	33,168
6	33,168	34,136
7	34,136	36,576
8	36,576	37,795
9	37,795	39,251
10	39,251	40,700
11	40,700	42,160
12	42,160	43,380
13	43,380	44,996
14	44,996	44,996
15	44,996	44,996
16	44,996	47,225
17	47,225	47,225
18	47,225	47,225
19	47,225	47,225

20	47,225	50,170
21	50,170	50,170
22	50,170	50,170
23	50,170	53,423
24	50,170	54,339
25	53,423	55,514

- (b) Revised hourly rates for part-time and substitute teachers comprehended by the Haddington Road Agreement who entered teaching between 1 January 2011 and 31 January 2012, to apply with effect from 1 July 2013:

	1/1/2011 Existing rate (continues for teachers covered by FEMPI Act)	1/1/2011 Revised rate from 1 July 2013 (applies only to teachers covered by the Haddington Road Agreement)
Hourly rate post-primary (casual qualified)	40.10	41.13
Hourly rate post-primary (unqualified)	36.76	36.76

APPENDIX 4

- (a) Revised incremental salary scales for teachers comprehended by the Haddington Road Agreement who entered teaching on or after 1 February 2012 and future entrants, to apply with effect from 1 July 2013. Qualification allowances are not payable to this cohort of teachers.

Point	1/2/2012 Existing scale (continues for teachers covered by FEMPI Act)	1/2/2012 Revised scale from 1 July 2013 (applies only to teachers covered by the Haddington Road Agreement)
1	30,702	30,702
2	32,198	33,168
3	33,168	33,950
4	34,136	36,576
5	36,576	37,795
6	37,795	39,251
7	39,251	40,700
8	40,700	42,160
9	42,160	43,380
10	43,380	44,996
11	44,996	44,996
12	44,996	44,996
13	44,996	47,225
14	47,225	47,225
15	47,225	47,225
16	47,225	47,225
17	47,225	50,170
18	50,170	50,170

19	50,170	50,170
20	50,170	50,170
21	50,170	53,423
22	53,423	53,423
23		53,423
24		58,765
25		59,940

- (b) Revised hourly rates for part-time and substitute teachers comprehended by the Haddington Road Agreement who entered teaching on or after 1 February 2012 and future entrants, to apply with effect from 1 July 2013:

	1/2/2012 Existing rate (continues for teachers covered by FEMPI Act)	1/2/2012 Revised rate from 1 July 2013 (applies only to teachers covered by the Haddington Road Agreement)
Hourly rate post-primary (casual qualified)	38.87	40.17
Hourly rate post-primary (unqualified)	36.76	36.76