



Advice re: Supervision and Substitution

Members should read DES Circular Letter 71/2016 'Withdrawal from Supervision and Substitution Duties by ASTI members', issued 26th October 2016 and the TUI letter of advice to members dated 21 October 2016.

The employer has decided that my school will close owing to the withdrawal from S&S by ASTI members, how am I, as a TUI member, to indicate my availability for S&S duties in order to get paid?

Circular Letter 71/2016 states that 'teachers who wish to remain on the payroll are required to confirm their availability for the full range of duties including supervision and substitution duties from 7 November onwards' by completing and submitting the form appended to the circular. This completed form (entitled *Confirmation By Teacher Of Availability For Their Full Range Of Duties Including Supervision And Substitution From 7 November Onwards*) must be submitted to the Principal as soon as possible in order to avoid deductions in pay.

S&S Roster

My colleagues in ASTI will be withdrawing from S&S with effect from 7 November. Can management rearrange the S&S rota to compensate?

No. The S&S roster cannot be altered to compensate for shortfalls in S&S owing to the ASTI dispute. TUI members are required to carry out their own S&S duties but are not permitted to alter their work to compensate for the absence of colleagues who are members of another trade union that is involved in dispute action.

Can management direct me to supervise areas of the school premises that are normally covered by my ASTI colleagues?

No.

Am I entitled to see the S&S roster?

Yes. CL42/2014 states that the completed roster will be available to all teachers.

Health & Safety Concerns

What happens if management close certain supervision areas and move more students into my supervision area?

Members must undertake normal supervision and substitution duties. Where, however, due to the absence of ASTI colleagues there is inadequate coverage and a health and safety concern arises, members must report the issue to the TUI Workplace Representative and the Principal.

If, as a result of inadequate S&S cover, management seeks to combine class groups for the purposes of substitution, am I required to take these students?

TUI members are required to operate in strict accordance with existing Circular Letter PPT 01/03 governing the use of S&S hours. Specifically, 7.1 of Circular Letter PPT 01/03 states:

7.1 Substitution is the replacement of an absent teacher by another qualified teacher and substitution arrangements should aim to maximise appropriate teaching during substitution periods.

Therefore, substitution is arranged on the basis of a teacher taking the class of an absent teacher. Combining class groups is not acceptable.

What do I do if an external supervisor is brought in to cover the supervision duties of my ASTI colleagues and this results in students becoming more disruptive in an area that I am also supervising?

If a health and safety concern arises for TUI members, that concern must be reported immediately to the TUI Workplace Representative and to the Principal.

S&S Obligation

Am I, as a TUI member, required to engage in S&S?

Supervision and Substitution is compulsory for TUI members with effect from the 2013/2014 academic year except for those who had opted out of the scheme by 28 February 2014. Half of the S&S payment was returned to the incremental salary scale for teachers in September 2016 and the second half will be returned to scale with effect from on 1 September 2017. TUI members are only required to carry out their own S&S duties and are not permitted to undertake the work normally done by members of another trade union that is in dispute. This means that alterations to the normal S&S roster are not acceptable.

How many hours S&S am I required to do? Could I be required to undertake more S&S as a result of the ASTI dispute?

Each full time teacher is required to be available to undertake S&S duties for a maximum of 43 hours per year. Teachers have already been assigned their weekly supervision requirement for the year. As the maximum time that can be used for S&S is 3 hours per week subject to the maximum of 43 hours per year not being exceeded, teachers are available to undertake substitution for the residual weekly time i.e. 3 hours minus the time already assigned for supervision.

How many hours of S&S is a teacher on less than full hours required to do?

A teacher on less than full hours is required to complete S&S on a pro rata basis. TUI members who are part-time cannot undertake additional S&S that would involve doing the work of ASTI colleagues who are engaged in industrial action, even if management offers to pay those members additional remuneration.

How many class periods must a teacher be available for substitution?

A full-time teacher must be available for 5 class periods per week – see Circular Letter 42/2014. A teacher on less than full hours is required to complete S&S on a pro rata basis. Teachers working up to and including 12 hours of class contact per week must be available for 3 class periods, teachers working more than 12 and up to and including 17 hours of class contact per week must be available for

4 class periods. A teacher selects these class periods at the commencement of the academic year and their class periods cannot be changed to compensate for a shortfall in coverage owing to the ASTI dispute.

When is S&S used?

S&S is used to cover:

- Absences on school approved activities
- Self-certified sick leave
- The first day of each absence of force majeure leave and illness in family leave.

When is paid substitution used, as opposed to use of the S&S scheme? Can management use paid substitution to cover for shortfalls in S&S cover?

No. Management cannot use paid substitution for areas that are covered by S&S. The DES continues to provide paid substitution over and above the S&S scheme for a number of activities including:

- Certified sick leave
- Parental leave
- Compassionate Leave
- Maternity Leave
- Paternity Leave
- Jury Service Leave
- Membership of NCCA (Council, Boards and Course Development Groups)

What happens if I am not called upon for substitution in a given week as management is trying to bank S&S for the ASTI dispute?

If a teacher is not called upon for substitution, the unmet commitment remains but is subject to a maximum delivery of S&S in any given week of 3 hours.

If I am one of a number of teachers, including members of TUI and ASTI, who have selected to cover a particular class period for substitution purposes and I am called upon to cover that class period, does that mean that I am doing the work of an ASTI colleague who is engaged in industrial action?

No. You have selected this class period as one of your slots. Therefore, you are required to carry out your duty, if called upon, unless you are asked to cover the class of an ASTI colleague absent owing to industrial action.

It is worth remembering that once you have identified how many of your 43 hours are taken up by supervision for the year you will know how many hours you have left for substitution. Once you have reached this limit, your engagement in substitution in respect of the academic year is complete.

External Supervisors – recruitment, training, induction & co-operation

As a Principal of a dual union school do I have to be involved in the process of selection, appointment, induction and training of these new external supervisors?

TUI has advised the management bodies that it is not the work of our members to select, appoint induct and/or train external supervisors. TUI has also informed the management bodies that to ask our members would increase their workload in a manner that is not agreed. The TUI will represent any member or group of members who requires representation in the event of an imposition of additional workload. TUI members should advise their BOM/ETB that to be asked to engage in such activity would increase their workload.

What is TUI's position on the recruitment of External Supervisors?

TUI has grave concerns around the recruitment, interviewing, vetting and training of external supervisors and views the DES plan as being fraught with difficulties. Among the most serious of these concerns is that TUI regards S&S as teaching work. These concerns have been communicated, by the TUI, to the DES and the management bodies.

It should be noted that in a letter dated 17th October, 2016 to the Department of Education and Skills, the ASTI stated that 'ASTI has no intention of hindering the activities of any external personnel recruited'.

Should TUI members co-operate with external supervisors who are brought in to compensate for the shortfall in S&S owing to the ASTI dispute?

Our colleagues in the ASTI have notified the DES that they have no intention of hindering the activities of any external personnel recruited. Therefore, in order to respect the decision taken by our colleagues, TUI will not impede the work undertaken by external supervisors.

What happens if a decision is made to keep a school open due to the availability of external supervisors but, for whatever reason, the external supervisor/s are no longer available to work?

This will be a decision for school management. However, if there is insufficient S&S cover, it is likely that management will decide that the school will close on health and safety grounds.

School Closures

Who decides if a school should remain open or should close owing to ASTI's withdrawal from S&S? Can TUI advise management in relation to this?

The decision whether to open or close a school rests with the individual employer (that is the BOM or the ETB). Each school has its own set of circumstances.

What happens in small schools or schools that may have a high level of uncertified sick leave absences on a particular day and the classes nominated by teachers do not cover the substitution required?

A school's priority is to provide a healthy and safe environment for its students. If this requirement cannot be met, and the health and safety of students is at risk, then the employer must consider closing the school.

Extra-curricular activities

Due to the reduction in S&S availability, school management has been advised by the employer to limit/restrict extra-curricular activities. This may affect activities planned by TUI members, can TUI do anything about this?

It is up to individual BOMs/employers to determine what extra-curricular activities should go ahead. TUI members should inform management and staff representatives on Boards of Management immediately if they have scheduled any activity which may now be deferred/cancelled and inform them of their views in relation to deferring/cancelling any such activity.

S&S Opt Out

The teacher unions have lodged a claim with the Teachers' Conciliation Council to allow teachers a further opportunity to opt out of the S&S scheme.