



Document name	RETNS Policy on Employment
Version reference	1.0
Nature of revision	Review
Document owner	Board of Management
Approved by	Board of Management
Date	13 May 2019

RETNS POLICY ON EMPLOYMENT

Policy No. 2/19

Introduction:

The Board of Management, BoM, is the employer of all staff in the school. This policy outlines how the BoM will meet its obligations under employment law and strive for best practice in human resource management within its resource constraints. This policy was developed in 2019 as part of a review of the previous employment policy and was approved by the BOM on 13 May 2019.

Purpose:

The BoM is the employer of all staff in the school and acknowledges that the staff team is one of the school's most important assets. The BoM is committed to meeting its obligations under employment law and ensuring best practice in human resources management within its resource constraints. It is also committed to meeting its obligations set out by the school's patron, Educate Together.

The BoM also has a particular role to play in the recruitment and retention of staff, the sanctioning of resources associated with staffing and in employment disputes. The BoM recognises that it is crucial to recruit employees with the necessary qualifications, experience, skills and commitment to undertake the work of the school. Furthermore, it believes that all staff should be supported to do their jobs well and realise their potential in the workplace through adequate induction, training, supervision, remuneration and benefits. In the event of

disputes, it is also important that the school has procedures in place to solve problems as quickly and smoothly as possible.

Scope:

This policy applies to the BoM and staff, including the Principal, Deputy Principal, teaching staff, SNAs and support staff. This policy does not apply to student teachers, volunteers or external contractors who do work in/for the school.

Policy statement:

1. Recruitment and selection:

1.1 Job analysis

When a post becomes vacant or if a new post is being considered, the Principal will undertake a job analysis to define the school's current needs. All jobs will be sanctioned either by the BoM, or in the case of teaching staff and Special Needs Assistants, SNAs, by the Department of Education and Skills. Appointments to a substitute position for a period of less than 24 weeks do not need to be advertised. However, the Principal may choose to speak to the prospective substitute teacher informally.

In the case of short-term substitution, the BoM allows the Principal to appoint an individual without the need to follow all of the procedures outlined in the remainder of this section. However, all employees, including substitute teachers, must be Garda vetted.

1.2 Selection boards

The Principal will sit on all selection boards, unless there is a conflict of interest, or the position of Principal itself is being recruited for, and will be joined by the Chairperson of the BoM except in exceptional circumstances. For ancillary posts, one or more suitably qualified and independent individuals will join the Principal on the selection board. For teaching and SNA posts, DES rules will be followed. All members of the selection board will be provided with the relevant extracts from this policy document.

1.3 Job description and person specification

A job description and the person specification with fair and assessable selection criteria, will be drawn up for all posts. For teaching staff and SNAs, DES rules on eligibility criteria and responsibilities will be followed.

1.4 Advertising

Recruitment and appointment procedures for teachers, principals, deputy principals and SNAs will follow DES rules. Advertisements for teaching and SNA posts will follow DES rules, including notifying teachers on leave of any vacancies.

Posts will be advertised both internally and externally to the school using mechanisms appropriate to the job. These may include school notice boards; staff room/intranet; the Educate Together website; specialist school staffing websites; press/media; and other channels if appropriate.

1.5 Application process

The job information pack will outline the application process, and will include the job description, the person specification and any other information considered relevant to the post. Applicants will be asked to submit a standard application form by a stated closing date. Applications received after the closing date will not be considered.

1.6 Shortlisting

The selection board will decide on a manageable number of interviewees. All valid applications will be looked at and, using an agreed scoring system based on the criteria referred to in section 1.3, a shortlist will be drawn up for interview. Shortlisted candidates will be provided with practical details of the interview, such as location, time, what to bring, etc.

1.7 Interviewing/testing

Interviews will normally be held at the school. The selection board will ask candidates the same range of predetermined questions. Candidates may be asked follow-up questions for clarification. All interviewees will be asked if they have ever had a child protection issue, even if this was unproven. A standardised score sheet will be used to note interviewees' responses and interviewers' comments. If appropriate, interviewees may be asked to perform relevant tests, for example, making a presentation. Interviews for teachers and SNAs will follow DES rules.

1.8 Verifying

If candidates have not already provided evidence of relevant qualifications, they will be asked to bring these along to interview. At least two references will be taken up for preferred candidates before a provisional job offer is made. Telephone references will be taken up seeking answers to specified questions (always including child protection concerns). Garda vetting will always take place in line with the procedures outlined in the school's child safeguarding policy and procedures. Procedures set out in the Governance Manual for Primary Schools will be followed. Furthermore, the DES requires all new entrant teachers to complete Medmark4teachers screening.

1.9 Selecting

The selection of teaching and SNA staff will be done using DES guidance. The selection board must come to an agreed decision on the ranking of appointable candidates. For teaching and SNA posts, DES rules will be followed regarding ratification from the BoM and Educate Together for recommended candidates. The job offer will be made as soon as possible after the selection board's decision/written approval by Educate Together. The job offer will usually be made by telephone,

and will be followed up immediately in writing, with a short deadline for acceptance or refusal. The offer may be made subject to satisfaction with the verification checks outlined in section 1.8. All other candidates will then be informed that they have been unsuccessful and thanked for their interest. This will be done by email.

1.10 Records

All documentation relating to the recruitment process will be retained securely in compliance with the school's Data Protection Policy. The DES will be notified of all teaching and SNA appointments using the agreed procedures.

2. Commencing employment

2.1 Contracts

All employees will be issued with a written statement of core terms of employment, normally on commencement and in any case within five days of starting work. The contract will be signed by both parties and copies will be kept by each. In most cases, the contract will allow for a probationary period. Teachers and SNAs will be issued with standard DES contracts.

Fixed term (temporary) contracts will include a clause specifically excluding the application of the Unfair Dismissals Acts 1977 to 2007. Employees shall not be permitted to remain on fixed term contracts indefinitely. DES regulations for employing temporary teachers will be followed. Fixed term and part-time employees shall not be treated any less favourably than permanent and full-time employees, subject to the law. Employees will be issued with a copy of this document, induction materials and other school policies and procedures.

2.2 Induction

The Principal will organise a tailored induction process for the initial days and weeks of a new member of staff's employment to familiarise her/him with the school and the job. Where appropriate, a mentoring system will be set up.

2.3 Personnel file

A file will be kept on every member of staff containing any records relating to their employment. Every employee has a right to see what information the school keeps on her/his own personnel file, but not on the files of others. Records will be kept, used and disposed of in accordance with current data protection legislation and the school's Data Protection Policy.

2.4 Seniority

DES rules for seniority of permanent teaching staff and SNAs will be followed and new employees will be made aware of this aspect.

3. Working conditions

3.1 Working time

The provisions of working time legislation will be adhered to and all time worked and breaks/leave taken will be recorded.

3.2 Flexible working arrangements

The BoM will consider requests for flexible working arrangements (part-time, job share, etc.) on a case-by-case basis, using current DES guidelines where available and prioritising the welfare and educational needs of pupils over other considerations when making decisions.

It should be noted that the job sharing option is open to all and that pre-existing arrangements do not take precedence over new applications. Job shares must be applied for on an annual basis. In order to plan for potential job shares, those interested in pursuing this option are asked to have informal and private discussions with the Principal in January of the year preceding the start of any such arrangement.

Formal written applications have to be submitted by teachers to the BoM by 1 February of that year. The BOM will consider all requests for job shares for teachers at its February meeting and shall issue a written notice of approval or refusal, which will set out the basis of the refusal, to the teacher by 1 March at the latest. Up to two job-sharing arrangements for teachers may be agreed by the Board of Management.

Taking account of the extent of arrangements to be put in place by the employer to cater for a job sharing post, the applicant shall not be permitted to withdraw his/her application after 14 April, or from when the replacement teacher's contract has been signed, whichever happens first. This shall be included in the notice from the school to the teacher.

Applications for job-sharing for SNAs must be submitted by 1 March. A Special Needs Assistant seeking to job-share must submit the prescribed application form to the employer not later than 1 March. The employer shall issue a written notice of approval or refusal, which will set out the basis of the refusal to the special needs assistant by 31 March at the latest. Taking account of the extent of arrangements to be put in place by the employer to cater for a job-sharing post the applicant shall not be permitted to withdraw his/her application after 14 April and this shall be included in the notice from the school to the Special Needs Assistant.

3.3 Leave

3.3.1 General leave matters

Substitute teachers can only be appointed in limited circumstances defined by the DES.

3.3.2 Annual leave/public holidays

All employees are entitled to annual paid leave and public holidays. Leave entitlement is calculated on a *pro rata* basis for part-time staff. Requests for annual leave must be made with due notice, can only be granted by the Principal and must not interfere unduly with the operations of the school. Employees who become ill during annual leave and are certified as such are entitled to retake their annual leave.

3.3.3 Sick leave

Employees must only present for work if they are fit to do so. If an employee is sick and unavailable for work, he/she must inform the Principal by phone at the earliest opportunity, preferably the preceding evening. Sick leave entitlements for qualified teachers and for SNAs are laid down by the DES. Sick leave entitlements and certification requirements for other staff are laid out in their contracts. Teachers and SNAs are strongly encouraged to obtain a medical certificate for each and every day of sickness in order that the school may engage substitute staff during their absence. The school reserves the right to ask employees to attend the GP nominated by the school for a medical examination to assess fitness for work. If staff have to attend medical appointments, it is required that they do so outside of school hours whenever feasible.

3.3.4 Extra Personal Vacation (EPV)

In line with DES regulations, teachers are entitled to between three and five EPV days during the school year for any approved courses they undertake for five or more days the previous summer. Requests for EPV days must be accompanied by certification of attendance and completion, must be granted by the Principal and must not interfere unduly with the operations of the school. A first come first served policy will be applied. EPV days will not ordinarily be sanctioned for September, June, staff meeting days, swimming days and special event days. Generally only one member of staff may take EPV on any given day but, should the need arise, one class teacher and one SET may take an EPV day on the same day. EPV days must be spread over the school terms. Any teacher wishing to take concurrent EPV days must apply before 30 September.

3.3.5 Other legally defined forms of leave

The school will grant any leave in accordance with legal requirements, which includes, but is not limited to, adoptive, carer's, force majeure, jury service, maternity and parental leave.

3.3.6 Discretionary leave

Requests for paid or unpaid discretionary leave, for example, brief absences in the form of study leave or compassionate leave, will be considered by the BoM on a case-by-case basis.

3.3.7 Career breaks, secondments, and teacher exchanges

Requests for these will be considered by the BoM on a case-by-case basis, using current DES guidelines. It should be noted that pre-existing arrangements do not necessarily take precedence over new applications. Career breaks, secondments, and teacher exchanges must be applied for on an annual basis. In order to plan effectively, those interested in pursuing these options are asked to have informal and private discussions with the Principal in January of the year preceding the start of any such arrangement. Formal written applications have to be submitted to the BoM by 1 February for teachers and 1 March for SNAs of that year.

The BoM will consider all formal written applications for career breaks, secondments, and exchanges for teachers at its February meeting and inform applicants of its decision in writing by 1 March. The BoM may decide to grant up to two of these arrangements at any one time.

The BoM will consider all formal written applications for career breaks for SNAs at its March meeting and inform applicants of its decision in writing by 1 April. The BoM may decide to grant up to two of these arrangements at any one time, taking into account the number of job sharing arrangements in the school.

In deciding on any valid application or applications for career break, secondments, job-share arrangements and teacher exchanges, the BoM will have regard to, *inter alia*, the following factors:

- (a) the requirement that welfare and educational needs of pupils will take precedence over all other considerations;
- (b) the capacity of the school to meet its obligations to its pupils;
- (c) the number of teachers on leave or seeking leave;
- (d) the purpose of the proposed leave
- (e) the availability of an appropriately qualified replacement teacher/SNA;
- (f) the suitability of the incoming teacher in the case of teacher exchange for the class concerned; and
- (g) the number of teachers in the school who are likely to be absent on non-discretionary leave such as maternity, adoptive, parental or carer's leave or leave of absence due to illness.

Applications for leave that require the approval of the BoM will be considered on receipt of appropriate documentation. In circumstances where the number of applications for discretionary leave - secondment, teacher exchange, career break, exceeds the school's quota as stated above, the following criteria, in no particular order, will be used in determining whether to permit and to whom to permit participation in discretionary leave schemes as above:

- (i) length of service in RETNS and where such length of service is equal to another applicant, the number of years teaching or working as an SNA;
- (ii) whether the applicant has taken leave in the past and if she/he has, the period of time which has elapsed since applicants have available of any discretionary leave, including career break; and will be taken into account; and
- (iii) other relevant information.

All leave of absence is granted on condition that a suitably qualified teacher/SNA is available to replace the staff member on leave.

3.4 Pay

Rates of pay for teaching staff and SNAs are set by the DES. Teachers, including substitutes, and SNAs are paid directly by the DES. Remuneration rates for other staff are set by the BoM in accordance with available resources and norms in other schools. Reviews for these will take place annually. The payroll for non-teaching staff is managed in-house. Employees will never be paid cash in hand. All employees will receive payslips. The school is not ordinarily in a position to grant sick pay or maternity pay, except in exceptional circumstances. If it does do so, it reserves the right to ask the employee to reimburse any social protection payments due to them during the period of pay.

3.5 Pensions

Pensions for teachers are organised by the DES. The school will make available the option for all staff to pay into a personal retirement savings account through the payroll after they have worked in the school for more than six months. The school will be under no obligation to make an employer's contribution into such an account.

3.6 Facilities

The school provides for its staff an attractive indoor and outdoor working environment, including parking and a well-equipped staff room.

3.7 Learning

The BoM recognises the importance of having a skilled work force. It also notes that the provision of training is likely to aid staff retention. It, therefore, encourages staff to avail of learning opportunities that arise. The BoM will make a small budget available for professional development each year. The Principal, in discussion with the rest of the BoM where she considers this necessary, may sanction time off for training, a financial contribution towards training, both, or neither. The Principal will identify unmet training needs within the staff team on an ongoing basis and will aim to ensure that these are met in the first instance. The Principal may, therefore, from time to time, require staff to undergo specific training, either individuals or the entire staff team. Employees are also welcome to request access to training; priority will be given to permanent full-time staff who have not recently undertaken training. If employees are granted time off and/or money towards training, course materials will belong to the school and staff members will be required to provide a report at staff meetings about the training completed.

3.8 Development

Posts of responsibility (Deputy Principal and Assistant Principal I, when applicable, and Assistant Principal II) are vital to the effective running of, and shared leadership within, the school. They are also an excellent mechanism for the professional development of staff. DES guidelines for posts of responsibility will be followed.

3.9 Supervision and support

The Principal will provide supervision to staff in line with their needs, which will differ for different individuals, and their available time. The Principal will guide staff on a day-to-day basis and let them know if they are meeting expectations, both in terms of what is done and how it is done.

Furthermore, any member of staff can raise any professional issues through open dialogue at mutually appropriate times. It is recognised fully that personal lives can and will occasionally affect staff lives. The Principal will sensitively handle any issues he/she comes across and help staff identify sources for assistance, including the Employee Assistance Service where necessary, but it is not the Principal's role to solve the personal problems of staff.

3.10 Positive employee relations

Positive employee relations are underpinned by professional courtesy, tolerance, goodwill, compromise and good communication and decision making processes. They are enhanced by a sense of community, team work and fair play. The importance of ongoing, timely, transparent and direct communication among staff, and between staff and other members of the school community, is stressed. All members of staff have a responsibility both to communicate and to take notice of all communications, regardless of how they are relayed (verbal, written, electronic, etc.). It is important to distinguish between that communication which has to be acted upon and that which is merely for information.

4. Dealing with difficulties

4.1 General

The BoM recognises that potentially difficult situations relating to the employment of staff will arise from time to time. Problems will be dealt as efficiently and effectively as possible to prevent them from turning into major conflicts. Informal ways of dealing with difficulties will be used in the first instance, and support and mediation techniques will be applied in preference to more adversarial approaches. Where they apply, standard DES procedures for dealing with employment disputes will be complied with. Natural justice principles will prevail, due process will be followed and proper paper trails will be kept. Where necessary, external advice will be sought.

4.2 Absence

Staff absence, both short and long term, is highly disruptive for the running of the school and must be minimised. Sick leave procedures must be adhered to at all times. Failure to abide by these procedures or any absences not previously sanctioned by the Principal/BoM will be treated as disciplinary matters. Every effort will be made to limit periods of absence and support employees' return to work, for example, by making changes to the job or work environment, the provision of external supports, the use of back to work interviews, etc.

4.3 Disciplinary matters

All staff members will be issued with a copy of the disciplinary procedure when they commence employment and in any case within 28 days of starting work. For teachers, the revised procedures for suspension and dismissal of teachers and principal teachers (2018) [see appendix 8] will be used. This does not apply to teachers on probation. For SNAs, Circular 0072/2011 will be used [see appendix 9]. For other staff, the standard procedure outlined in the Workplace Relations Commission Code of Practice on Grievance and Disciplinary Procedures [See appendix 10] will be used.

4.4 Grievances

All staff members will be issued with a copy of the grievance procedure when they commence employment and in any case within 28 days of starting work. The grievance procedure used for teachers will be the standard revised procedure agreed between the INTO and the principal management bodies. [See appendix 11]. For staff other than SNAs, the same procedure will be used, with the exception of any INTO involvement. For SNAs, Circular 0072/2011 will be used [see appendix 9].

4.5 Dignity at work

The BoM accepts its responsibility to create and uphold a working environment that is respectful of the dignity of its staff. It is committed to recognising and dealing with any alleged instances of bullying, harassment, including sexual harassment, and victimisation. Confirmed behaviour of this sort will not be tolerated in the school and will be dealt with appropriately. The procedure used to address any allegations of bullying and harassment is the standard INTO procedure [see appendix 11], although for non-teaching staff this will by necessity not involve the INTO.

4.6 Other staff relations difficulties

Any other staff relations difficulties that are not disciplinary matters, grievances or dignity at work concerns should be resolved using the standard INTO procedure [see appendix 11], although for non-teaching staff this will by necessity not involve the INTO.

4.7 Industrial action

The BoM accepts that most employees are members of recognised trade unions and that on occasion, they may engage in (legal) industrial action. Those who are not trade union members and-or those who choose not to engage in industrial action will be treated no more or less favourably by the school as a result. On strike days, the school will provide access to the

premises for any staff who choose to report for work, as well as a list of tasks to be completed on those days, if any.

4.8 Redundancy

From time to time, despite alternatives being explored, posts may become redundant. DES redundancy rules for SNAs will be followed. For other staff, all alternatives to redundancy will be explored in the first instance. If redundancies are deemed to be inevitable, objective and justifiable criteria will be established for selecting those who will face redundancy. There will be ongoing communication with staff throughout the process.

4.9 Retirement

Retirement will be planned for. Teachers' retirement ages and schemes for early retirement are regulated by the DES. A normal retirement age is indicated in other contracts of employment, although the school can allow for flexibility on a case-by-case basis. The process of retirement will be handled with tact and understanding.

4.10 Exit interviews

The Principal will hold a brief exit interview with all staff members that leave (in the last days of their employment) in order to ascertain their experience of having worked for the school and their reasons for leaving, as well as to affirm the contribution they have made to the school. A joint decision will be made about how much of the information gathered during the exit interview can be fed back to others in the school community. All administration relating to the employee finishing work will be managed properly (final pay/tax, return of property, passwords, personnel file, etc.). The departure will be marked in a manner that is appropriate to the culture of the school.

4.11 References

The Principal will normally agree to act as a referee for ex-employees and-or provide them with a reference, but will be under no obligation to do so.

5 Roles/responsibilities:

5.1 Principal and Deputy Principal:

Day to day responsibility for employment matters rests with the Principal. These duties will be assumed by the Deputy Principal in the absence of the Principal. All staff report to the Principal in

the first instance. The Department of Education and Skills (DES) has laid out detailed regulations about employment matters relating to staff in schools, which will be followed.

5.2 All staff:

Staff are required to report for work, undertake their duties in a professional manner and adhere to school policies and procedures.

5.3 Teachers

Teachers are required to adhere to the Code of Professional Conduct for Teachers under the Teaching Council of Ireland.

5.4 Board of Management

The school is under the patronage of Educate Together and, wherever possible and appropriate, the BoM will follow employment guidelines issued by this organisation.

The school recognises trade unions and strives for a positive working relationship with trade unions.

6 Review date:

This policy and its associated procedures will be monitored on an ongoing basis but will be undergo full review in 2021, or earlier if necessary.

Contact details:

Queries about this policy should be addressed to the Principal in the first instance:

The Principal

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Related documentation:

1. Circular Letter 0054/2019 Leave Schemes for Registered Teachers employed in Recognised Primary and Post-Primary Schools

2. Circular letter 22/2012 Career Break Scheme for Special Needs Assistants in Recognised Primary and Post-Primary Schools
3. Circular 0035/2019 Changes to the Career Break Scheme for Special Needs Assistants employed in recognised Primary and Post Primary Schools - Employment while on Career Break
4. Circular Letter 0041/2014 Job-Sharing Scheme for Special Needs Assistants in Recognised Primary and Post-Primary Schools
5. Circular Letter 44/2019 Recruitment/Promotion and Leadership for Registered Teachers in Recognised Primary Schools
6. Employment (Miscellaneous Provisions) Act 2018
<http://www.irishstatutebook.ie/eli/2018/act/38/enacted/en/html>
7. Code of Professional Conduct for Teachers
<https://www.teachingcouncil.ie/en/Publications/Fitness-to-Teach/Code-of-Professional-Conduct-for-Teachers1.pdf>
8. Circular 0049/2018 Revised Procedures for Suspension and Dismissal of Teachers and Principals
9. Circular 0072/2011 Grievance and Disciplinary Procedures for Special Needs Assistants in recognised Primary and Post-Primary Schools
10. Workplace Relations Commission Grievance and Disciplinary Procedures
https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/cop3/
11. Working Together Procedures and Policies for Positive Staff Relations (2000)
12. RETNS Child Safeguarding statement and risk assessment – on school website
13. RETNS Data Protection Policy – on school website
14. RETNS SNA Guidelines and procedures – subject to ratification by Board of Management