



Circular 0031/2011

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executive Officers of Vocational Education Committees**

TEACHER RECRUITMENT REGISTRATION AND QUALIFICATIONS

The Minister for Education and Skills directs you to implement the regulations and procedures regarding the employment of qualified registered teachers in approved teaching posts funded by monies provided by the Oireachtas. This circular is issued in exercise by the Minister of his powers under section 24 of the Education Act 1998.

The purpose of this circular is to ensure, as far as practicable, that people appointed to teach are registered teachers with qualifications appropriate to the sector and suitable to the post for which they are employed and that unemployed teachers are offered employment in preference to those who have retired. It is applicable to all appointments made on or after 1 September 2011.

This circular supersedes all previous circulars, memoranda, rules and regulations in relation to this area, including Circular 40/2010. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all people employed in teaching posts in your employment, including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie.

All enquiries regarding this circular should be e-mailed to teachersna@education.gov.ie. Matters relating to registration of teachers are appropriate to the Teaching Council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare. Email: info@teachingcouncil.ie

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Principal Officer
Teachers/SNAs Terms and Conditions
May 2011

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Payroll Division
May 2011

TEACHER RECRUITMENT REGISTRATION AND QUALIFICATIONS

1. Summary

- 1.1 This circular sets out to ensure, as far as possible, that people appointed to teach are registered teachers with qualifications appropriate to the sector and suitable to the post for which they are employed and that unemployed teachers are offered employment in preference to those who have retired.
- 1.2 The registration and qualification requirements provided for in Circular 0040/2010 are continued in this circular. This means that each person appointed to a teaching post must, as far as possible, be registered with the Teaching Council, and have qualifications appropriate to the sector and suitable to the post for which s/he is to be employed (referred to in this circular as “appropriately qualified”).
- 1.3 In addition, each school will now be required to keep a list of appropriately qualified registered teachers who are available for substitute work at short notice. 2 or more schools may establish and maintain a common list. The school also has the option to make use of national services such as *SubSearch* or *TextaSub* but where those services fail to produce a registered teacher who is not retired, the school must revert to the list. The school has, of course, the option of using the list in the first instance.
- 1.4 Where all efforts to secure an appropriately qualified registered teacher who is not retired fail, the school may employ a retired appropriately qualified registered teacher. If none are available, it may move on to employ a registered teacher who is not appropriately qualified, giving preference wherever possible to one who is not retired. Finally, if no registered teacher can be found, it may for very limited periods of time employ an unregistered person.
- 1.5 There is an obligation on the principal to keep a record and report to the board of management on instances when retired registered teachers and unregistered persons are employed.
- 1.6 The circular is applicable to all appointments made on or after 1 September 2011.
- 1.7 This circular relates to registration and qualifications and restrictions on the employment of unregistered persons in place of a teacher. Nothing in this circular displaces the need for thorough recruitment procedures which are an essential element of child protection practice. This should include seeking and following up on references, and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for. Vetting forms part of those recruitment procedures and schools are referred to Circular 0063/2010 *Recruitment procedures – requirements for Garda vetting*.

2. Definitions

- 2.1 For the purposes of this circular, the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

Department – means the Department of Education and Skills;

employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school;

registered teacher – means a person whose name is entered in the Teaching Council register in accordance with Part 3 of the Teaching Council Act 2001;

retired teacher – means a registered teacher who is in receipt of pension in respect of service given by him or her under a public service pension scheme;

school year – means a year beginning on 1 September and ending on 31 August; and

unregistered person – means a person whose name is not entered in the Teaching Council register in accordance with Part 3 of the Teaching Council Act 2001.

3. Minimum requirements for employment as a teacher

- 3.1 Subject to paragraphs 3 and 4, each employer shall ensure that each person proposed for appointment to a teaching post for which salary grant is being sought must–

(a) Be registered with the Teaching Council in accordance with Part 3 of the Teaching Council Act 2001

and

(b) Have qualifications appropriate to the sector and suitable to the post for which s/he is to be employed (referred to in this circular as “appropriately qualified”).

- 3.2 A teacher conditionally registered with the Teaching Council will be remunerated on the teachers’ incremental salary scale. This is conditional on continued compliance with the terms of registration within the period prescribed by the Teaching Council and this condition must be inserted in the employment contract. In the event that conditional registration lapses then from that date the contract will be deemed terminated and this condition must also be inserted in the employment contract.

- 3.3 An employer may employ a person who is appropriately qualified and has applied to the Teaching Council for registration. Remuneration for such persons will be at the unqualified rate of pay pending the decision of the Council. This provision must be inserted in the employment contract. The contract must also include a condition that it will terminate in the event that the registration process does not conclude by the following 31 August and the employer must repeat the recruitment process. If the person becomes registered before that date, incremental salary will be payable from the date of registration.
- 3.4 Where an employer can satisfactorily demonstrate that every reasonable effort has been made to recruit an appropriately qualified registered teacher, a teacher registered under any regulation of the *Teaching Council [Registration] Regulations 2009* may be appointed pending the recruitment of an appropriately qualified registered teacher. The contract of employment must include a condition that the contract will terminate on the recruitment of an appropriately qualified registered teacher or the following 31 August, whichever happens first. Remuneration will be at the unqualified rate of pay.
- 3.5 The position remains that special schools must recruit teachers registered under Regulation 2 or 3 of the *Teaching Council [Registration] Regulations 2009* except in the case of special schools that cater for pupils of post-primary age where it is sanctioned by this Department as being appropriate to appoint teachers with other qualifications.

4. Employment of registered teachers to cover short-term absences

- 4.1 Schools are reminded that a formal recruitment process, including the existing requirements for advertising positions, must be applied in relation to permanent and temporary positions.
- 4.2 Where a substitute teacher is needed at short notice and advertising for the position is not feasible, the school must first seek to employ an appropriately qualified registered teacher who is not retired. This may be done by contacting a person on the list established by the school in accordance with paragraph 5 or by using a national service such as *SubSearch* or *TextaSub*.
- 4.3 Where an appropriately qualified registered teacher who is not retired is not available through a national service, a school must seek to employ a person on the list established under paragraph 5.
- 4.4 A retired teacher should only be employed where it has not proved possible to employ a registered teacher who is not retired through using the list established under paragraph 5 or a national service such as *SubSearch* or *TextaSub*.
- 4.5 Where, following the taking of all reasonable steps under paragraphs 4.2, 4.3 and 4.4, no appropriately qualified registered teacher is available, the school may seek to employ a teacher registered under any regulation of the *Teaching Council [Registration] Regulations 2009* who is known to it but whose name is not entered on the list. The school should, as far as possible, seek to employ

a registered teacher who is not in receipt of pension in respect of service given by him or her under a public service pension scheme.

- 4.6 Where, in any situation, a registered teacher who is in receipt of pension in respect of service given by him or her under a public service pension scheme is employed, the principal must record in writing that a registered teacher who is not in receipt of such pension could not be employed and the reasons for this.

5. List of appropriately qualified registered teachers available for work

- 5.1 Each school will establish and maintain a list of appropriately qualified registered teachers who have notified the employer that they are available for substitute teaching work. 2 or more schools may establish and maintain a common list, a copy of which must be kept in each school.
- 5.2 A list established under paragraph 5.1 must not include the names of registered teachers in receipt of pension in respect of service given under a public service pension scheme. The school may request a registered teacher to confirm whether or not he or she is in receipt of such pension.
- 5.3 An appropriately qualified registered teacher who is, or will within one month of the notification become, available for substitute teaching work may notify one or more schools of this.
- 5.4 Where a school receives a notification in accordance with paragraph 5.3, the school will, within 7 school days, update the list and issue an acknowledgment to the teacher concerned.

6. Employment of unregistered persons in exceptional circumstances to cover short-term absences

- 6.1 Following the taking of all reasonable steps under paragraph 4, a school may employ an unregistered person where, due to urgent and unforeseen circumstances, it is necessary for the immediate filling of a teaching post in order to prevent school closure, safeguard the welfare of students or is necessary to maintain provision in the school.
- 6.2 An unregistered person may be employed only where the principal records in writing that–
- (i) following the taking of all reasonable efforts under paragraph 4, the school is not in a position to employ a registered teacher and the reasons for this, and
 - (ii) the person proposed for appointment is competent and capable of acting in a teaching capacity in the school.
- 6.3 An unregistered person employed in accordance with paragraph 6.1–

- (a) will be paid at the unqualified rate of pay;
- (b) may not be paid in respect of more than one week's continuous employment at any one time; and
- (c) must have included in his or her contract of employment a condition that the contract will terminate immediately if the employer is in a position to employ a registered teacher.

7. Continuing obligation on employer to employ a registered teacher

- 7.1 Where a registered but not appropriately qualified teacher is employed following the taking of all reasonable steps under paragraph 3.4 or 4, the school must continue to make all reasonable efforts to employ an appropriately qualified registered teacher. Where an appropriately qualified registered teacher can be employed, the school must immediately terminate the contract of the registered teacher.
- 7.2 Where an unregistered person is employed under paragraph 6, the school must continue to make all reasonable efforts to employ an appropriately qualified registered teacher. Where an appropriately qualified registered teacher or a teacher registered under any regulation under any regulation of the *Teaching Council [Registration] Regulations 2009* can be employed, the school shall immediately terminate the contract of the unregistered person.

8. Reporting and verification

- 8.1 Each principal must report to his or her board of management on a regular basis on the fact that a list (including a common list referred to in paragraph 5.1) under paragraph 5 is being maintained and the circumstances in which he or she has had to engage a registered teacher in receipt of a pension under a public service pension scheme or an unregistered person. Records completed by a principal under paragraph 4.6 or 6.2 must be made available for inspection on request by members of the board of management.
- 8.2 All documentation concerning the employment of a person in a teaching capacity who is not a registered teacher must be retained for a minimum period of 2 years and may be made subject to audit and inspection processes.
- 8.3 Records relating to recruitment and appointment must be made available by the school for inspection by the Department and a copy of such a record must be furnished to the Department upon a request being made for this.