



Circular Letter 0073/2019

**To: The Managerial Authorities of Recognised Primary Schools
and
the Chief Executives of Education and Training Boards**

**Public Service Stability Agreement 2013 – 2020 (Haddington Road Agreement/
Lansdowne Road Agreement) and the Public Service Pay and Pensions Act 2017**

**REVISION OF CERTAIN DAILY/HOURLY RATES FOR PRIMARY TEACHERS WITH
EFFECT FROM 1 JANUARY 2020**

Purpose of Circular

1. The Minister for Education and Skills wishes to inform Managerial Authorities and Teachers that annualised salaries up to €32,000 will be increased by 0.5% with effect from 1 January 2020. This will result in an increase to certain daily and hourly part-time rates payable to primary teachers.
2. These revisions have been introduced as a result of the Public Service Stability Agreement 2013 – 2020 (Haddington Road Agreement/ Lansdowne Road Agreement) and the Public Service Pay and Pensions Act 2017.

Changes to Daily/Hourly Rate with effect from 1 January 2020

3. The daily and hourly rates increasing with effect from 1 January 2020 are set out at Appendix 1.
4. The daily and hourly rates in Appendix 2 are not increasing but have been included for reference and information purposes only.
5. Daily/hourly casual and non-casual rates payable to teachers set out in previous Circulars are superseded by the terms of this Circular with effect from 1 January 2020 in respect of the rates at Appendix 1.

**Enhanced Controls in relation to Terms and Conditions of Employment with effect from
30 November 2015 - Recovery of Overpayments**

6. Employers are reminded that the Ministers and Secretaries (Amendment) Act 2011 has been amended under the FEMPI Act 2015 to introduce enhanced controls in relation to terms and conditions of employment agreed between public servants and their public

service body employers with effect from 30 November 2015. The relevant sections of the Act are included at Appendix 3. Overpayments will be dealt with in accordance with the relevant Department Circulars.

Circulation and Queries

7. 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 relevant teachers in your employment including those on leave of absence.
8. This Circular can be accessed on the Department's website under www.education.ie
9. Enquiries regarding this Circular should be e-mailed to:
 - Primary: prmtch_payroll@education.gov.ie
 - ETB Teachers: relevant HR Department

Tara Carton
External Staff Relations
10 December 2019

Padraig Maloney
Payroll Division

APPENDIX 1

(a) PRIMARY: Revised daily/hourly rates with effect from 1 January 2020 for part-time and substitute primary teachers who entered teaching prior to 1 January 2011

Category	Ongoing Rate from 1/1/20	Value of Statutory Annual Leave Accumulated per Day/Hour Worked from 1/1/20
Daily unqualified	131.19	16.21
Hourly unqualified on Payroll	30.66	3.79
Hourly unqualified Substitute	26.24	3.24

(b) PRIMARY: Revised daily/hourly rates with effect from 1 January 2020 for part-time and substitute primary teachers who entered teaching on or after 1 January 2011:

Category	Ongoing Rate from 1/1/20	Value of Statutory Annual Leave Accumulated per Day/Hour Worked from 1/1/20
Daily unqualified	131.19	16.21
Hourly unqualified on Payroll	30.66	3.79
Hourly unqualified Substitute	26.24	3.24

(c) PRIMARY: Unqualified Annual Rate

Category	Pre-2011 Entrant	2011 Entrant
Primary Unqualified Annual Rate	31,523	31,523

APPENDIX 2

THESE RATES ARE NOT INCREASING ON 1 JANUARY 2020 AND ARE SET OUT FOR INFORMATION PURPOSES ONLY

(a) PRIMARY: Daily/hourly rates for part-time and substitute primary teachers who entered teaching prior to 1 January 2011

Category	Ongoing Rate	Value of Statutory Annual Leave Accumulated per Day/Hour Worked
Daily casual qualified	190.86	23.59
Hourly qualified	38.17	4.72

(b) PRIMARY: Daily/hourly rates for part-time and substitute primary teachers who entered teaching on or after 1 January 2011:

Category	Ongoing Rate	Value of Statutory Annual Leave Accumulated per Day/Hour Worked
Daily casual qualified	170.55	21.08
Hourly qualified	34.11	4.22

APPENDIX 3

Section 12 of the Financial Emergency Measures in the Public Interest Act 2015

Amendment of Ministers and Secretaries (Amendment) Act 2011

The Ministers and Secretaries (Amendment) Act 2011 is amended by the insertion of the following section after section 16:

“Control of terms and conditions of public servants

16A. (1) Where—

(a) the Minister has approved a term or condition as being a term or condition that shall apply for the time being in respect of the employment of a class or category of public servant (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), and

(b) a contract of employment in respect of a public servant falling within that class or category is entered into that contains a term or condition that corresponds or is equivalent to the term or condition standing so approved but which is more favourable to the public servant than that term or condition,

the contract shall have effect as if the term or condition standing so approved (referred to in subsections (2) and (3) as the ‘approved term or condition’) were substituted for the first-mentioned term or condition in paragraph (b) (referred to in subsections (2) and (3) as the ‘unapproved term or condition’).

(2) Any amount paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(3) Where an amount is paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition then—

(a) the public servant shall hold the overpayment in trust for the public service body, and

(b) the public service body shall recover the amount of the overpayment from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(4) Where—

(a) a contract of employment is entered into in respect of a public servant, and

(b) the contract contains a term or condition in relation to remuneration that does not correspond or is not equivalent to any term or condition standing approved by the Minister in respect of the employment of a class or category of public servant into which the first-mentioned public servant falls (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter),

the term or condition shall be void.

(5) Any amount paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(6) Where an amount is paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) then—

(a) the public servant shall hold the amount in trust for the public service body, and

(b) the public service body shall recover the amount from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(7) Subsections (3) and (6) shall not be taken as limiting the liability under statute of any person to account for such overpayment.

(8) Where an amount to which subsection (3) or (6) relates has not been recovered by the public service body concerned, the Minister may direct in writing that body to recover, by a specified date, the amount in accordance with subsection (3)(b) or (6)(b), as the case may be, and, where that body fails to so recover the amount, the Minister may deduct the amount from any grant or vote of, or other payment to, that body out of money provided directly or indirectly by the Oireachtas or from the Central Fund or the growing produce of that Fund.

(9) This section applies to a term or condition agreed after the commencement of section 12 of the Financial Emergency Measures in the Public Interest Act 2015.

(10) This section has effect notwithstanding—

(a) any other enactment,

(b) any pension scheme or arrangement,

(c) any other agreement or contractual arrangement, or

(d) any understanding, expectation, circular or instrument or other document.

(11) In this section—

“public servant” means a person who is employed by, or who holds any office or other position in, a public service body;

“remuneration” means emoluments to which Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 applies or is applied.”.