



Circular 0037/2013

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

Special Needs Assistants (SNAs) - Supplementary Assignment Arrangements for the 2013/2014 school year:

The Minister for Education and Skills directs you to implement the following supplementary assignment arrangements for SNAs for the 2013/2014 school year. These arrangements are to be implemented by each employer with immediate effect and all special needs assistants must adhere to the terms of this circular.

The purpose of this Circular is to notify managerial authorities, Chief Executive Officers of Education and Training Boards (ETBs) and SNAs of supplementary assignment arrangements for SNAs for the 2013/2014 school year. It should be noted that with the issue of this Circular the Department's notice of 19 June 2013 regarding SNA recruitment for the 2013/2014 school year is hereby withdrawn. Schools and ETBs can now commence or re-commence any recruitment process for SNAs for the 2013/2014 school year in line with the terms of this Circular.

Circulars or regulations governing the recruitment of SNAs are taken to be amended only to the extent outlined in this Circular. Accordingly, Employers should continue to follow existing procedures on recruitment of SNAs subject to the inclusion of the following measures to facilitate the operation of these supplementary assignment arrangements for SNAs. In the case of primary and special schools this is in accordance with Appendix E 2011 Constitution of Boards and Rules of Procedure.

A review of the operation of the supplementary assignment arrangements for SNAs will take place well in advance of the 2014/2015 school year.

Circulation:

Please ensure that copies of this Circular are provided to the Board of Management/ Education and Training Board and its contents are brought to the attention of all SNAs in your employment including those on leave of absence.

This Circular can be accessed on the Department's website <http://www.education.ie>.

Philip Crosby
External Staff Relations
01 July 2013

DEFINITIONS:

Definitions

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

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

The Department – means the Department of Education and Skills.

Any queries in respect of this Circular should be directed by e-mail only to the following dedicated e-mail address snasupplementpanel@education.gov.ie

Supplementary Assignment Arrangements for Special Needs Assistants (SNAs) employed in recognised Primary, Secondary, Community and Comprehensive Schools and Education and Training Boards (ETBs).

What happens when an SNA is notified that he/she is to be made redundant:

1. Employers should continue to process the redundancy as normal. If an SNA is employed by a **recognised Primary, Secondary or Community and Comprehensive School** then the SNA should be formally notified of the redundancy and the SNA RED1 form and the RP50 form should be completed and forwarded to the address below immediately. The deadline for receipt of applications is as outlined in Circular 58/2006. The above mentioned forms are available on the Department's website www.education.ie along with guidelines for their completion.

Redundancy Unit
Non-Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath

2. In circumstances where an SNA is currently employed by an ETB the provisions which currently exist to re-assign within the ETB should be completed prior to the issuing of any redundancy notification. Following this his/her employer should continue to process the redundancy as normal, the SNA should be formally notified of the redundancy and RP50 should be completed and forwarded to the relevant section in the ETB.
3. With effect from 1 May 2013 once an SNA with a minimum of one year's service (Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks etc. does not count) is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. **This does not apply where an SNA loses hours but remains with his/her existing employer.**
4. A Special Needs Assistant who is notified by his/her employers that s/he is to be made redundant should ask his/her employers to **immediately complete** the attached **Special Needs Assistants Supplementary Assignment form** and to give them a certified copy of the completed form.
5. Processing of Redundancy payments for SNAs who are deemed to be members of this Supplementary Assignment Panel will not commence until 1 June 2014. At that time any SNA who has not been appointed to a further SNA position will no longer be deemed to be a member of the SNA Supplementary Assignment Panel, as the panel will have terminated, and processing of his/her redundancy payment will commence with a view to being finalised as soon as practicable.

6. No redundancy payment will be made in respect of any SNA who is deemed to be a member of this Supplementary Assignment Panel and who is appointed to a further SNA position on or before 1 June 2014. However, if s/he are so appointed to a further SNA position, such service as an SNA that s/he has already accrued as an SNA in the current employer from which s/he is being made redundant and for which s/he would now be entitled to a redundancy payment in line with the terms of DES Circular 58/06, will be carried forward and reckonable, for redundancy purposes only, if a future redundancy situation arises in respect of that person.
7. If an SNA is appointed to a further SNA position on or before 1 June 2014 s/he will no longer be deemed to be a member of the 2013/2014 Supplementary Assignment Panel for SNAs.
8. It should be noted that if an SNA resigns a post (or a part time post), s/he will not be entitled to claim a redundancy payment as has always been the case.

Supplementary Assignment Arrangements for SNAs:

9. With effect from 1 May 2013 once an SNA with a minimum of one year's service (Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks etc. does not count) is notified by his/her employer that he/she is to be made redundant then he/she shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. **This does not apply where an SNA loses hours but remains with his/her existing employer.**
10. SNAs who are members of this Supplementary Assignment Panel will have no entitlement to salary by virtue of his/her membership of this panel.
11. SNAs who are members of this Supplementary Assignment Panel will for the length of his/her time spent on the Supplementary Assignment Panel be deemed to be no longer in service.
12. Time spent on the SNA Supplementary Assignment Panel will not be reckonable for any purposes. This includes but is not limited to the following:
 - a. Time spent on the SNA Supplementary Assignment Panel will not count towards service.
 - b. Time spent on the SNA Supplementary Assignment Panel will not count for pension purposes nor for pensionable service.
 - c. Time spent on the SNA Supplementary Assignment Panel will not count in the event of a future redundancy situation.
13. **Pension:** A period of time spent on the Supplementary Assignment Panel does not constitute pensionable service. For pension purposes an SNA on the Supplementary Assignment Panel is deemed to have left pensionable service on the last day of paid service prior to accessing the Supplementary Assignment Panel. Where a period of more than 26 weeks elapses between the SNAs leaving paid service and a subsequent appointment to a pensionable position, the SNA, on taking up the subsequent position, will become a member of the Single Public Service Pension Scheme. Information on the Single Public Service Pension Scheme is available on the website of the Department of Public Expenditure and Reform at <http://per.gov.ie/wp-content/uploads/Single-Scheme-booklet-Final.pdf>
14. The 2013/2014 SNA Supplementary Assignment Panel will terminate on 1 June 2014.
15. An SNA may opt out of this Supplementary Assignment Panel at any point in time triggering the processing of his/her redundancy payment in line with the terms set out in the SNA redundancy scheme (DES Circular 58/06) or any revision of same that is applicable at that time. The decision to opt out of the 2013/2014 Supplementary Assignment Panel for SNAs is final and binding. Any SNA who wishes to opt out should complete the attached form (Supplementary Assignment Panel - OPT OUT FORM SNA) and send the completed form to:

Redundancy Unit
Non Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath

16. For the 2013/2014 school year a list of SNAs who have been deemed to be members of the Supplementary Assignment Panel will not be made or kept by the Department of Education and Skills. It will not be possible for SNAs to check their positioning on this panel. The operation of this panel will be as described and outlined in this Circular.

Operation of the Supplementary Assignment Panel / What happens to an Employer who has a vacancy to fill:

Subject to any exceptions permitted by the Employment Equality Acts, 1998 to 2011, the recruitment and selection process must not indicate an intention to discriminate or contain information in any form which might reasonably be understood as indicating any such intention.

17. A recruitment campaign for an SNA vacancy which commenced on or before 19 June 2013 is **not** affected by the Supplementary Assignment Panel for SNAs and should proceed as normal.
18. Supplementary Assignment Panel rules do not apply to the filling of Substitute or "Cover" vacancies i.e. Maternity Leave, Sick Leave, Career Breaks etc. However, an SNA who is a member of the Supplementary Assignment Panel may be employed as a substitute SNA while retaining his/her membership of the Supplementary Assignment Panel. Such service is not reckonable for seniority, incremental or redundancy purposes
19. Employers are entitled to allocate up to and including 0.5 of an SNA post to existing staff without recourse to advertising the vacancy. This is **not** an obligation and the employer may advertise the vacancy if they so wish.
20. All other Special Needs Assistant vacancies must be advertised on one of the following websites. It may also be advertised locally as required / deemed necessary. This will enable SNAs who are being made redundant to know what SNA vacancies are available.

List of Websites:

www.educationposts.ie
www.staffroom.ie
www.educationcareers.ie
www.educatetogether.ie
Any Education and Training Board website

21. The advertisement must list any essential qualifications that are required to fill the vacancy in addition to any specific competencies and/or requirements to meet the special educational needs of the pupil(s). Desirable qualifications and any additional duties required to facilitate the special educational needs of the pupil(s) may also be listed.
22. Employers are reminded that with effect from 1 September 2011, the minimum required standard of education for appointment to the post of Special Needs Assistant is:-
A FETAC level 3 major qualification on the National Framework of Qualifications
OR
A minimum of three grade Ds in the Junior Certificate
OR
Equivalent

23. If an employer receives an application for a vacancy from an SNA who is due to be made redundant and who furnishes the employer with a certified copy of a completed **Special Needs Assistants Supplementary Assignment form**, and provided the SNA is entitled to be on the Supplementary Assignment Panel, then the employer is **obliged** to offer its vacancy to that SNA. This is subject however, to the SNA meeting all essential qualifications that are required to fill the vacancy in addition to all specific competencies and/or requirements to meet the special educational needs of the pupil(s). This will require an interview process to establish whether the SNA meets all essential qualifications that are required to fill the vacancy in addition to all specific competencies and/or requirements to meet the special educational needs of the pupil(s) and is subject to the checking and verification of References. The SNA must also agree to respect the ethos of the employer in question.
24. If more than one such SNA (who is due to be made redundant and who furnishes the employer with a certified copy of a completed **Special Needs Assistants Supplementary Assignment form**) applies for the vacancy then the employer is **obliged** to offer its vacancy to any such SNA that meets all essential qualifications that are required to fill the vacancy in addition to all specific competencies and/or requirements to meet the special educational needs of the pupil(s). This will require an interview process to establish whether the SNA meets all essential qualifications that are required to fill the vacancy in addition to all specific competencies and/or requirements to meet the special educational needs of the pupil(s) and is subject to the checking and verification of References. The SNA must also agree to respect the ethos of the employer in question.
25. Short listing of such applicants for interview:
If there are three eligible applicants or fewer, all eligible applicants shall be called for interview. Otherwise, at least three eligible applicants shall be called for interview.
26. If an employer does not receive an application for a vacancy from an SNA who is due to be made redundant and who furnishes the employer with a certified copy of a completed **Special Needs Assistants Supplementary Assignment form** within the time-period specified in the advertisement **or** if having interviewed all such applicants, it has been established that no such applicant can meet the essential qualifications that are required to fill the vacancy in addition to all specific competencies and/or requirements to meet the special educational needs of the pupil(s) then the employer can fill its vacancy in the normal manner from all the other applicants for the vacancy. In the case of primary and special schools this is in accordance with Appendix E of the 2011 Constitution of Boards and Rules of Procedure.
27. The successful candidate when offered the post, will be obliged to confirm acceptance in writing to reach the Employer **no later than eight calendar days** from the date of the letter of offer.

28. Existing service – Seniority:

The arrangements in respect of SNA seniority are detailed in DES circular 59/2006. If an SNA receives a position via this Supplementary Assignment Panel then any existing service as an SNA will **not** be reckonable for future seniority purposes as an SNA with the new employer i.e. s/he becomes the most junior SNA for seniority purposes in his/her new employment.

29. Existing service – Redundancy:

No Redundancy payment will be made in respect of any SNA who is deemed to be a member of this Supplementary Assignment Panel and who is appointed to a further SNA position on or before 1 June 2014. However, if s/he is appointed to a further SNA position during the 2013/2014 school year, such service as an SNA that s/he has already accrued as an SNA in the current employer from which s/he is being made redundant and for which s/he would now be entitled to a redundancy payment in line with the terms of DES Circular 58/06, will be carried forward and reckonable, for redundancy purposes only, if a future redundancy situation arises in respect of that person.

30. Garda Vetting:

The Employer must ensure compliance with the relevant requirements in relation to Garda Vetting and in relation to the provision of a child protection related statutory declaration and associated form of undertaking by persons being appointed to SNA positions. Current requirements are outlined on www.education.ie.

31. Contracts of Employment:

Appointees must be offered a contract of employment in accordance with the terms outlined in the relevant circulars which are available on the Department's website. – www.education.ie – Home – Education Personnel – Special Needs Assistants.

32. Notification of the appointment to the Department of Education and Skills:

On completion of the appointments procedure as outlined above, Employers (other than ETBs) shall complete and submit the form "Notification of Appointment – Special Needs Assistant", which is available on the Department's website www.education.ie under Education Personnel/Special Needs Assistants, to:

Non Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath

33. A review of the operation of the supplementary assignment arrangements for SNAs will take place well in advance of the 2014/2015 school year.

34. Any queries in respect of this Circular should be directed by e-mail only to the following dedicated e-mail address snasupplementpanel@education.gov.ie

Other relevant information regarding supplementary assignment arrangements for SNAs

35. A Special Needs Assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).
36. The purpose of these arrangements is to facilitate eligible SNAs who are surplus to requirements in filling SNA vacancies that may become available in other schools / ETBs.
37. Once an SNA with a minimum of one year's service (Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks etc. does not count) is notified by his/her employer that s/he is to be made redundant then s/he shall be deemed to be a member of a Supplementary Assignment Panel for SNAs. **This does not apply where an SNA loses hours but remains with his/her existing employer.**
38. Processing of Redundancy payments for SNAs who are deemed to be members of this Supplementary Assignment Panel will not commence until 1 June 2014. At that time any SNA who has not been appointed to a further SNA position will no longer be deemed to be a member of the SNA Supplementary Assignment Panel, as the panel will have terminated, and processing of his/her redundancy payment will commence with a view to being finalised as soon as practicable.
39. An SNA may opt out of this Supplementary Assignment Panel at any point in time triggering the processing of his/her redundancy payment in line with the terms set out in the SNA redundancy scheme (DES Circular 58/06) or any revision of same that is applicable at that time. The decision to opt out of the 2013/2014 Supplementary Assignment Panel for SNAs is final and binding. Any SNA who wishes to opt out should complete the attached form (Supplementary Assignment Panel - OPT OUT FORM SNA) and send the completed form to:

Redundancy Unit
Non Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath
40. Any SNA who opts for a redundancy payment as outlined above and who is subsequently re-employed as an SNA by **any** school or ETB within 1 year of being made redundant must notify the Department of Education and Skills or the relevant Education and Training Board that s/he has received such a payment. In these circumstances, re-imburement of the redundancy compensation payment will be required from that person. It is accepted that if a person reimburses the redundancy compensation payment, the service in

respect of which the payment was made will become reckonable for redundancy purposes in the event of the person being made redundant by the employer at a subsequent date. The arrangements for the re-imburement will be made at that time, subject to the re-imburement being completed within a 12 month time-frame.

41. Acceptance of the redundancy compensation payment will require the staff member to sign a declaration to this effect. This declaration will also include an authorisation that the information can be used by the Department, and any employer of SNAs in the education sector, for the purposes of monitoring compliance with this provision.

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SPECIAL NEEDS ASSISTANTS – SUPPLEMENTARY ASSIGNMENT PANEL FORM 2013/2014

This form is to be filled in by a school where an SNA (with a minimum of one year's continuous service) is notified by his/her employer he/she is to be made redundant. (Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks etc. does not count)

This form should not be completed where an SNA loses hours but remains with his/her existing employer.

School Details:

School Name:

Address of School:

School Telephone No:

School Roll No:

Special Needs Assistant Details:

Special Need Assistant Name:

SNA Address:

SNA PPS Number:

SNA Telephone No:

Has this Special Needs Assistant been notified that s/he is to be made redundant?

On what date was the SNA formally notified that s/he is to be made redundant: __/__/____.

With effect from what date will this Special Needs Assistant cease to be employed by your school __/__/____. [31st August should be used where SNA ceases to be employed at the end of the school year]

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To be signed by the Principal Teacher:

I certify that, in so far as I am aware, the information supplied on this form is correct.

Signature: _____

Date: _____

To be signed by the Chairperson, Board of Management:

I certify that, in so far as I am aware, the information supplied on this form is correct.

Signature: _____

Date: _____

Chairpersons Telephone No:

To be signed by the Special Needs Assistant:

I certify that, in so far as I am aware, the information supplied on this form is correct.

Signature: _____

Date: _____

This form should be completed and given to the SNA who has been notified that s/he is to be made redundant. A copy of this form should be held by the school for their own records.

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SNA Supplementary Assignment Panel – OPT OUT FORM

SPECIAL NEEDS ASSISTANTS - FORM TO OPT OUT OF THE 2013/2014 SUPPLEMENTARY ASSIGNMENT PANEL FOR SNAs

SNAs are advised to read this form and the associated Circular 0037/2013 carefully before signing.

This form is to be filled in by an SNA who has been deemed to be a member of the 2013/2014 Supplementary Assignment Panel for SNAs and wishes to opt out of the 2013/2014 SNA Supplementary Assignment Panel. The decision to opt out of the 2013/2014 Supplementary Assignment Panel for SNAs is final and binding.

An SNA may opt out of the 2013/2014 Supplementary Assignment Panel for SNAs by completing this form. This will trigger the processing of his/her redundancy payment in line with the terms set out in the SNA redundancy scheme (DES Circular 58/06) or any revision of same that is applicable at that time.

Any SNA who opts out of the 2013/2014 Supplementary Assignment Panel for SNAs and who received a redundancy payment as set out above, and who is subsequently re-employed as an SNA by any school or ETB within 1 year of being made redundant must notify the Department of Education and Skills or the ETB as appropriate that s/he has received such a redundancy payment. In these circumstances, re-imbursment of the redundancy compensation payment will be required from that person. It is accepted that if a person reimburses the redundancy compensation payment, the service in respect of which the payment was made will become reckonable for redundancy purposes in the event of the person being made redundant by the employer at a subsequent date. The arrangements for the re-imbursment will be made at that time, subject to the re-imbursment being completed within a 12 month time-frame. It should be noted that completion of this form will be deemed to be acceptance of these terms and conditions. It should further be noted that completion of this form also authorises the Department of Education and Skills, and any employer of SNAs in the education sector, to utilise the data contained in this form for the purposes of monitoring compliance with this provision.

School Details:

School Name:

Address of School:

School Telephone No:

School Roll No:

Special Needs Assistant Details:

Special Need Assistant Name:

SNA Address:

SNA PPS Number:

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To be signed by the Special Needs Assistant:

I, _____ (name in block capitals) have read carefully and fully understand the terms and conditions associated with the 2013/2014 SNA Supplementary Assignment Panel. I certify that I wish to opt out of membership of the 2013/2014 Supplementary Assignment Panel for SNAs. I acknowledge that if I receive a Redundancy Payment as outlined earlier in this form and if I am subsequently employed as an SNA by **any** school within 1 year of being made redundant I must notify the Department of Education and Skills or the ETB as appropriate, that I have received such a payment. In these circumstances, reimbursement of the redundancy payment will be required. I hereby consent to the storage of my PPS number in a Central Database. I also consent that all of the information contained in this form can be used by the Department of Education and Skills, and any employer of SNAs in the education sector, for the purposes of monitoring compliance with this provision.

Signature: _____

Date: _____

This form should be completed and returned to:
Non Teaching Staff (NTS) Payroll
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath

A copy of this form should be kept for your own records.

Once Non Teaching Staff Payroll Section receives this completed form this will trigger the processing of a redundancy payment in line with the terms set out in the SNA redundancy scheme (DES Circular 58/06) or any revision of same that is applicable at that time provided that the SNA is entitled to such a redundancy payment.