



Circular 0044/2014

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

Recruitment of Special Needs Assistants (SNAs) - Supplementary Assignment Arrangements for the 2014/15 school year:

The Minister for Education and Skills directs you to implement the following supplementary assignment arrangements for SNAs for the 2014/15 school year. These arrangements are to be implemented by each employer with immediate effect and all schools and special needs assistants must adhere to the terms of this circular.

This Circular replaces and supersedes Circular 0037/2013.

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 2014/15 school year.

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.

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.

Queries:

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

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

Philip Crosby
External Staff Relations
12 May 2014

DEFINITIONS AND EXPLANATORY TERMS:

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

Purpose of SNA Supplementary Assignment Arrangements – The purpose of these arrangements is to facilitate eligible SNAs who are being made redundant by one employer in filling SNA vacancies that may become available in another school / ETB.

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.

Supplementary Assignment Manager – means a person assigned by the Department of Education and Skills to fulfil the role outlined in paragraph 24 (page 9) of this Circular.

Carryover of Service – An 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 2015 will carry forward any reckonable service that s/he has already accrued as an SNA with their previous employer. This will be carried forward and reckonable, for redundancy purposes only, if a future redundancy situation arises in respect of that person e.g. An SNA served in a full-time position in School A from 1 September 2011 to 31 August 2014. S/he then gets a full-time SNA position in School B and serves in School B from 1 September 2014 to 31 August 2017 at which point s/he is made redundant and opts for a redundancy payment. His/Her service for that redundancy payment will be 6 years i.e. 3 years from School A added to 3 years from School B.

Process Verification Document – See pages 7 and 8. This form must be completed by employers in respect of every SNA vacancy other than substitute or “cover” vacancies and must be returned to the supplementary assignment manager.

Panel Form 1 (PF1) – See pages 12 and 13. When an employer is notifying an SNA that s/he is being made redundant the employer should immediately give the SNA a completed Panel Form 1 (PF1). SNAs should always submit a copy of the completed Panel Form 1 (PF1) to employers when applying for vacancies as that is the only method for employers to determine whether an applicant has Panel Rights.

OPT OUT FORM – See pages 14 and 15. This form is to be completed by an SNA who wishes to opt out of the 2014/15 SNA supplementary assignment panel. 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. The decision to opt out of the 2014/15 supplementary assignment panel for SNAs is final and binding.

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 s/he 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 DES Circular 58/2006 or any revision of same that is applicable at that time. The above mentioned forms are available on the Department's website www.education.ie along with guidelines for completion.

SNA Redundancy Unit
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 2013¹ 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, job-sharing 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.**
4. When an employer is notifying an SNA that s/he is being made redundant the employer should **immediately** give the SNA a completed Panel Form 1 (PF1) which is appended to this Circular.
5. **SNAs should always submit a copy of the completed Panel Form 1 (PF1) to employers when applying for vacancies as that is the only method for employers to determine whether an applicant has Panel Rights.**

¹ Circular 37/2013 is superseded by this Circular in all respects. This means that SNAs who were made redundant after 1 May 2013 and who have not obtained a new position will remain on this panel until 1 June 2015 with a view to gaining further SNA employment. Such SNAs may of course opt out of the panel and have their redundancy payment processed but this will not happen automatically.

Opting out of the SNA supplementary assignment panel:

6. 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 2014/15 supplementary assignment panel for SNAs is final and binding. Any SNA who wishes to opt out should complete the attached form (SNA OPT OUT FORM) and send the completed form to:

SNA Redundancy Unit
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath

Please note that if the SNA was employed by an ETB then the opt-out form should be returned to the HR Department of that ETB.

7. 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-imbusement of the enhanced (*ex gratia*) element of the redundancy payment will be required from that person. The arrangements for the re-imbusement will be made at that time, subject to the re-imbusement being completed within a 12 month time-frame. This re-imbusement will not be payable to the SNA even in the event of a future redundancy event because the service in respect of which the payment was made will be deemed to have been broken by dint of s/he having received his/her statutory redundancy entitlements
8. It should be noted that even when an SNA re-imburses the enhanced (*ex gratia*) element of the redundancy payment, the service in respect of which the payment was made will be deemed to have been broken by dint of s/he having received his/her statutory redundancy entitlements and any such service will not be reckonable for redundancy purposes in the event of the person being made redundant by his/her new employer subsequently.
9. Acceptance of the redundancy payment will require the SNA 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.

EMPLOYERS–PROCESS TO FOLLOW TO FILL AN SNA VACANCY:

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.

10. Supplementary assignment panel rules do not apply to the filling of Substitute or “Cover” vacancies i.e. Maternity Leave, Sick Leave, Career Breaks, job-sharing replacement, unpaid leave replacement etc. which continue to be filled in the normal manner. 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.
11. Where an employer has part-time SNAs and then receives an additional allocation of SNA resources, the employer may choose to allocate additional hours to those existing part-time SNAs without recourse to these arrangements.
12. Schools/ETBs must complete a separate **Process Verification Document (pages 7 & 8)** in respect of the filling of all other vacancies which must be returned to the supplementary assignment manager **within six weeks of the vacancy being filled.**
13. All SNA vacancies (other than cover vacancies) must be advertised on one of the following websites as soon as practicable. SNA vacancies 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
14. The advertisement must list any specific competencies and/or requirements to meet the special educational needs of the pupil(s).
15. Employers are reminded that with effect from 1 September 2011, the minimum required standard of education for appointment to an SNA post is: A FETAC level 3 major qualification on the national framework of qualifications **or** a minimum of three grade Ds in the Junior Cert **or** Equivalent.
16. If an employer receives an application for a vacancy from one or more SNAs who are due to be made redundant and who furnishes the employer with a certified copy of Panel Form 1 (PF1), then the employer is **obliged** to offer the vacancy to one of those SNAs. This is subject to the SNA meeting any specific competencies and/or requirements to meet the special educational needs of the pupil(s). This will require an interview process to ascertain. This is also subject to the checking and verification of References, meeting any Occupational Health & Safety (OHS) requirements and satisfactory Garda vetting. The SNA must agree to respect the ethos of the employer in question.

17. Short listing of such applicants for interview:
Employers may only interview SNAs with a certified copy of Panel Form 1 (PF1) in the first instance. If there are five or fewer such applicants, all of them shall be called for interview. Otherwise, at least five such applicants shall be called for interview.
18. 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 Panel Form 1 (PF1) within the time-period specified in the advertisement **or** if having interviewed at least five such applicants, it has been established that none of those applicants meet the specific competencies and/or requirements to meet the special educational needs of the pupil(s) **then and only then** can the employer call other applicants for interview with a view to filling its vacancy from all the other applicants (which may include further panel applicants) for the vacancy. **This second interview process, if required, must be held on a separate day.**
19. If, following interview, a number of candidates obtain the same marks then seniority as an SNA should be the determining factor in filling the vacancy. The seniority of the SNAs can be determined from the PF1 form.
20. 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. Failure to accept the vacancy offered in the requisite time period will result in withdrawal of the offer.
21. **Garda Vetting:**
The employer must ensure compliance with the relevant Garda Vetting requirements and 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
22. **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. The current contracts for SNAs at Primary and Post-Primary level are available at the following web addresses:
http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/sna15_05.pdf
http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/sna12_05.pdf
23. **Notification of 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 – SNA", which is available at the following web address:
<http://www.education.ie/en/Circulars-and-Forms/Popular-forms/Special-Needs-Assistant-Appointment-Form.pdf>

Process Verification Document – for completion by employers

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A separate Process Verification Document should be completed by employers in respect of every SNA vacancy other than substitute or “cover” vacancies.

A completed version of this document must be returned to the supplementary assignment manager within six weeks of the vacancy being filled.

1. Did your school/ETB have an SNA Vacancy?

2. If Yes, did your school/ETB advertise the vacancy on one or more of the websites listed on paragraph 13 of this Circular.

3. Did you receive applications from SNAs attaching a certified copy of Panel Form 1 (PF1)?

4. If Yes, did you in the first instance **solely** interview applicants for the vacancy who had certified copies of Panel Form 1 (PF1) in line with the provisions of paragraphs 16 and 17 of this Circular.

5. Did you award the vacancy to an SNA who had a certified copy of Panel Form 1 (PF1)?

It should be remembered that the only reason why a school/ETB cannot fill a vacancy with a person with a certified Panel Form 1 (PF1) is if, following interview, none of the Panel Form 1 applicants meet the specific competencies and/or requirements to meet the special educational needs of the pupil(s). Obviously, this is subject to the checking and verification of References, meeting any OHS requirements and satisfactory Garda vetting.

School Details:

School Name:

School Address:

School Telephone No: _____

School Roll No: _____

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To be signed by the Principal / ETB HR Dept.:

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

Signature: _____

Date: _____

Principal /ETB HR Dept. Telephone No: _____

To be signed by the Chairperson, Board of Management / ETB HR Dept.:

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

Signature: _____

Date: _____

Chairperson /ETB HR Dept. Telephone No: _____

This form should be completed and returned to the supplementary assignment manager at the following address within six weeks of the vacancy being filled:

Supplementary Assignment Manager

Block 1, Floor 3

Department of Education and Skills

Marlborough Street

Dublin 1

24. Supplementary Assignment Manager:

A supplementary assignment manager will be assigned by the Department of Education and Skills. The role of the supplementary assignment manager will be as follows for the 2014/15 school year:

- Any employer recruiting an SNA is obliged to provide the supplementary assignment manager with a copy of the completed Process Verification Document.
- Review the cases of a number of SNAs (if any) who are unsuccessful in gaining further employment via these arrangements with a view to establishing if there are specific recurring reasons why SNAs did not gain further SNA employment via these arrangements.
- In conjunction with the Department of Education and Skills, the Managerial Authorities and the Unions conduct a review of the operation of these arrangements/Circular in advance of the 2015/16 school year with a view to making any amendments deemed necessary to improve upon the operation of these arrangements.
- This review will include but is not limited to the following:
 - i. Review the requirement to call a minimum of 5 candidates for interview;
 - ii. Review the arrangements whereby school management may allocate additional posts among existing part time SNAs;
 - iii. Review whether there should be an onus on the employer to send a copy of every PF1 form to the supplementary assignment manager;
 - iv. Review a number of SNAs who are unsuccessful in gaining further employment via these arrangements
 - v. Review the timeframe outlined in Paragraph 20 for acceptance of the offer of employment
 - vi. Examine the scope and role of the supplementary assignment manager.

Other relevant information:

25. As already outlined, DES Circular 37/2013 is superseded by this Circular in all respects. This means that SNAs who were made redundant after 1 May 2013 and who have not obtained a new position will remain on this panel until 1 June 2015 with a view to gaining further SNA employment. Such SNAs may of course opt out of the panel and have their redundancy payment processed but this will not happen automatically.
26. An SNA shall only be appointed to a post which is to be filled within the allocation of posts approved by the NCSE.
27. If an SNA is appointed to a further SNA position on or before 1 June 2015 s/he will no longer be deemed to be a member of the 2014/15 supplementary assignment panel for SNAs.
28. It should be noted that if an SNA resigns a post (or a part time post), s/he will not be entitled to membership of the supplementary assignment panel for SNAs and s/he will not be entitled to claim a redundancy payment as has always been the case.
29. SNAs who are members of this supplementary assignment panel will have no entitlement to salary by virtue of his/her membership of this panel.
30. 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 in the event of a future redundancy situation.
 - c. Time spent on the SNA supplementary assignment panel will not count for incremental progression.
31. **Pension:** A period of time spent on the supplementary assignment panel does not constitute pensionable service.
32. **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.
33. The 2014/15 SNA supplementary assignment panel will terminate on 1 June 2015.

Processing of Redundancy Payments:

34. Processing of Redundancy payments for SNAs who are deemed to be members of this supplementary assignment panel will not commence until 1 June 2015. 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.

35. 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 2015. However, if s/he is appointed to a further SNA position during the 2014/15 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.

36. 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

Panel Form 1 (PF1)

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SPECIAL NEEDS ASSISTANTS – SUPPLEMENTARY ASSIGNMENT PANEL FORM 2014/15

This form is to be filled in by a school/ETB where an SNA (**with a minimum of one year's continuous service**) is notified by his/her employer that s/he is to be made redundant.

(Service in a substitute capacity i.e. covering for maternity leave, sick leave, career breaks, job-sharing etc. does not count)

Only complete in respect of SNAs made redundant on or after 1 May 2013. This form should not be completed where an SNA loses hours but remains with his/her existing employer.

School Details:

School Name:

School Address:

School Telephone No:

School Roll No:

Special Needs Assistant Details:

Special Needs Assistant Name:

SNA Address:

SNA PPS Number:

SNA Telephone No:

On what date did this SNA commence employment in the school / ETB: __/__/_____.

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/ ETB HR Dept.:

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

Signature: _____

Date: _____

Principal /ETB HR Dept. Telephone No: _____

To be signed by the Chairperson, Board of Management / ETB HR Dept.:

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

Signature: _____

Date: _____

Chairpersons / ETB HR Dept. 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/ETB for their own records.

SNAs should always submit a copy of the completed Panel Form 1 (PF1) to employers when applying for vacancies as that is the only method for employers to determine whether an applicant has Panel Rights.

OPT OUT FORM

SPECIAL NEEDS ASSISTANTS - FORM TO OPT OUT OF THE 2014/15 SUPPLEMENTARY ASSIGNMENT PANEL FOR SNAs

SNAs are advised to read this form and the associated Circular 0044/2014 carefully before signing.

This form is to be completed by an SNA who wishes to opt out of the 2014/15 SNA supplementary assignment panel. 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. The decision to opt out of the 2014/15 supplementary assignment panel for SNAs is final and binding.

Any SNA who opts out of the 2014/15 supplementary assignment panel for SNAs and who receives a redundancy payment, and who then 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-imburement of the enhanced (*ex gratia*) element of the redundancy payment will be required from the SNA. Arrangements for re-imburement will be made at that time, subject to re-imburement being completed within a 12 month time-frame.

Even where an SNA re-imburses the enhanced (*ex gratia*) element of the redundancy payment, the service in respect of which the payment was made will be deemed to have been broken by dint of them having received their statutory redundancy entitlements and any such service will not be reckonable for redundancy purposes in the event of the person being made redundant by their new employer at a subsequent date.

Completion of this form will be deemed to be acceptance of these terms and conditions. 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:

School Address:

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 2014/15 SNA supplementary assignment panel. I certify that I wish to opt out of membership of the 2014/15 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/ETB 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 enhanced (*ex gratia*) element of the redundancy payment will be required from myself. 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:
SNA Redundancy Unit
Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co. Westmeath

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

Please note that if you were employed by an ETB then the opt-out form should be returned to the HR Department of that ETB who will process the payment.

Once Payroll Division 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.