

DES Circular 0023/2015 - CID FAQs

The DES provided clarification on the following list of FAQs raised by principals and deputy principals in relation to CIDs.

Part A (1) 'refers to continuous employment in excess of two years' – To be eligible for a CID contract, does a teacher have to have completed two consecutive fixed-term contracts (which would have met the criteria for a CID) in the school and be engaging in a consecutive third fixed-term contract?

Answer: The qualification period for the granting of an initial Contract of Indefinite Duration (CID) is a period of continuous employment having had two or more successive contracts in excess of two years with the same employer, all of which must have been funded by monies provided by the Oireachtas. The first year of employment can be a combination of different leave types so long as the teacher has worked the full school year (i.e. 183 days). However the year before the award of the CID the teacher must be in a position where they are either –

- not covering for a teacher on an approved leave of absence (e.g. resource)
- or
- where they are providing cover for a career break or secondment absence.

The post must also continue to be viable for a reasonable period considered to be at least a full school year (i.e. a post where the teacher is not covering for a teacher on an absence (e.g. resource) or where they are providing cover for a career break or secondment absence).

Part A (3) - If a teacher has a fixed-term contract (RT, LS, EAL etc) for 10 hrs in year one and 15 yrs in year two, would the teacher be eligible for a CID contract for the former hours? Additionally, if a teacher secured a third fixed-term contract for year three for 22 hours, would a teacher now be eligible for a CID contract of 22 hours (Part A (4)).

Answer: The hours awarded are those contracted for the second year. However this teacher may qualify for a further CID for the remaining hours in future.

Part A (5) – If a permanent vacancy arises in the school, should the most senior CID holding teacher be awarded it? If so, does their seniority remain the same?

Answer: Yes. In addition if a permanent post becomes available then the Board of Management must follow this order in filling the post:

1. CID
2. Redeployment Panel
3. Supplementary Panel
4. Open recruitment

Part A (6) – Can a BoM terminate a fixed-term contract at the end of the second year (teacher has completed two consecutive fixed-term contracts that may be eligible for CID) - taking into account that there will be a fixed-term position in the school in the coming school year. This teacher would have been interviewed for the two years out of a pool of applicants. However in the same school there may now be fixed-term contract teachers finishing their first year that are either of a higher calibre or performing to a higher standard that the school would like to consider. In some cases these teachers may have a particular skill-set, such as working in an autistic unit, that the school consider a priority. This causes a dilemma for the chairperson or principal who must certify that the teacher will be eligible even if they feel that they may not be the best person for the job? Does the BoM lose the right to interview in these cases?

Answer: A Board of Management will already have interviewed the teacher twice before the third year qualifying the teacher for a CID. It is incumbent on the school to deal with underperformance during the two years. The school may not terminate the contract in the third year if there is a qualifying post.

Is it mandatory for a BoM to apply for a CID contract for a teacher that has met the terms of the circular?

Answer: Yes

If a teacher has been awarded a CID contract by the DES and the BoM 'feel' that the teacher has not performed in the second year, does the BoM have the discretion to place the teacher on the panel?

Answer: NO. A CID holder has seniority in the school from the date the CID becomes operational, usually the 1st September. This teacher can only be placed on the panel if they are the most junior teacher and a post is to be suppressed.

Just to note the BoM award the teacher a CID (i.e. the contract is between the BoM and the teacher) however the sanction of the DES must be sought before a BoM can award the CID.

Part A (7) – A teacher that acquires a CID as a result of covering a Career Break or Secondment, do they have to be placed on the panel prior to the return of the teacher that they were covering for or does the BoM offer them a fixed-term contract in the school, if available?

Answer: This is a matter for the BoM. The CID holder may opt to be placed on the panel even if a temporary fixed term contract was available.

Panel – A BoM has submitted an application form for a CID contract for a teacher to the DES. There is a permanent vacancy in the school. Is the BoM required to engage with the panel or can they delay the permanent appointment until they hear from the DES re CID application?

Answer: The school must follow this order in filling a post:

1. CID
2. Redeployment Panel
3. Supplementary Panel
4. Open recruitment

Subject to the normal redeployment arrangements:

- a) The permanent vacancy must be notified to the Panel Operator.
- b) The permanent vacancy will be held for the teacher due a CID for the 2016/17 school year, providing the application is valid.
- c) The resulting fixed-term post in the school may be used to facilitate a teacher from the panel if no other suitable vacancy can be found.
- d) If the post is not immediately required to facilitate a teacher from the panel, and given that there will be some further redeployment to be done in the Autumn, the school is required to hold open this fixed term vacancy to cater for the redeployment of any surplus permanent/CID holding teacher that arises between 1 September and 7 November, 2016. The vacancy that is being kept open can only be filled on a fixed term basis to Friday, 28 October, 2016.