



CHAPTER 2

Recruitment and Appointment Procedures for Teachers

1. Recruitment and Appointment Procedures for Teachers in Recognised Primary Schools

- 1.1 The procedures set out in this Chapter are designed to provide fair and impartial procedures for the appointment of teachers to Oireachtas funded teaching posts in recognised schools. A Board of Management/Education and Training Board is bound to apply these procedures.

2. Role Of The Board Of Management/Manager/ETB

- 2.1 It is the responsibility of each employer to maintain effective procedures to ensure:-
- a) Openness and transparency in the process of appointment to posts from monies provided by the Oireachtas,
 - b) Compliance with:
 - i. relevant legislation in force at the time of making the appointment.
 - ii. in accordance with Section 15 of the Education Act, 1998 the Board of Management manages the schools on behalf of the Patron. A statutory duty is placed on the Board of Management of a school to ensure that an appropriate education is provided to all of the school's pupils. In primary schools other than Community National Schools all appointments of



teachers in the school shall be made by the Board of Management in accordance with relevant legislation, the Rules for National Schools, current Departmental Circulars and are subject to the prior approval of the Patron.

- 2.2 The Board of Management of a Community National School under the patronage of an ETB is not the employer of staff in the school. The ETB is the employer. In accordance with Section 6 of the Education (Amendment) Act, 2012, it is the responsibility of the ETB to employ the Principal, teachers and other staff of a school established or maintained by the ETB. All appointments shall be in accordance with statutory provision, relevant Department Circulars, employment and sectoral agreements. The Interview Board will make the recommendation for appointments and as appointments are an executive function the CE will confirm the appointments.
- 2.3 In order to carry out their roles and responsibilities effectively, appropriate and regular oversight by the Board of Management/Manager/ETB of the teaching and learning in the school should take place. Furthermore, the Board of Management/Manager/ETB, can and should play a key role in improving standards in the school. In this regard, and from a leadership perspective, Boards of Management/Manager/ETBs have significant responsibilities in setting the direction of a school.

3. Minimum Requirements For Employment As A Teacher

- 3.1 Each employer shall ensure that each person proposed for appointment to a teaching post which is paid out of monies provided by the Oireachtas:-
- a) Is registered with the Teaching Council for the sector (see Section 3.2),
and
 - b) Has qualifications appropriate to the sector and suitable to the post for which he/she is to be employed (referred to in this circular as “appropriately qualified”),
and
 - c) That all appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.



3.2 REGISTRATION REQUIREMENTS FOR PRIMARY SCHOOL SETTINGS:-

<i>Primary School Settings</i>	<i>Teaching Council (Registration) Regulations 2016</i>
Mainstream Primary Posts	Route 1(Primary)
Special Classes in mainstream Primary Schools/SET Posts	Route 1 (Primary)/ Route 4 (Other) <i>Excluding Route 4 (2) Post Primary</i>
Special Schools	Route 1 (Primary)/ Route 4 (Other) <i>Excluding Route 4 (2) Post Primary</i>
Special Schools where a proportion of the pupils attending are of post-primary age and where second level programmes are being provided e.g. Junior Certificate School Programme (JCSP), Junior Cycle Level 2 Learning Programmes (L2LPs).	Route 1 (Primary)/ Route 4 (Other) Route 2 (Post-Primary)

3.3 Irish language requirement :

- a) Teachers in primary schools must be qualified to teach the range of primary school subjects to children aged 4 to 12 years. Accordingly, applicants must demonstrate to the Teaching Council's satisfaction that they are competent to teach the Irish language and to teach the range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in primary schools.
- b) Where an applicant has completed a programme of teacher education outside Ireland, an Irish Language Requirement (ILR) condition normally applies to his/her registration. The applicant can either complete an Aptitude Test (SCG – An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge) or an Adaptation Period (OCG – Oiriúnú le hAghaidh Cáilíochta sa Ghaeilge), which confirms the applicant's competence to teach the Irish language as well as a range of primary school curricular subjects through the medium of Irish. Conditional registration may be granted to those in the process of completing this requirement.
- c) Where an employer employs a teacher with an Irish Language shortfall they have a responsibility to ensure that appropriate arrangements are made for the teaching of the Irish curriculum to the class to which this teacher is allocated. Under no circumstances should such a class be deprived of competent Irish language tuition. A Board of Management will be required to show what arrangements are in place to the Department's Inspectors when they visit the schools.



- 3.4 Fully registered teachers or teachers previously probated in a restricted setting may be appointed to the post of Special Education Teacher. Schools should make all effort to ensure that where possible fully registered teachers or teachers previously probated in a restricted setting are appointed. Such teachers may hold Teaching Council registration under Route 1 Primary (formerly Regulation 2 Primary) or Route 4 Other (formerly Regulation 3 Montessori & Other Categories).
- 3.5 Employers must ensure that all persons proposed for employment provide evidence of current registration with the Teaching Council prior to the commencement of his/her employment. Employers may view a teacher's Teaching Council Certificate of Registration or confirm the teacher's registration status online through the [Search the Register function](#) available on the Teaching Council website at www.teachingcouncil.ie. It must remain a condition of the teacher's employment that he/she maintain registration with the Teaching Council for the duration of his/her employment.
- 3.6 An appropriately qualified teacher conditionally registered with the Teaching Council will be remunerated on the teachers' incremental salary scale. This is based on continued compliance with the terms of registration within the period prescribed by the Teaching Council and this should be inserted in the employment contract.
- 3.7 There is a continuing obligation on employers to employ appropriately qualified teachers. Where an employer employs a teacher who is not registered for the sector they must continue to make all reasonable efforts to employ an appropriately qualified teacher.

4. Short Term Employment (Less Than 24 Calendar Weeks)

4.1 SEQUENCE OF RECRUITMENT

- a) Where a vacancy arises the employer must first seek to employ an appropriately qualified teacher who is not retired.
- b) Where all efforts to secure an appropriately qualified teacher who is not retired fail, the employer may employ a retired appropriately qualified teacher.
- c) If it is not possible to recruit a teacher under (a) or (b) above, the employer may employ a registered teacher who is not appropriately qualified on a short term basis, giving preference wherever possible to one who is not retired. The contract of employment should include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first. In such cases the school/ETB must confirm to the Paymaster that they carried out all reasonable efforts to recruit an appropriately qualified teacher and no appropriately qualified teacher was available. This declaration must be made to the Paymaster through the On-Line-Claims System (OLCS) before a person who is not appropriately qualified may be paid out of monies provided by the Oireachtas via OLCS. Remuneration will be at the unqualified rate of pay.



Finally, if no registered teacher can be found, the employer may employ an unregistered person, in a short term capacity, in accordance with the limited exceptions provided for under the Education Act, 1998 (Unregistered Persons) Regulations 2014. An unregistered person may not be paid in respect of more than five consecutive school days employment with one or more employers at any one time and should have included in his or her contract of employment a condition that the contract will terminate:

- immediately, if the relevant employer can employ a registered teacher in a position in which the person is being employed, or
- at the expiry of the relevant time-period under Regulation 7, Education Act, 1998 (Unregistered Persons) Regulations 2014.

Where an unregistered person is employed, the Principal/ETB shall record in writing that –

- i. all reasonable efforts have been taken, as the employer, to appoint a registered teacher, however a registered teacher is not available to be employed in the position in which the person is being employed 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.

The employer shall continue to make all reasonable efforts to employ a registered teacher in the position. Where an appropriately qualified registered teacher or a teacher registered under any regulation can be employed, the school shall immediately terminate the contract of the unregistered person.

Where an unregistered person (see [3.3](#) of Chapter 1) is employed for 5 consecutive school days he/she:

- i. will be paid at the unqualified rate of pay,
- ii. may not be paid in respect of more than 5 consecutive school days employment at any one time, and
- iii. 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.

4.2 **SUBSTITUTE APPOINTMENT (SHORT TERM EMPLOYMENT)**

Where a substitute is required the employer must first seek to employ an appropriately qualified teacher who is not retired. This may be done by:

1. contacting a person on the substitute list established by the employer, or
2. by using a national substitute service, or



3. advertising.

- 4.3 A substitute list shall be maintained by each employer of appropriately qualified teachers who have notified the employer that they are available for substitute teaching work. A separate substitute list of registered retired teachers should be maintained to cover instances where an appropriately qualified non retired teacher is not available for substitute work.

Two or more employers may establish and maintain a common substitute list, a copy of which should be kept by each employer. The school/ETB 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/ETB must revert to the list. The school/ETB has, of course, the option of using the list in the first instance.

Where a school/ETB receives notification from an appropriately qualified teacher who is, or will within one month of notification become available for substitution work, the school/ETB must, within 7 school days, update the list and issue an acknowledgement to the teacher concerned.

As provided for in the Action Plan for Teacher Supply, a new portal for the recruitment of substitute teachers is being developed as a central resource for schools/ETBs which aims to eliminate the need for schools/ETBs to hold individual lists. Education Partners will be notified in due course of any amendments to this circular on foot of this development.

- 4.4 Employers may also use these procedures to fill a vacancy on a temporary basis pending the completion of a recruitment process to fill a long term employment vacancy i.e. a vacancy of 24 calendar weeks or more.

5. Long Term Employment (24 Calendar Weeks Or More)

- 5.1 Employers should not fill a teaching post without first ensuring that:
- a) the post is not required to meet obligations to existing teachers in respect of eligibility for a CID,
 - b) they comply with the Department's rules in regard to staffing allocation and redeployment arrangements,
 - c) any panel established by the employer following interviews for a post ("internal panel") has expired/is exhausted.
- 5.2 All vacancies anticipated to be of a duration of 24 calendar weeks or more shall be advertised on at least one of the websites approved by the Management Bodies and shall be notified to all fixed-term primary teaching staff in the school/ETB including those on leave of absence. There shall be no unreasonable delay between the notification of the vacancy, insertion of the advertisement and the filling of the post.



5.3 As provided for in the Action Plan for Teacher Supply, a new portal for the recruitment of teachers is being developed as a central resource for schools. Education Partners will be notified in due course of any amendments to this circular on foot of this development.

5.4 Confidentiality must be maintained throughout the process.

6. Termination Of First Fixed-Term Contracts

6.1 All first fixed-term contracts must be terminated at the end of the school year and if the employment is continuing for the following year, it must be automatically re-advertised by the employer and a new recruitment process undertaken for the filling of the post for the second year. Therefore, the employer must terminate the contract and cannot provide a new fixed term contract to any teacher unless it advertises and interviews first.

7. Advertising Rules

7.1 The advertisement shall invite applications from eligible teachers to be submitted to the Chairperson of the Board of Management/ETB by a specified date and to a specified address or electronically.

7.2 The advertisement shall state:

1	The name, address, roll number and patronage of the school and in the case of Community National Schools that the appointment is to the ETB scheme.
2	The number of teaching posts (including Principal Teacher).
3	The nature of the vacancy (i.e. a teaching post).
4	The status of the vacancy (i.e. whether permanent or fixed term contract hours, whole-time or part-time).
5	The expected commencement date of the post.
6	The address to which applications should be sent. This may be postal/electronic.
7	The latest date and time for receipt of completed applications, which shall not be earlier than 14 days after the first date of publication of the advertisement.
8	Whether a curriculum vitae or standard application form is required. (Applicants should not be required to submit both a curriculum vitae and an application form).
9	The nature of the duties which may initially be allocated to the post (e.g. Special Education Teacher, etc.). It should be stated that duties included in the advertisement may be subject to change.
10	A list of documentary information required to support the application (e.g. Evidence of qualifications; Teaching Council Certificate of Registration).
11	Any other relevant documentation required (e.g. certificate to teach Catholic religious education for schools under Catholic Patronage).

7.3 The advertisement may also state:



1	<p>Whether or not a panel of suitable applicants may be set up from which future vacancies, may be filled. If such an internal panel is being created this needs to be noted in the advertisement.</p> <ul style="list-style-type: none"> • Permanent vacancies may not be filled from a panel established following interviews for a fixed term post. • Where interviews for a permanent or fixed-term post have taken place then such an internal panel may be used to fill fixed-term and substitute vacancies equal to or of shorter duration than that interviewed for. • Where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Board approves the successful applicant and the order of merit of the qualifying applicants, subject to suitable references and the prior approval of the Patron. • In the case of Community National Schools where such an internal panel is compiled it shall be applicable to any vacancies filled within four months of the date on which the Chief Executive approves the successful applicant and the order of merit of the qualifying applicants, subject to suitable references. • Posts should be offered to qualifying applicants in order of merit as determined under 13.7 and 13.8.
2	Whether a minimum number of applications are required for the competition to proceed.
3	Whether a stamped addressed envelope is required for the return of documentation.
4	Where postal applications are required, that the applicant should mark the envelope “Application”.

7.4 Advertisements should not indicate or be reasonably understood to indicate an intention to discriminate on the grounds as set out in Section 6(2) of the Employment Equality Acts, 1998 – 2018, i.e. gender, civil status, family status, sexual orientation, religion, age, disability, race or a member of the Travelling Community. Special care should be taken in drafting the advertisement, especially in indicating the gender category of the school, so as to ensure that it will be understood by all that both men and women are eligible to apply and will be given equal consideration.

7.5 Posts that are sanctioned on a permanent basis should be filled by a permanent appointment unless special circumstances apply.

8. Electronic Applications

8.1 Where the employer chooses to accept electronic (e-mail/on-line) applications then the following procedures should be followed.

8.2 A separate e-mail/on-line account shall be set up for the application process. Where the employer does not have access to a distinct e-mail/on-line address then a service such as Gmail may be used e.g. *Schoolnameapplications@gmail.com*. Only one email address shall appear on the advertisement.

8.3 Access to applications shall be restricted to members of the Interview Board only.



- 8.4 The closing date and time shall be strictly adhered to. The date and time at which applications are received is as recorded on the e-mail/electronically.
- 8.5 Applications shall be opened and downloaded by the Interview Board at its short-listing meeting. In Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.
- 8.6 The applications will be assessed in accordance with procedures as set out in this circular.
- 8.7 Notification of invitation for interview and the relevant documentation listed may be sent to the applicants e-mail address. Applicants may be requested to confirm attendance by e-mail/electronically.
- 8.8 Where a number of applicants are e-mailed at the one time then care should be taken that individuals' confidentiality is maintained. Employers should utilise the: bcc option or e-mail applicants on an individual basis.
- 8.9 Employers may decide to reply in writing (including via e-mail/on-line) to those unsuccessful applicants who presented at interview. This may also apply to the successful applicant. However, if e-mail/an on-line system is used employers should save or print a copy of the letter to the successful applicant for school/ETB records.
- 8.10 The email address may be required for a new recruitment campaign by a new Interview Board. Therefore, all electronic applications must be saved by the school electronically, deleted from the email/on-line system and after the appropriate retention period, from the saved electronic file.
- 8.11 Ongoing use of e-mail address. Where the same e-mail address/on-line system is utilised for subsequent competitions, the passwords/security access should be changed to ensure that only the new Interview Board have access to the applications. Only those applications received between the advertisement date and the closing date of the competition may be assessed by the Interview Board.

9. Reporting And Verification

- 9.1 Each Principal (excluding Community National School Principals) shall report at each Board of Management meeting that:
- a) a list of appropriately qualified teachers is being maintained,
 - b) the circumstances in which he/she had to engage a retired teacher (if applicable),
 - c) the circumstances in which he/she had to engage an unregistered person (if applicable), and
 - d) a list of the names of all substitute and part time teachers for whom claims have been made on the OLCS system since the last board meeting.



9.2 Records completed by a Principal filling a post in circumstance b) and c) above must be made available for inspection on request by the Board of Management/ETB. In Community National Schools the above records are compiled by HR Department.

9.3 The resource provided to schools by retired teachers is critical given the challenge some schools are currently facing to recruit teachers in certain subject areas and also to fill short term vacancies. Under the Action Plan for Teacher Supply a number of measures are underway to resolve these issues. In the immediate term the current challenges in schools must also be addressed. In this regard and to support the availability of a supply of retired teachers to take up short term vacancies DES is currently liaising with Department of Public Expenditure and Reform (DPER) requesting that posts being filled by a teacher who satisfies the criteria under Section 4 of Chapter 2 of this circular be considered to be one of a class of persons who can be granted a waiver from abatement of pension under Section 52 (4) and Public Service Pensions (Single Scheme and Other Provisions Act) 2012. Note: Any queries in relation to abatement may be directed to Pensions Section at the following email Pensions_Abatement@education.gov.ie.

10. Selection Procedures for Vacancies of 24 Weeks or More

10.1 COMPOSITION OF INTERVIEW BOARD-

Primary	<ul style="list-style-type: none"> • Chairperson of the Board of Management/1 Nominee of the CE of the ETB. <p>In exceptional circumstances and for valid reasons, the Chairperson of the Board of Management can apply to the Patron to be excluded from the process. Where the Patron decides to allow the exclusion, the Patron will arrange for a replacement appointment to the Interview Board.</p> <ul style="list-style-type: none"> • School Principal. • Independent assessor, to be appointed by the Patron after consultation with the Chairperson of the Board of Management or in the case of Community National Schools to be appointed by the ETB. <p>In the case of the selection of a teacher in a period after a Principal Teacher has been appointed but before that Principal has taken up duty, the newly-appointed Principal shall fill the position of Principal on the Interview Board.</p>
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10.2 At least one of the members of the Interview Board shall be male and one female.

11. Criteria Of Assessment

11.1 Prior to advertising a position, the employer may set a minimum number of applications which must be received for the competition to proceed.



11.2 Where the minimum number of applications has been specified in the advertisement and is not met, the post shall be re-advertised with a provision included that persons whose applications were received within the time specified in the initial advertisement need not reapply and their application will be held until the next closing date.

11.3 The Interview Board shall meet as soon as practical and shall establish agreed criteria for the assessment of the applications and for interview prior to opening of the applications received. In establishing the criteria, the following factors shall be taken into account, having regard to the requirements of the particular post and the Rules for National Schools, though not exclusively nor necessarily in this order:-

- Professional Qualifications
- Registration with the Teaching Council
- Teaching experience
- Other relevant experience e.g. experience in Special Needs, multiclass teaching, etc.

Care must be taken to ensure that the criteria do not lead to discrimination on the grounds set out in Section 6(2) of the Employment Equality Acts, 1998-2008 i.e., gender, civil status, family status, sexual orientation, religion, age, disability, race and member of the Travelling Community.

11.4 In the case of Community National Schools, the ETB will ensure that the criteria for assessment incorporates those identified in 11.3.

11.5 The criteria selected must reflect the needs of the school.

11.6 The applications shall be opened only in the presence of the Interview Board. In Community National Schools applications shall be opened by the CE/delegated officer in advance of shortlisting.

12. Disclosure of Interest/integrity of Interview Board

12.1 The Board of Management shall inform the Chairperson of the Interview Board that it is the responsibility of the Interview Board to address disclosures of interest/integrity in accordance with the procedures set out in this circular. In Community National Schools the ETB distributes the applications and a conflict of interest form to the members of the Interview Board (completed forms are returned to the ETB).

12.2 A member of the Interview Board who has a relationship with a person who is an applicant for appointment shall immediately disclose to the Interview Board the fact of the relationship and the nature thereof. A professional relationship in itself does not necessarily mean there is a conflict of interest e.g. having taught or worked together in the past. In this context Interview Board members are required to make a disclosure not only in the case of a family relationship but in respect of any relationship which could be regarded as prejudicial to ensuring absolute impartiality in the selection process.



- 12.3 Following this disclosure, the Interview Board shall determine whether that member shall take any further part in any deliberation or decision concerning the appointment through to ratification at Board of Management level. Where the Interview Board finds that there is a concern regarding an Interview Board member, the Chairperson of the Interview Board shall inform the Chairperson of the Board of Management who in turn informs the Patron/CE unless the Chairperson of the Interview Board is the Chairperson of the Board of Management in which case they should contact the Patron/CE directly. It will be the CE Nominee on the CNS Interview Board who will inform the ETB of concerns. The Patron/CE shall nominate another member in his/her place following consultation with the Chairperson of Board of Management/CE Nominee.
- 12.4 Any such disclosure, the nature of same and the decision shall be recorded and included in the written report of the Chairperson of the Interview Board to the Board of Management on completion of the process.
- 12.5 Where a conflict of interest is determined applications are returned or deleted.
- 12.6 Failure to disclose any relationship may invalidate the process.

13. Interviews

- 13.1 Selection of applicants for interview will be based on an initial assessment of applications against the established criteria.
- 13.2 If there are three eligible applicants, or fewer, all eligible applicants shall be called for interview by the Interview Board/ETB or, where the minimum number of applications set by the employer under 7.3(2) for the competition to proceed were not received the post shall be re-advertised. Otherwise, at least three eligible applicants shall be called for interview.
- 13.3 If there are no eligible applicants the position will be re-advertised.
- 13.4 Invitations to interview should normally be issued in writing or by e-mail within three calendar weeks of the closing date for receipt of applications and shall include:
- i. at least 7 days' notice (after the closing date for receipt of applications) of a specific interview date, time (outside school hours) and the location of the interview venue,
 - ii. details of the established criteria for the post, and
 - iii. a request for the applicant to notify the Interview Board/ETB if he/she requires any additional assistance in relation to a special need.
- 13.5 The interview venue should be fully accessible and in compliance with all Disability and Health and Safety legislation. Schools/ETBs may decide at their discretion to facilitate interviews using digital technology, particularly in the case of qualified applicants resident outside the State, subject to the availability of suitable technological infrastructure and resources.



- 13.6 All questions at interview shall relate to the requirements of the particular post. No question shall be asked nor information sought in any form from an applicant which might be construed as being discriminatory.

In the selection of staff for boys only and girls only schools special care should be taken to ensure that both male and female applicants are given equal opportunity to present themselves as suitable and that questions should not give the impression that the Interview Board has a preconceived view of the suitability of either male or female for a particular post.

- 13.7 Each member of the Interview Board is required to complete his or her own individual marking sheet for each applicant and give it to the Chairperson of the Interview Board on completion of the interviews.
- 13.8 The individual marks shall be added and the final mark for each applicant will be used to produce a ranking of applicants who are deemed suitable for appointment.
- 13.9 Following completion of the interview process the Chairperson of the Interview Board/ETB shall conduct reference checks of the highest ranked applicant. This should include seeking and following up on references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for.

The Interview Board/ETB at its sole discretion will determine the suitability of any reference. The Interview Board/ETB further reserves the right to seek from an applicant the names of additional referees. Appropriate records of these checks should be retained on the proposed appointee's personnel file.

- 13.10 An applicant's own marking sheets should be made available on request after the recruitment process is complete.

14. Appointment of Successful Applicant

- 14.1 Following the completion of the interview process, the Chairperson of the Interview Board shall submit a written report to the Board of Management/ETB setting out:
- i. that the selection procedures have been complied with,
 - ii. if there has been a disclosure of interest/integrity to the Interview Board and the outcome of such disclosure,
 - iii. the name of highest ranked applicant whom it considers most suitable for appointment, and
 - iv. confirmation of the receipt of suitable references for the highest ranked applicant nominated for appointment (not applicable in Community National Schools as the ETB checks the references of the successful applicant prior to any offer of appointment).

- 14.2 The Chairperson of the Interview Board will retain:



- i. a record of the final marks and the ranking of applicants. This information shall be given to the Board of Management if requested as the employer, and
 - ii. an order of merit which can be used if the highest ranked applicant nominated for appointment declines the position.
- 14.3 In the case of Community National Schools the Chairperson of the Interview Board will return the above records to the ETB.
- 14.4 Where specified in the advertisement that an internal panel may be created, the Chairperson of the Interview Board will retain or forward to the ETB in the case of Community National Schools, an internal panel of applicants in order of merit deemed suitable for appointment to any future post arising in the school within four months of the date on which the Board/CE approves appointment of the successful applicant subject to suitable reference(s) and prior approval of the Patron.
- 14.5 The Board of Management/ETB shall offer the post to the highest ranked applicant nominated for appointment unless it has good and sufficient reason not to do so and such reason was not known to the Interview Board in which instance the matter shall be referred to the Patron/CE, whose decision in this matter shall be accepted by the Board of Management/ETB.
- 14.6 The offer of employment should not be made to the prospective employee until the prior approval of the Patron/CE has been obtained by the Chairperson of the Board of Management/ETB.
- 14.7 Employers shall follow best practice in relation to the following.
 - i. Verification of documentation: Teaching Council registration, qualifications, vetting.
- 14.8 Medical fitness: All successful candidates being appointed for the first time to a teaching position in Ireland or teachers returning from leave of absence or other break in service in excess of two full school years will be screened by pre-employment medical questionnaire and fitness confirmed before the teacher takes up or resumes a teaching post. For further details, see the [*Occupational Health Service for Teachers and Special Needs Assistants, Standard Operating Procedures Manual*](#).
- 14.9 All appointments are subject to compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
- 14.10 The notification letter of offer to the successful applicant should state that the offer of employment is subject to the sanctioning of the post by the Minister, to the terms as set out in this circular, confirmation of qualifications, confirmation of registration with the Teaching Council and continuous registration with the Teaching Council for the duration of his/her employment, compliance with Garda vetting requirements (see 14.9 above) and pre-employment medical screening, where applicable, prior to commencement of the



employment. Failure to accept the vacancy offered in the specified period will result in withdrawal of offer.

- 14.11 As soon as the employer has received written notification of the successful applicant's acceptance of the post, all unsuccessful interviewees should be notified.
- 14.12 A contract of employment should be prepared in duplicate and signed by both parties i.e. the employer and the successful candidate prior to the date of commencement of employment. This is in line with the Terms of Employment (Information) Act 1994 as amended¹.
- 14.13 Both the successful candidate and the employer should complete the Appointment /Re-appointment form(s) for the relevant school year and forward it to the Paymaster at the earliest opportunity in order to ensure the newly appointed teacher is set up on Payroll as soon as possible.

15. Contracts – Terms of Employment

- 15.1 The contract shall include the full names of the employee and the employer. It should be signed and dated by both parties. It should also include a written statement of the particulars of the employee's terms of employment e.g., place and hours of work, duties/responsibilities, disciplinary/ grievance procedures, employer policies (e.g. health and safety, harassment, sexual harassment, etc.), some of which are statutory requirements under the Terms of Employment (Information) Acts, 1994 as amended.
- 15.2 Employers must ensure that the requirement to maintain registration with the Teaching Council is inserted as a condition within all contracts.
- 15.3 The employer shall retain one of the completed signed duplicate contracts on the teacher's personnel file and furnish the other signed duplicate contract to the employee.
- 15.4 Employers should ensure compliance with all relevant employment legislation e.g. the Unfair Dismissals Acts, etc. when dealing with issues pertaining to appointments and contracts of employment.

16. Fixed Term Teachers

- 16.1 Employers are reminded that the provisions of the Protection of Employees (Fixed Term Work) Act 2003 apply to all fixed-term employment.
- 16.2 All such teachers must be furnished with written fixed term contracts.
- 16.3 In accordance with Section 2 of the Protection of Employees (Fixed Term Work) Act 2003, a person who is on work placement as part of his/her vocational training is not an employee for the purposes of the Act.

¹ e.g. Employment (Miscellaneous Provisions) Act 2018



- 16.4 An employer shall not treat a fixed-term teacher in a less favourable manner than a comparable permanent teacher in respect of his/her terms of employment, unless objective grounds exist for doing so.

17. Additional Terms for Fixed Term Contracts

- 17.1 In general the expiry of a contract and, as a consequence, the termination of the employment relationship, marks the end of any obligation on the part of the employer in respect of conditions of employment.
- 17.2 Under the Terms of the Protection of Workers (Fixed Term) Act, 2003 (Section 8) the terms and conditions for a fixed term employee shall contain the objective conditions determining the context of the employment, whether it is finishing on a certain date, completing a specific task or the occurrence of a specific event.
- 17.3 If the teacher is not appropriately qualified the contract of employment must include a condition that the contract will terminate on the recruitment of an appropriately qualified teacher or the following 31 August, whichever happens first.
- 17.4 A fixed-term teacher shall have access to Continuing Professional Development (including in-service training) on the same basis as a comparable permanent teacher. Such access shall not be confined to the days on which the fixed-term teacher would ordinarily be employed.

18. Renewal of Fixed Term Contracts

- 18.1 Where an employer proposes to renew a fixed-term contract, having gone through the above recruitment process, the fixed term employee should be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration before the date of renewal. Employers should refer to [Circular 23/2015](#) “Implementation of the Recommendations of the Expert Group on Fixed-Term and Part-Time Employment in Primary and Second Level Education in Ireland” and associated FAQ’s which are available on the Department’s website, www.education.ie.

19. Compliance

- 19.1 All employers and teachers must adhere to the regulations and procedures set out in this circular. The Department shall not be liable for any costs, obligations or funding of contracts, including CIDs, arising from failure to adhere to the terms of this circular.
- 19.2 Each employer will maintain effective procedures to ensure teacher appointments are made in accordance with the procedures outlined in this circular and other relevant Department Circulars.



- 19.3 The Department may carry out examinations of teacher appointment records. All documentation relating to teacher appointments, listed in paragraph 20.1 below, must be retained by the employer with the relevant personnel records. Also, certified evidence of compliance with requirements must be retained on file by the employer for accounting and audit purposes. The employer will provide a copy of this information to the Department, if requested.

20. Record of Documents to be Retained By School Authorities

20.1 The following documents should be safely retained in the school/ETB:

i. Documents to be retained for all teacher appointments

1	A copy of the Registration Certificate / confirmation of current registration of the teacher from the Teaching Council of Ireland.
2	A copy of the confirmation of medical fitness received from the Occupational Health Service.
3	One part completed contract of employment i.e. signed by the employer and the teacher.
4	Confirmation of compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and with relevant Department Circulars in relation to Garda vetting.
5	A copy of the teacher's educational qualifications e.g. initial teacher education qualifications, Post Graduate courses or Masters Degrees.
6	In the case of primary schools other than Community National Schools, a record of the Patron's approval of the appointment.
7	Any other relevant documentation relating to individual teaching appointments.

ii. Documents which must also be retained following an Interview Board recruitment process.

1	A copy of the advertisement.
2	The teacher's application for the post.
3	Criteria for assessment of applicants.
4	The Interview Board Report.
5	Any documents and/or notes created by the Interview Board.
6	Confirmation of verification of references.

20.2 A copy of the appointment form completed by both parties that was submitted to the Paymaster.

20.3 All records relating to the successful applicant should be retained by the school/ETB for the duration of employment plus 7 years.

20.4 Documentation should be kept for a period of 18 months for unsuccessful applicant(s), including applicants not shortlisted for interview, in accordance with Data Protection procedures.



20.5 All documentation concerning the employment of registered teachers in receipt of a teacher's pension and unregistered persons should be retained in accordance with Data Protection procedures and should be available for audit.