



*Email to all schools to:*  
*Principals – as line manager*  
*Board of management – as employer*  
*CC – Hard copy to all schools*

30<sup>th</sup> of August 2023

**Departments Clarification on IR Issues (72-hours, use of agreed contracts etc)**

Dear Principal,

We are writing to you in your capacity as direct line manager for our members but would also seek that a copy of this letter be furnished to the Board of Management as the employer of our members.

I hope this communication finds you well and rested after the well-earned summer break. It is hard to believe that the commencement of the new school year is upon us already and preparation is already underway in nearly all schools to welcome students back.

We are writing to bring back to your attention the document that issued by the Department of Education to the various management bodies on the 30<sup>th</sup> of May last, which has been disseminated out to individual schools. The purpose of this communication is to refresh the contents of that letter in minds, so to avoid unnecessary industrial relations issues arising in the forthcoming year and to provide clarity on how such issues may be dealt with in a collaborative and collegiate manner.

The letter contained some extremely important clarifications on several important matters in a clear and unambiguous manner. We would respectfully ask principal and BOMs to refresh themselves with the content of this communication.

Where the union is made aware of issues that arise with regards interpretation of this communication, we will, in the first instance, seek to engage directly at a local level to resolve the matter. As the various management bodies were present during the meetings and discussions on these matters, they will be in a position to advise and guide queries from the employers' side, should it be required.

It has also come to the union's attention, that a significant number of recent advertisements for posts have advertised on the basis of a 32-hour working week. The union would like to highlight the clarifications in the Department correspondence with regards the working week and the fact that it is not based on 32-hours but the classroom hours.

We would remind employers that **ONLY the nationally agreed contracts 12/ 2005 (Post Primary) and 15 / 2005 (Primary) should be used for contracts of employment.**

The contracts offered should not differ in any way to those agreed and should express the hours in the manner as stated in said contracts (copied below), inserting the classroom hours into the gaps provided –

*2.5. You will be required to work normal classroom hours including class break periods and in addition to attend before and after school in order to help with the preparation and tidying up of classrooms, reception and dispersal of children etc. The hours of work will normally be from [ ] to [ ] daily during term time. Normal work break entitlements will apply in accordance with the provisions of the Organisation of Working Time Act 1997. The times at which these breaks are taken will be at the discretion of the Principal.*

The union will be liaising with new entrant members in the coming weeks to ensure that contracts provided are consistent with those nationally agreed. Where this is not the case, we will again seek local engagement in order to try and resolve the matter but will pursue issues through other IR mechanisms or the states industrial relations machinery where required.

A copy of the Departments letter of the 30<sup>th</sup> of May last is attached for ease of reference.

Kind regards and best wishes for the school year ahead, we look forward to engaging collaboratively with you whilst representing our members where necessary.



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Shane Lambert  
Assistant General Secretary  
Schools Team



**To: Each Management Body / Education and Training Boards Ireland**

30 May 2023

Dear Management Body / Education and Training Board,

**Re: Working Hours of Special Needs Assistants (SNAs)**

Further to recent discussions at the SNA IR Forum it is understood that Fórsa will be outlining their position to members regarding how certain aspects of SNA working hours are being managed by Schools.

It is accepted that the majority of schools and staff operate in line with requirements in order to underpin the efficient operation of schools and to support the provision of education to all learners. However, it is also useful to have clarity from time to time on the Departments position on aspects of working time of SNAs, given the flexibilities that are a part of the contracts.

**Working Hours**

In general, the contractual position in respect of the working hours of SNAs is as outlined in their agreed contracts of employment. The SNA contract of employment is augmented by all of the relevant Departmental Circulars governing SNAs which detail the terms and conditions of employment for SNAs. These Circulars are amended and new Circulars are issued by the Minister for Education from time to time.

These standard SNA contracts of employment have been designed to be flexible to cater for the different spectrum of working hours across all the various schools including primary, post-primary and special schools. No



set hours were agreed but instead full-time SNAs are expected to work for the normal school hours in the school that they are working in, and in addition to be available for a period of time before and after school in order to help with reception and dispersal of children and preparation and tidying up of classrooms etc. These times are set locally by the school management and will vary from school to school depending on the requirements of the school.

Therefore, it is not necessarily the case that 32 hours per week is the contractual requirement. It will vary in each school in line with the factors outlined above.

### **Job-Sharing**

It should be noted that Information Note TC/IN 0002/2023, [available here](#), recently implemented a change to SNA Job-Sharing. Previously a fulltime SNA who chose to move to job sharing was required to work 16 hours a week. This has now changed so that the SNA would be required to work 50% of the hours currently contracted to work.

In future any 0.5FTE posts advertised should be clear that the hours relate to 50% of the usual fulltime hours in the school and not 16 hours as a default.

### **'72-Hours':**

The issue of the '72-hours' obligation has been the subject of previous discussions and correspondence. In summary, while a SNA is obliged to work the hours where scheduled in line with their contract and the requirements of Circular 71/2011 it should be noted that:

- The appropriate scheduling and use of these hours are at the discretion of the school in line with the requirements of the



circular. Schools and ETBs should plan for the utilisation of the hours available.

- Reasonable notice should be given to SNAs regarding the scheduling and use of this time and the school should keep accurate records of same.
- Whilst the benefit of having a bank of hours outside of normal school opening hours and/or the normal school year is recognised, there is no obligation on schools to utilise all of the hours if a school does not have appropriate work or need for them.

### **June Working in Post-Primary Sector**

The contract for Special Needs Assistants in the post-primary sector specifically requires that SNAs are required to work the month of June on examinations and work appropriate to the grade, including training.

The Department notes that Fórsa accepts this contractual obligation, but are of the view that June is specifically mentioned within the contract because whilst SNAs are contracted to work classroom hours in general, classroom hours do not exist in June in post-primary. Therefore the working day is viewed as different to the rest of the year, and attendance should primarily be determined by the work to be undertaken. In this regard, schools should take note that only appropriate work should be assigned, as provided for under point 9 of Circular 0071/2011.

With regard to training during June, where appropriate training is arranged, SNAs should be allowed to undertake same at home if they have the ability to do so. Schools can consider the appropriateness of this when planning relevant training, but it is a matter for each school to decide. Similarly, where appropriate work under Circular 0071/2011



can be undertaken at home in June, in compliance with data protection requirements and such other governance issues as may be relevant, schools should consider facilitating same.

### **Supervision**

In general, whilst SNAs can be requested to help/support teachers rostered for supervision, where SNA support is appropriate, they should not be tasked with supervising in isolation. Schools should note that while teachers can be part of the Supervision/Supervision and Substitution schemes for which they receive payment, SNAs cannot. Therefore, SNAs should not be rostered under these schemes.

While a degree of flexibility is accepted if a teacher needs to temporarily leave a classroom, SNAs should not be left alone supervising children for any extended period of time.

### **Book Scheme**

It has been brought to the attention of the Department that some SNAs have been informed they are to undertake the duties relating to the new free book scheme and this is being requested as additional duties within the contractual '72-hours' obligation.

Similarly, instances of SNAs being tasked with roles in the Book rental scheme, as part of the contractual obligations relating to 'June working', have been reported.

Such administrative tasks are not part of the agreed duties under the circulars.

The Department has put in place a grant payment, for schools, for administrative support. This grant can be used to employ an individual to work for a specified number of days from April through to August



2023 to carry out administrative work on the scheme. The admin 'days' can be broken down into hours, if this works best for the individual school. While the individual employed can be an existing member of staff of the school/ETB (including a SNA) this is a separately paid role.

**Work of Other Grades**

Schools are reminded that SNAs cannot be compelled to carry out the work of other staff such as secretarial or cleaning staff.

Should you have any queries in relation to these matters, please do not hesitate to contact External Staff Relations section at [esr@education.gov.ie](mailto:esr@education.gov.ie).

Please bring this letter to the attention of all members of Boards of Management/Education and Training Boards under your remit.

Yours sincerely,

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Mark Bohan  
Principal Officer  
External Staff Relations