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EDUCATION DIVISION 2015-2017 REPORT



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Photo: Conor Healy

BACK ROW: Siobhan O'Callaghan, Breda Halley, Clare Keaveney, Noreen O'Mahony, Kevin Callinan, Elaine Elliott, Barry Cunningham, Antoinette Murphy, Ciairín de Buis, Early Education campaign director (interim).
FRONT ROW: Eilis McGarrell, Gina O'Brien, Michael Smyth, Stella Griffin.

CONTENTS

INCOMES	4
Public service pay restoration	4
Public Service Pay Commission	5
Increment anomaly	6
Overtime, allowances and premium pay	6
Travel and subsistence	6
Pensions	6

WORKING CONDITIONS	7
Public service staffing	7
Outsourcing	7
Sick leave	7
Bereavement leave	7
Collective bargaining legislation	8
Equality	8
Health and safety	8

ORGANISATION	9
New union project	9
Regulation of Lobbying Act	9
Training	9

DIVISIONAL LEADERSHIP AND INDUSTRIAL RELATIONS	10
Gaining traction	10
Elected leadership	10
IMPACT staff	10
Seconded staff	11
Divisional strategy.....	11
Early Education branch	11
Relations with other unions	12
Branch development.....	12

POLICY INTERVENTIONS.....	13
General	13
Special education	13
Early education	14
Higher education	14

INDUSTRIAL RELATIONS	15
Sectoral overview	15
Education and Training Boards/ Institutes of Technology	15
Special needs assistants (SNAs)	16
School secretaries and caretakers	16
School Completion Programme	17
The future of the School Completion Programme: addressing key issues in educational advantage	17

APPENDICES	18
APPENDIX I: Submission by IMPACT to the Joint Committee on Education and Social Protection	18
APPENDIX II: Submission to the consultation on the Department of Education and Skills Statement of Strategy 2016-2018	20
APPENDIX III: IMPACT submission to HEA Equity of Access Consultation	24
APPENDIX IV: Joint Submission on Higher Education Funding	26



INCOMES

Public service pay restoration

In July 2015, IMPACT members voted to accept the Lansdowne Road agreement, by a margin of three-to-one, in a national ballot. The agreement was the first to deliver upward adjustments in public service incomes since 2008.

Lansdowne Road originally envisaged two changes in the pension levy threshold in 2016 – one in January (raising the threshold from €15,000 a year to €24,750) and a second in September (raising the threshold from €24,750 to €28,750). However, after it emerged that payroll systems could not implement the September 2016 change for technical reasons, it was agreed that the September change would be abandoned. Instead, the January 2016 change was larger, raising the threshold from €15,000 to €26,083. This had the effect of giving the cash benefit for those earning above the threshold slightly faster.

The deal also saw a 2.5% restoration of pay for those earning up to €24,000, and 1% for those who earned between €24,001 and €31,000, from 1st January 2016. For some lower-paid workers, this meant salaries are now higher than before the Financial Emergency

Measures in the Public Interest (FEMPI) legislation, which introduced pay cuts and the pension levy, was put in place.

A further upward pay movement, worth €1,000 a year to all those who earn up to €65,000 a year was originally agreed for September 2017. However, this was brought forward to 1st April 2017.

Together, these measures mean that, by April 2017, virtually all public servants will have experienced some pay restoration, while those earning below approximately €28,000 will have had full restoration of the pay and pension levy-related cuts.

Agreement to bring the September 2017 payment, which is worth €38.33 a fortnight before tax, forward to April was the result of negotiations between public service unions and the Department of Public Expenditure and Reform (DPER), which took place between December 2016 and January 2017. The union negotiators were led by IMPACT general secretary Shay Cody, who chairs the ICTU Public Services Committee. This followed IMPACT's earlier insistence that pay restoration be accelerated after the Government accepted Labour Court recommendations, which gave Gardaí better terms than those set out in the Lansdowne Road agreement. The agreement reached in January 2017 acknowledges the unions' view that the 'Garda anomaly' is not fully resolved and allows for the issue to be revisited in a successor to the LRA, talks for which are expected to start in the first half of 2017.

Public servants who earn more than €65,000 a year did not benefit from this arrangement because the Garda settlement didn't apply to Gardaí with salaries of over €65,000. However, public servants who earn above €65,000 will see the beginning of restoration of the 'third' pay reduction – which applied exclusively to those earning over €65,000 under the 2013 Haddington Road agreement – from April 2017. Full restoration of the Haddington Road pay cuts (which only applied to those earning over €65,000) is to be completed in January 2018 for those who earned up to €110,000 a year.

In May 2016, delegates at IMPACT's biennial delegate conference backed motions calling for faster pay restoration than agreed under Lansdowne Road, to reflect the fact that the economy and public finances had improved more quickly than envisaged



when the deal was signed. At that time, the Government was strongly defending the agreement, but was insisting that it should run its course until September 2018. However, in December 2016 it bowed to union demands for talks on a successor agreement, effectively conceding that pay restoration could be accelerated under a new deal.

IMPACT said the talks must address the timetable for unwinding the Financial Emergency Measures in the Public Interest legislation (FEMPI) legislation, which introduced the 2009-2010 pay cuts and pension levy, and the union will push for the fastest possible pay recovery in the context of state finances and other calls on the public purse, like investment in infrastructure and public services. However, the Government will take a different view. In particular, it is expected to argue that a high value should be placed on public service pensions because private sector occupational pension provision has declined. Business groups and media commentators are also opposed to accelerated pay restoration.

Negotiations on a successor to the LRA are now set to begin immediately after the Public Service Pay Commission (see below) makes its initial report in the second quarter of 2017. The significance of this earlier commencement date is that pay increases can be factored into the 2018 budget process if the talks are successful.

Public Service Pay Commission

In July 2016, Minister for Public Expenditure and Reform Paschal Donohoe announced a consultation on the terms of reference for a new Public Service Pay Commission (PSPC), which was promised in the Programme for Government. Union fears that such a body might be seen as an alternative to management-

union bargaining when setting public service pay were allayed when the Minister made clear that its role would be to inform – but not replace – collective bargaining negotiations.

The ICTU Public Services Committee (PSC) made a written submission on the PSPC terms of reference, in which it stressed that the Commission should have an expert and independent chair, and include members with trade union experience. The PSC submission addressed a range of issues including the value of pensions, public-private pay comparisons, and international pay comparisons.

The Commission, which was established in October 2016, is chaired by former Labour Court chairperson Kevin Duffy, and includes two former senior trade unionists including former IMPACT general secretary Peter McLoone. The PSPC will initially address the process of unwinding the FEMPI legislation. More generally, it's required to examine recruitment and retention issues, and the value of pay, pensions and security of tenure relative to the private sector. These have always been factors in public service pay determination. The Commission is also expected to make reference to comparisons between the pay of Irish public servants and their equivalents in other countries. However, this will have to "have due regard" to the cost of living in each jurisdiction.

The ICTU Public Services Committee (PSC), which represents the vast majority of the country's public service unions, made four submissions to the Commission between November 2016 and April 2017. A PSC submissions on pensions was made in April. The



PSC officers have met with the Commission a number of times. The Commission is to report to the Minister for Public Expenditure and reform in the second quarter of 2017.

Increment anomaly

An anomaly in the Haddington Road Agreement (HRA), which could have disadvantaged some workers employed before 30th June 2016, was rectified by agreement between unions and the Department of Public Expenditure and Reform. As a result, July 2017 is now the final date for the application of any remaining HRA measures regarding increments.

Overtime, allowances and premium pay

Overtime payments have been based on the increased pay rates since January 2016 and will, again, be based on the revised pay scales from April 2017. The same goes for allowances and premium payments that are calculated as a percentage or portion of pay. Fixed allowances are not affected.

Travel and subsistence

Under the Haddington Road Agreement, unions agreed to a review of travel and subsistence arrangements and the subsequent implementation of a standardised system of travel and subsistence across the public service. Following extensive discussions over many months, a binding adjudication on a new system to calculate motor travel rates was held in December 2016, leading to changes to travel and subsistence rates from 1st April 2017. The revised system, which takes account of vehicle overheads and running costs, provides a more transparent and easily-updatable methodology for setting and revising motor travel rates.

IMPACT has sought the application of new civil service travel and subsistence rates in local authorities and across the public service. Similar rates to those agreed in the civil service are usually applied across the public service.

Changes to subsistence rates took effect in July 2015 following a review under the Haddington Road agreement. These changes saw an increase in subsistence rates and a reduction in the travel distance required to qualify for subsistence.

From 1st July 2015:

- The qualifying distance for overnight claims increased to 100km from 1st July 2015, except in certain circumstances
- The overnight rate increased from €108.99 to €125
- The qualifying distance for the five-hour rate increased to eight kilometres
- The five-hour rate increases from €13.71 to €14.01
- The ten-hour rate was unchanged.

Pensions

Although pensions are not covered by the Lansdowne Road Agreement, a separate 2015 engagement between unions, the Alliance of Retired Public Servants and the Department of Public Expenditure and Reform led to reductions in the pension related reduction (PSPR) from pensions in payment. This will result in a restoration of pension income, on a phased basis over three years. Details were published in the IMPACT 2014-2016 biennial report.

The contributory state pension was increased by €3 a week in January 2016. The Lansdowne Road Agreement extended the 'grace period' during which pay cuts and increment deferrals are disregarded for pension purposes. The original grace period for staff affected by the HRA reductions ran to June 2015, but IMPACT and other unions successfully had it extended to April 2019.

The ICTU Public Services Committee (PSC), which represents virtually all public service unions, wrote to the Department of Public Expenditure and Reform (DPER) in January 2017 to establish the implications for public service pensioners of the agreement to bring forward the 2017 pay adjustment by five months. DPER said the terms of the Garda settlements, which prompted talks that led to the deal, had no impact on pensions currently in payment. On this basis, it said there would be no benefit to pensioners once the €1,000 LRA payment for serving staff is brought forward from September 2017 to 1st April 2017. The PSC intends to pursue this in the negotiations on a successor to the Lansdowne Road agreement, which are expected to begin in the first half of 2017. In the meantime, the PSC continues to liaise with representatives of the Alliance of Retired Public Servants.

IMPACT has welcomed the establishment of the interdepartmental group to examine the issues arising from retirement ages for workers in both the public and private sectors. The 2014 increase in the state pension age, from 65 to 66, and plans to increase the age to 67 in 2021 and to 68 in 2028, raise issues for workers who must retire at 65. The union has called for a coherent policy to deal with the gap between contractual retirement ages and eligibility for the state pension.

WORKING CONDITIONS

Public service staffing

Following the 2015 announcement that there would be no further reductions in public sector numbers, a limited amount of recruitment has resumed in many parts of the public service and the number employed in the sector has risen again.

Outsourcing

The Lansdowne Road agreement reaffirmed a commitment to maximise the use of direct labour in the delivery of local authority services and other public services, as well as a process for dealing with disputes over proposed outsourcing. Significantly, the agreement requires consultation and evaluation prior to the outsourcing of an existing service and rules out the use of labour cost savings in making a case for outsourcing.

Sick leave

A Labour Court recommendation required that revised sick leave arrangements, implemented on foot of the Haddington Road agreement, should be reviewed after a year. The review was delayed by a legal challenge by the Garda Representative Association, which was defeated in the High Court and Court of Appeal. It has been referred to the Supreme Court and delays in concluding the review are likely to continue while the legal process plays out.

Nevertheless, IMPACT and other unions have achieved some progress in the review. Restricted eligibility to 'temporary rehabilitation remuneration' (which kicks in after half pay is exhausted) is to be expanded to cover all public servants with two years' service, instead of those with five years' pensionable service. Clarified medical criteria for the 'critical illness protocol' (CIP) are expected to allow greater flexibility, with chronic conditions being eligible for consideration against the criteria. Guidelines for management discretion on CIP are also to be introduced to encourage managers to use their discretion.

The CIP 'protective' year, which allows those who return to work after a CIP absence to take sick leave within a year without going straight to TRR, will

commence on the date of a return to work rather than the commencement of an illness. Provisions regarding 'reasonable accommodation' of people with disabilities will be strengthened, and sectoral schemes for living kidney donors are to be introduced. There will be no amendment to regulations that calculate sick leave in working days, as opposed to working hours.

Further work is underway on increasing awareness of CIP and including CIP data in statistical returns, preventing 'look back' being extended beyond four years for absences of less than four months, clarifying the legal position on pregnancy-related sick leave to managers, and establishing a working group to consider illness benefit and recoupment for 'Class A' social welfare contributors.

Agreement has not yet been reached on the introduction of a single rate of TRR to overcome administrative difficulties. Management has proposed a single rate of 30%, but, while IMPACT is open to streamlining TRR administration, we have rejected this low rate. There is no agreement on a management proposal to standardise the commencement of TRR at 28 days.

Neither is there agreement on the issue of counting all sick leave in the four-year look back. Practices vary across the public service with all sick leave – including full pay, half pay, TRR and unpaid leave – counted in some cases. IMPACT is arguing that unpaid leave should not count. Finally, there is no agreement on the issue of personal injury cases where the employer is compensated for absences. The union says that such leave shouldn't be reckonable because it involves no loss to the employer.

Bereavement leave

Under an agreement brokered by IMPACT, civil servants whose spouse or partner has passed away have had their bereavement leave increased from five to 20 days. Bereavement leave on the loss of other close family members – such as parents or siblings – has also been increased from three to five days. IMPACT intends to seek the same arrangements in other sectors. The full details of the changes are available on the IMPACT website.

Collective bargaining legislation

The Industrial Relations (Amendment) Act became law in July 2015, allowing trade unions to represent members in the Labour Court to secure legally-binding benefits for workers in cases where employers refuse to recognise unions and pay below the going rate. Trade unions have welcomed a number of significant Labour Court recommendations that have followed the change in the law.



The Paternity Leave and Benefit Act took effect from 1st September 2016, giving rights to two weeks' paternity leave following the birth or adoption of a child. This can be taken at any time within the first six months following the birth or adoption. Employers are not obliged to pay staff who take paternity leave, but those with sufficient PRSI contributions qualify for paternity benefit from the Department of Social Protection.

The union's workplace representatives training programme was amended to include a module on equality and equal opportunities from early 2017. In November 2016, the union also ran a successful and well-attended one day 'Inspire' training day aimed at empowering women activists to progress in the union.

Health and safety

A review of the Safety, Health and Welfare at Work Act is currently in progress. IMPACT official Dessie Robinson is a member of the ICTU health and safety committee, which is working on a code of practice for trade unions dealing with mental health issues in the workplace. This is due to be published by July 2017. The IMPACT health and safety committee is also developing a seminar on the issue. IMPACT ran a two-day safety representatives training course in April 2017.



Equality

IMPACT campaigned strongly in 2015's successful marriage equality referendum on foot of a motion that was passed unanimously at the unions' 2014 biennial delegate conference. The 62 per cent vote in favour of marriage equality brought a decade-long campaign to a successful end.

The Workplace Relations Act, which came into effect in 2015, reforms the employment law machinery, including that covering workplace equality legislation. It consolidated five different statutory bodies, including the Equality Tribunal, into two. This means that workers with multiple complaints no longer have to lodge their complaints with five separate bodies.

ORGANISATION

New union project

Delegates at the 2016 IMPACT biennial delegate conference voted overwhelmingly to continue talks on a possible merger with the Civil, Public and Services Union (CPSU) and Public Service Executive Union (PSEU). If successful, this New Union Project will create a new 80,000-strong organisation representing workers in the public service, commercial organisations, and state agencies. Identical conference motions were passed by large majorities at the conferences of the PSEU and CPSU. A document called New Union Project, which sets out the broad structure of a new union, was circulated at each of the conferences.

The conferences authorised the executives of the three unions to continue and conclude negotiations on the shape of a new union before putting final proposals to separate ballots of members of the three unions in 2017.

As this report was concluded, the three organisations were finalising the text of a rule book and associated documentation, which will set out the objectives, structure and procedures of a new union. The proposed structure would ensure that a new union will be democratically accountable and better able to defend and advance members' interests. The benefits of a new union would include:

- The creation of a single, strong negotiating force representing more than 80,000 members
- A single articulate voice speaking, in the media and elsewhere, on behalf of public services and the people that provide them
- Substantially enhanced services to members and future members and activists – delivered by economies of scale and enhanced bargaining power
- A foundation for enhancing trade union membership and organisation in the public service and beyond
- Strong safeguards to ensure an effective voice for every grade, and preserve the best traditions of each constituent union.

The proposed merger is expected to be put to members of each of the unions in separate ballots later in 2017.

Regulation of Lobbying Act

IMPACT has registered as a lobbying organisation, as required under the Regulation of Lobbying Act, which became law in 2015. The union made 57 returns to the lobby register (lobbying.ie) for 2016. The lobbying returns submitted by IMPACT in 2016 included matters related to the Cassells Report on higher education funding.

Training

More than 600 activists have now graduated from IMPACT's training courses for emerging and experienced activists since the workplace representative training programme was introduced in 2011. The programme was revised and refreshed during the summer of 2016.



IMPACT's education branches out in force at the *Lift the Burden* march and rally, Dublin, 9th February 2013.

DIVISIONAL LEADERSHIP AND INDUSTRIAL RELATIONS

Gaining traction

During the period under review the Education division continued to gain ground, establishing IMPACT as the leading union and an authoritative voice for non-teaching staff in the sector. Divisional membership grew from 9,469 to 10,650, an increase of almost 12.5%. There was a wide range of policy interventions during this period, and progress on key industrial relations issues was achieved both through the May 2015 public service pay talks, and the attendance at the 2015 divisional conference of the Minister for Education and Skills, Jan O'Sullivan TD.

Elected leadership

While the two year term saw changes in the composition of the Education Divisional Executive Committee, this did not disrupt continuity or the focus of the leadership team on progressing the agenda.

At the 2015 conference Gina O'Brien (IoT branch) was re-elected as cathaoirleach. Majella Carew (SNA Munster branch) was elected as leas-cathaoirleach and Michael Smyth (School Completion Programme) was elected to the third divisional seat on the CEC.

The other members of the EDEC elected were:

- Kathryn Cullen (*SNA Munster*)
- Mary Keating
(*SNA South Dublin/South Leinster*)
- Clare Keaveney
(*SNA North Dublin/North Leinster*)
- Siobhan O'Callaghan (*Institutes of Technology*)
- Kathleen O'Doherty (*School Secretaries*)
- Caoimhín O'Tuathail
(*National Education and Training Boards*)
- Martin Walsh (*SNA Connaught/Ulster*).

Dave Sexton was elected as leas-cathaoirleach in November 2016 following Majella Carew's resignation. In January 2017 Dave took up a full-time position with IMPACT, and the position remains vacant. Eilise McGarrell (SNA Connaught/Ulster) replaced him on the EDEC. Noreen O'Mahony (SNA Munster) was co-opted to the EDEC in November 2016. Caoimhín O'Tuathail resigned in October 2016 and Mary Ganley (National Education and Training Boards) was co-opted to replace him from November 2016. Mary Keating's last meeting was in December 2016 and Antoinette Mullen (SNA South Dublin/South Leinster) was co-opted to replace her in January 2017. The EDEC was delighted to welcome the first member from the Education No.1 branch when Breda Halley joined in May 2016.

IMPACT staff

Kevin Callinan continues to fulfil the role of national secretary to the Division, along with his duties as IMPACT's deputy general secretary. Stella Griffin, assistant general secretary, works with the NETB, IoT, School Completion Programme branches and elements of the Education No. 1 branch. Assistant general secretary Dessie Robinson held responsibility for schools, including the SNA and School Secretaries branches, and certain members of the Education No. 1 branch, in addition to managing the relevant organising staff. In 2016 Dessie was replaced by Barry Cunningham, assistant general secretary, who assumed these duties.

The role of organisers is crucial to the work of the division. Their duties relate to recruitment, organisation and local representation of members. Four posts involve assignments with schools. There were a number of changes in July 2015. Linda Kelly (South Dublin and Leinster) was replaced by Olajide Ogidan. Deirdre O'Connell (North Dublin and Leinster) was replaced by

Una Faulkner. Joan McCrohan (Munster) and Eimear Ryan (Connaught Ulster) continued in their roles. In January 2017 Dave Sexton replaced Eimear Ryan following her reassignment and, in April 2017, Grainne Griffin filled the position vacated by Una Faulkner following her promotion to industrial relations officer. In July 2015 Lisa Connell commenced work with the IoT and Education No. 1 Branches and continues in that role.

Seconded staff

The division's capacity was strengthened significantly by separate agreements with employers to release three staff members for union related work. While the individual IMPACT members continue to be employed by their respective employers, they have been assigned to work on behalf of the union in relation to specific projects. In June 2015 Joan Regan of the NETB Branch took up a role in relation to the improvement of information sharing and communication in the education and training sector, in light of the considerable changes taking place.

In August 2015 Maggie Ryan of the IoT branch was assigned to work on behalf of members in relation to the proposed merger of Dublin Institute of Technology, IT Blanchardstown and IT Tallaght and the associated TU4D. Later, divisional cathaoirleach Gina O'Brien was released to represent workers in the process involving a merger of Cork Institute of Technology and IT Tralee, as a first step in the possible creation of a Munster Technological University. The combination of these arrangements indicates a level of recognition and respect on the part of management for the role of IMPACT in these sectors.

Divisional strategy

The EDEC continued its approach of dividing agenda items under the headings of organising, policy and industrial relations. In September 2015 the EDEC took stock of the divisional conference resolutions and received a presentation from the organisers working in the division outlining their plans. It was agreed to explore the possibility of working more closely with branches that have members in the education sector though attached to other divisions. A meeting was organised subsequently to try to develop closer links. It was decided to base the Easter 2016 divisional seminar on the theme of early education to boost our profile in that area.

Early Education branch

An IMPACT team presented to the board of the Association of Childhood Professionals (ACP) in December 2015 and, following a positive response, a series of regional meetings were arranged jointly with ACP during March and April 2016. IMPACT also supported and participated in an ACP demonstration outside Leinster House in November 2016.

The Division held a landmark conference in March 2016 on professionalising early years services. *A Good Start* included contributions from a wide range of prominent speakers to make it a very successful event.

The desire to place union investment in the early education sector on a firm footing prompted the Central Executive to commission Ciairín de Buis, previously CEO of Start Strong, to prepare a plan for IMPACT to achieve professionalisation. This was presented to the CEC in October 2016. Ciairín was appointed to assist the union, on an interim basis, to establish an early education branch, following consultation with the Education division. The approach is based on campaigning, rather than normal servicing. A special discounted member subscription has been applied,



Photo by Conor Healy

Matthias Urban, Professor of Early Childhood Studies and Director of the Early Childhood Research Centre, Roehampton University, addresses the launch of IMPACT's Early Education branch, 25th March 2017.

taking account of the campaigning model and pending the achievement of a significant increase in average earnings, which currently stands at €10.27 per hour.

In January 2017 Ciairín took up the role of interim Early Education campaign director. The campaign plan was considered by the EDEC and the CEC at their February 2017 meetings and the IMPACT Early Education branch was launched at a special event on 25th March 2017 at IMPACT's head office.

Relations with other unions

IMPACT maintained a good relationship with the Irish National Teachers Organisation (INTO) and a meeting in December 2015 involving industrial staff from the two unions was particularly productive. The deputy general secretary briefed the INTO executive in March 2016, outlining the main issues of concern to IMPACT members.

The following month's issue of *Intouch* magazine contained an IMPACT recruitment and promotional pack for SNAs which INTO school representatives were asked to help distribute. There was an IMPACT contingent at the INTO protest in October 2016 to highlight the plight of newly qualified teachers. AGS Barry Cunningham addressed the rally, pointing out that many IMPACT members faced a similar problem on even lower salaries.

IMPACT and SIPTU concluded a review of a 2007 cooperation agreement between the two unions, making some amendments to the 'spheres of influence' arrangements. In the education sector it was agreed that SIPTU would not recruit SNAs although existing members will continue to be represented.

The formation of Education and Training Boards (ETBs), which involved the integration of former FÁS and VEC staff, had changed the industrial relations landscape. It was agreed that IMPACT would not seek to recruit and organise instructors, and that SIPTU would not recruit and organise clerical/administrative workers, while maintaining representation rights in respect of existing members in training centres.

The union was party, along with SIPTU, UNITE and IFUT, to a process involving the incorporation of St Patrick's College, Drumcondra, Mater Dei Institute of Education and Church of Ireland College of Education with Dublin City University (DCU). Issues in relation to representation rights in the new merged entity were referred to the Irish Congress of Trade Unions (ICTU). IMPACT accepted the findings of the disputes committee established to make recommendations on the issue.

Branch development

The Education No. 1 branch became more established with successful AGMs taking place in January 2016 and January 2017. Members of the Limerick Local Government branch working in Mary Immaculate College were transferred to the Education division and assigned to the Education No. 1 branch. A re-assignment to the Institutes of Technology branch is currently under consideration. The assistance of an organiser has been helpful in strengthening membership and capacity in education centres and other education employments in the branch.

Intensive work has been done within the National Education and Training Boards (NETB) branch and the Institutes of Technology (IoT) branch to improve union structures and local capacity. House committees have been established in most ETBs and IoTs to improve local processing of issues, and to assist the branches in communicating their activities effectively. Significant strategic training has been provided to drive this process.

Within the schools area, branches have been extremely active in the provision of continuing professional development (CPD) and other training as tools to increase union membership and to improve engagement with the union and its activity. The variety of training programmes is too extensive to list here but the recent series of *Moodwatchers* courses was particularly successful.

Photo courtesy of INTO



IMPACT's Barry Cunningham addresses INTO protest in October 2016 to highlight the plight of newly qualified teachers.

POLICY INTERVENTIONS

General

Following his appointment to the Education and Skills portfolio, Minister Richard Bruton TD announced a public consultation on the Department's Statement of Strategy. IMPACT made a submission in June 2016 and the Action Plan for Education 2016-2019 was revealed in October 2016. The Action Plan 2017 was published in February.

IMPACT also made a submission to the consultation on the DEIS scheme that took place in June 2015. The union was represented at a number of consultative events and also participated in a December 2015 INTO conference on the DEIS review. A particular emphasis was placed by the union on the value of the School Completion Programme. IMPACT was also present at the launch of the new DEIS plan in February 2017.

The report *JobBridge – Time to Start Again*, prepared by Dr Mary Murphy of Maynooth University, was published in April 2015. The research was commissioned by the Education division following extensive abuse of the scheme in schools. After the report's launch the union held several meetings with various government figures and with the Labour Market Council.

In November 2015 Minister O'Sullivan wrote to reassure the union that the abuses in schools were being addressed. The existence of the report meant that IMPACT became a regular media contributor on JobBridge, and on labour market activation measures generally. It was a source of some satisfaction when IMPACT was invited by the Minister for Social Protection to the announcement, in October 2016, that the scheme would close. Also on wider labour market matters, in December 2015 IMPACT made a submission to the consultation on the National Skills Strategy.

The union continued to contribute to the work of a coalition of different organisations trying to raise awareness of hunger in schools and to secure preventative measures. As part of this IMPACT participated in the *Healthy Food for All* conference in April 2015. Efforts were also made to build on previous union activity relating to mental health in schools and to the role of the arts in education.

The union lobbied the Minister for representation of non-teaching staff on school boards of management, though this was less successful. Support from teacher unions was solicited on the basis that the union was seeking additional seats to those already reserved for teachers.

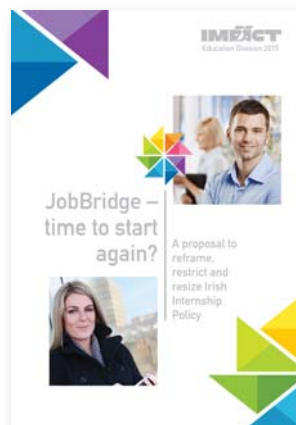
IMPACT participated in an event for the Sustainable Development Goals in education and kept abreast of the international refugee crisis. We take particular pride in the visit of organiser Joan McCrohan to the 'Jungle' camp in Calais in October 2016 prior to its demolition and the subsequent commitments made by the Irish government.

Special Education

With pressure mounting on the SNA service and following sustained lobbying by IMPACT, the Department of Education and Skills announced additional SNA posts in 2013 and 2014. In October 2015 another 610 posts were announced bringing the total number to 11,940. A capacity review in March 2016 led to the introduction of a further 850 posts in July 2016.

In 2015 IMPACT made a submission to the Oireachtas Joint Committee on Education and Social Protection on the role of the SNA. IMPACT subsequently addressed the issue at a meeting of the committee in July the same year, and gave a briefing to the Chair of the Committee, Senator Mary Moran.

Senator Moran's report, building on the previous work of TD Aodhán O Ríordáin with the committee, was published in January 2016 and its recommendations were broadly welcomed by the union. The implementation of those recommendations has come to represent the core agenda for IMPACT. In November 2016, the National Council for Special Education (NCSE) commenced a comprehensive review of the Special Needs scheme. Consultations have taken place with IMPACT officials and with representatives from the four SNA Branches.



Early education

IMPACT responded to the Department of Education and Skills invitation for submissions on Early Childhood Care and Education (April 2015) and to the Department of Children and Youth Affairs (DCYA) Public Consultation on Future Investment in Early Years (May 2015).

The division prioritised early education in September 2015 and this led to the developments outlined earlier in this report (under 'Early Education branch' page 11). The additional capacity meant that IMPACT made a substantial submission to the consultation on the Single Affordable Childcare Scheme in December 2016 and this was followed up with a meeting with DCYA officials in January.

Higher Education

The term was divided between the periods before and after the report of the Expert Group on the Future Funding of Higher Education chaired by Peter Cassells. Organiser Joe O'Connor was a member of the Expert Group. IMPACT participated in each of the three consultative events organised by the Expert Group.

IMPACT joined with other trade unions in the sector, and with the Union of Students in Ireland, to make a joint submission on higher education funding in June 2016. Following the publication of the Cassells report IMPACT and these organisations formed the Coalition for Publicly Funded Higher Education in October 2016. An agreed document has been used for political and other lobbying work since then.

An income contingent loan (ICL) scheme was a potential instrument suggested in the report from the Expert Group. In April 2017, an analysis by Dr Charles Larkin (TCD) found that a proposal to introduce an ICL scheme would cost the Exchequer €10bn over 12 years, and that the cost benefit analysis does not support the implementation of the ICL model.

IMPACT made a submission in January 2016 to the Higher Education Authority (HEA) on equity of access. Some of the contents were reflected in the HEA plan published later that month. In October 2016, as a result of the HEA's failure to include IMPACT in its National Review of Gender Equality in higher education institutions, the union secured an apology, and a commitment to meet, from the interim chief executive of the HEA.

A very successful symposium on mergers in higher education took place in February 2016 at the DIT Grangegorman campus. Hosted by the IoT Branch, it heard from our Danish union and management guests, along with a range of other expert contributors. The informative nature of the well-attended conference helped to boost IMPACT's role in the broader debate. A joint review of the event with management representatives took place during the summer of 2016. The division also considered the contents of the HEA financial review of the Institutes of Technology published in October 2016.



INDUSTRIAL RELATIONS

Sectoral overview

The general climate was governed by the provisions of the Lansdowne Road Agreement (LRA). The Education Sector Oversight Group, chaired by Anna Perry of the WRC, met infrequently. IMPACT is also part of the Industrial Council comprised of management and union representatives in the ETB sector. Issues affecting members in other schools and members in higher education tend to be dealt with bilaterally with the department and/or the employer body concerned. An IMPACT/DES strategic forum exists and has proven to be a useful forum for the exchange of information and views although, regrettably, this did not meet for several months.

Following discussion a number of departmental circulars issued covering improvements in adoptive leave, paternity leave and maternity leave. Circular letters presently under discussion with the Department of Education and Skills include incremental credit while acting up, parental leave, brief absences which includes bereavement leave, force majeure, study leave, exam leave and jury service.

Education and Training Boards/Institutes of Technology

The division negotiated new recruitment and promotion arrangements for clerical/administrative staff in ETBs and IoTs. In doing so, IMPACT took account of the potential for a successful challenge to the arrangements contained in circular 55/85. The circular gave effect to the common recruitment pool with local authorities and the Health Service Executive. The union also took account of attitudes within both sectors to the continuation of the pool.

The new arrangements provide for four in five posts at grades V, VI, VII levels to be confined to a new education sector pool, comprised of ETB and IoT staff, with specialist posts to be counted against the twenty per cent quota for external competition. The agreement also took account of a 2004 amendment to the terms of the common recruitment pool, providing that fifty per cent of posts at grade IV level could be subject to open competition. The new circulars are to be the subject of a joint union/management review.

As a result of changes to leave arrangements, introduced on foot of public service agreements, members were suffering a loss of leave on promotion. After a protracted campaign the union secured agreement with the DES in November 2016 to waive the loss of leave on promotion. This was applied retrospectively to the start of the 2016 leave year.

The union is seeking to have a similar approach to contracts of indefinite duration, as it applies in teaching, where a two year threshold operates.

Within Education and Training Boards (ETBs) the focus was on the organisation and design of new structures, with the initial focus on second level posts below chief executive. The unions, led by IMPACT in this case, secured a minimum of three of these director posts for each ETB and an important principle was established in relation to access to senior posts, including chief executive posts, for administrative staff. The union also secured agreement on the automatic regrading of existing principal officers as directors. IMPACT is now seeking a comprehensive plan on the design of the sub-structures and has initiated discussions with the department and ETB chief executives on the matter.

The effect of the recruitment embargo on ETBs has been severe and, where union members have refused to cover work of unfilled posts, the union has been successful in securing sanction to fill certain posts.

Institutes of Technology members watched as the Technological Universities Bill 2015 failed to make its passage through the Oireachtas before the general election was called in February 2016. Uncertainty prevails within the sector and progress on proposed mergers of IoTs appears to have slowed.

IMPACT raised the issue of job evaluation in the higher education sector, as provided for in a side letter to the LRA, at a meeting of the Education Sector Oversight Group in December 2016. The union made a formal request to the chief executive of the Technological Higher Education Association (THEA) to commence the process. The THEA replaced Institutes of Technology Ireland (IOTI) in October 2016.

Special needs assistants (SNAs)

During the 2014/15 school year it became clear that the issue of fragmentation of posts by the National Council for Special Education (NCSE) resulted in individual SNAs suffering a loss of working hours and associated income. In March 2015 the union balloted members, seeking a mandate for industrial action, and received an endorsement in excess of 95%.

Addressing the divisional conference in April 2015, the Minister for Education and Skills, Jan O'Sullivan TD, announced the authorisation of talks with the union to resolve the issue. Agreement was ultimately reached in June that year and provided that, where SNA hours are available in a school, they must be offered in the first instance to part-time staff.

While this was a significant breakthrough for SNAs, concerns emerged during the 2016/17 school year that fragmentation of posts was again becoming a problem. The matter was kept under close review by the EDEC. The union continues to argue that arbitrary reductions in the incomes of SNAs is at odds with the provisions of the wider public service agreements in place since 2010.

Difficulties persist in many schools in relation to contractual duties. In some cases there have been attempts to enforce working hours beyond the 'bell to bell' school day with a period before and after for the reception and dispersal of children. Often this is compounded by the assignment of inappropriate duties. The assistance of the Workplace Relations Commission (WRC) was sought in one instance during 2016. IMPACT has also been involved in making representations in a range of cases involving children with complex needs such as intermittent catheterisation, insulin administration and other forms of intimate care. Some cases involve the lack of appropriate training while in others the level of risk is simply too great.

In October 2015 there was another significant parity breakthrough for SNAs when it was agreed that the issue of serious workplace assaults would be dealt with jointly with teachers. Negotiations on a new circular have been arduous, but a draft circular finally emerged from the department in November 2016. Discussions continued and a final version of the circular is almost ready for issue.

A dispute in 2013 resulted in agreement on the introduction of a supplementary assignment panel for SNAs. Modifications were made to the scheme, in advance of the 2014/15 and 2015/16 school years, to improve the operation of the panel, so as to ensure



EDEC member
Clare Keaveney
featured in the SNA recruitment pack,
distributed with the INTO's
InTouch magazine in 2016. The pack was developed
for IMPACT by Persuasion Republic.

that SNAs secured alternative employment if their post was not continuing. A further review commenced in 2017. At the first meeting the union side highlighted the importance of ensuring implementation of the circular in every case.

School secretaries and caretakers

The big issue facing a majority of school secretaries and caretakers is the absence of nationally standardised pay and conditions for those who are paid from the ancillary grant to schools. It was agreed that their pay would have to be examined, in the context of the revision of the pay of public servants earning under €35,000, as referenced in the Croke Park Agreement. A technical group was formed in preparation, consisting of two union and two management members, and established costings for the application of pay scales. The union made this a priority in the 2015 LRA talks and an arbitration was proposed in the event that no agreement was possible.

This proved to be the case. Following the preparation of a comprehensive union submission and an oral hearing, the arbitrator, Kevin Foley (later appointed Chairman of the Labour Court), issued his findings in September 2015. This involved four increases of 2.5% each and the introduction of minimum hourly rates that would increase on the same dates. Further talks are recommended during 2019. This is the first time that there has been collective bargaining for the group.

Since the Department of Education and Skills issued its sanctioning circular, in November 2015, union efforts have concentrated on ensuring its implementation by recalcitrant boards of management.

In preparation for the next round of pay talks the School Secretaries branch has developed a branch strategy aimed at the recruitment and retention of members, including a schedule of regional meetings.

The issue of appropriate grading for school secretaries, linked to school size, was the subject of a conciliation conference at the WRC in February 2017. This was adjourned and is due to reconvene in April 2017. On another note IMPACT has requested the inclusion of school secretaries in the awaited circular on serious assault.

The union made the employment status and conditions of staff a priority in the LRA talks and secured a commitment that the DCYA and IMPACT would engage to address the issues. IMPACT sought to activate this commitment in March 2016.

When the union met with DCYA, in May 2016, management requested cooperation with the completion of an audit by TUSLA which would inform the negotiations. Later it became clear that the DCYA and TUSLA were contemplating more fundamental changes to the nature of the scheme and its governance.

School Completion Programme

The School Completion Programme (SCP) has suffered repeated cuts to its funding since 2008, to the extent that the viability of many programmes is being compromised. This is happening despite the fact that it is generally recognised that SCP has been very successful. Irish school retention rates are among the best in Europe. In an effort to address the funding crisis the SCP branch prepared a focus paper in December 2014.

The future of the School Completion Programme: addressing key issues in educational disadvantage

The Economic and Social Research Institute (ESRI) was commissioned to undertake a review of the service and the union made a presentation to the researchers in February 2015. The report published in October 2015 was broadly positive about the scheme. The transfer of the budget, to the Department of Children and Youth Affairs (DCYA), added to concerns about the future of SCP. There is a mixed model of service provision, with funding routed through ETBs in about one third of cases and through management committees in the remainder.



The union wrote to the DCYA seeking action on the commitment entered into at the time of the LRA talks. The importance of this to the union, and the urgency of the matter, was outlined once again in February 2017. Talks were promised in late March. The DCYA has sought more time for further consultation and the union responded by insisting on receipt of proposals.

APPENDIX I:

SUBMISSION BY IMPACT TO THE JOINT COMMITTEE ON EDUCATION AND SOCIAL PROTECTION

JULY 2015

Chair and Members of the Committee

I would like to begin by thanking the Committee for once again inviting IMPACT to present to you and for affording us this important opportunity to outline in a direct fashion to the members of the Committee the up-to-date position regarding Special Needs Assistants and the situation that they face and our own concerns regarding same.

At the outset I would like to advise the members of the committee that IMPACT continues to invest in the education sector. It is the fastest growing area within the union. Since we established a dedicated Education Division just three years ago we have had two very successful Biennial Divisional Conferences.

We see the Education Division as providing a voice for all of those staff who work in our education system other than teachers and academics who are already well represented by various trade unions. In truth the workers who we organise and represent are often forgotten or neglected but they are crucial to the successful operation of our schools and colleges and to the outcomes that are achieved. Of course a large proportion of the Divisional membership is comprised of Special Needs Assistants.

The expansion in the number of Special Needs Assistants was a key element in the process of making mainstream schooling a reality for many of our citizens. The commitments contained in the different pieces of legislation enacted in the late nineties and early noughties were dependent on the provision of adequate care and teaching resources.

Members of the Committee will be very mindful of the population growth experienced in this country for several years now. This has manifested itself in a sustained increase in the number of school going children. When the financial, economic and fiscal crisis struck one of the consequences was a government decision to cap the overall number of Special Needs Assistants. This cap remained in place for four years despite conditions that would suggest the existence of

significant additional demand – that is, the increase in the school going population.

The current Minister deserves credit for securing additional posts as announced last year. This followed an increase of 390 posts announced by her predecessor in the previous budget. However, these increases did not make up for the lost ground during the period 2009-2012 particularly when account is taken of the relentless growth in this cohort of the population.

It is vitally important that Members of the Committee understand that the employment situation of Special Needs Assistants is markedly different to that of the vast majority of other public servants. Originally the Special Needs Assistant was linked directly to a particular child. Hence the association in the mind of parents and the children with special education needs themselves with “his,” “her,” or “my” SNA. In recent times the policy has changed to one of access to an SNA rather than an individual SNA assigned to each child. The effect of this is that the school receives a particular allocation but is required to spread this over all of the children in the school with assessed needs.

The original connection between the Special Needs Assistant and a particular child meant that when that child progressed or left the school for some other reason the SNA faced redundancy. In fact a specific redundancy scheme exists for SNAs. Unlike most other public servants Special Needs Assistants do not enjoy relative security of employment. This placed Special Needs Assistants in a rather unusual position in the context of recent public service agreements. As the Committee Members will know these agreements were based on commitments to flexibility and cooperation with change on the one hand in return for job security and no further reductions in income on the other. As SNAs do not enjoy job security in the first place the bargain was somewhat meaningless for them. As a result of IMPACT’s representations we secured the introduction of a Supplementary Assignment Panel in 2013. Where an SNA is facing redundancy this provides

the possibility of alternative employment as schools that have posts to fill are required to interview a selection of redundant SNAs in the first instance. This was a welcome development and the scheme was further improved in 2014. Nonetheless, Special Needs Assistants do not enjoy what would be regarded as normal public service security of tenure.

The big issue that has preoccupied Special Needs Assistants since IMPACT was last before the Committee is that of fragmentation of posts and casualization of employment. When I was last here I outlined some of the effects of the trend to fragment posts when the National Council for Special Education was making its allocations. This became an even greater problem in the 2014/15 school year. In several cases our members working as Special Needs Assistants had their hours cut and obviously this also meant an associated reduction in income. As this violated the other key commitment on the part of the government in the public service agreement, namely that of income protection, IMPACT balloted our members in relation to a mandate for industrial action. In a very large poll we received an endorsement for action by a margin of almost 97%. In fairness to the current Minister she has listened carefully to our concerns and to our representations appearing to display a good understanding of the difficulties. We were heartened by her remarks on 9 April 2015 at our Education Divisional Conference and we responded to her invitation to participate in talks with the other stakeholders. These talks led to the Department issuing a circular on 12 June 2015 the terms of which place an onus on schools to offer additional hours in the first instance to part-time staff working in the school.

We see this as a very positive and welcome development. Unfortunately the announcement of the NCSE allocations for the next school year 2015/16 has been delayed. Normally these allocations are announced around mid-June. This allows schools and individual SNAs to plan in the knowledge of what jobs will exist in the school for the following year. I regret to say that our members have commenced school holidays in recent days without knowing their job situation for end of August – early September. This is totally unacceptable, something which the Department of Education has acknowledged. A secondary effect is that it makes it difficult to be definitive about the benefits accruing from the recent circular on casualization of employment. It is imperative that the allocation figures become available in order to allow its provisions to operate effectively. Nothing less than this will be acceptable to IMPACT.

As you can see IMPACT has had to fight hard on behalf of Special Needs Assistants just to secure progress on the related issues of job security and income protection that are at the heart of public service agreements since the Croke Park Agreement was negotiated in March

2010. This should not be necessary. In our view it would be preferable that SNAs were treated similarly to teachers – enjoying continuous employment depending on school going numbers.

As I stated previously here the big issue for Special Needs Assistants is respect or a perceived lack of it. There is a significant spend on the scheme under which Special Needs Assistants are employed. We need to move to a situation where the resource that is comprised of the SNA population is properly respected and valued. Too often the Special Needs Assistant is seen as a general dogsbody rather than an important asset to the classroom. Whether it is because their employment is seen as casual or for some other reason there is no continuous professional development or in-service training programme for Special Needs Assistants.

This must be created if we are to maximise the return on what the state is investing. It is also vitally important that specific training modules are made available so that SNAs can better meet the needs of children with particular requirements.

It seems to us that it would be timely to have a review that would encompass all of these issues and others in order to ensure that the children who rely on the availability of Special Needs Assistants will have their needs met in the best possible way. If there is a genuine openness on the part of the Department and other authorities to approach this in a truly collaborative fashion then IMPACT, in its representational role, would be happy to participate.

APPENDIX II:

SUBMISSION TO THE CONSULTATION ON THE DEPARTMENT OF EDUCATION AND SKILLS STATEMENT OF STRATEGY 2016-2018 (8TH JUNE 2016)

Introduction

IMPACT is Ireland's largest public service union with members in education, health, local authorities and the civil service. The union also represents staff in the commercial, voluntary and semi-state sectors. In all, IMPACT has over 56,000 members including 10,000 in the education sector.

IMPACT is the biggest representative voice for non-teaching education staff in Ireland. The union represents a wide range of education professions and grades including special needs assistants, school secretaries and caretakers, school completion staff, early years' staff, and clerical and administrative staff in the education and training boards and institutes of technology. IMPACT also represents a range of specialists employed by the Department of Education and Skills including primary and secondary schools inspectors, staff in the National Educational Psychology Service, and special educational needs organisers in the National Council for Special Education.

The diverse range of IMPACT's membership in education and beyond gives the union a perspective that transcends specific educational services, as well as a particular expertise in many discrete aspects of education policy.

The DES call for submissions says that it is not necessary to follow the precise format of the DES consultation paper. Because of the diversity of IMPACT's expertise in the education sector, we are putting forward this single submission to the consultation on the Department of Education and Skills' Statement of Strategy 2016-2018. Although this submission does not follow the precise format of the DES consultation paper, we have taken account of the content and format of the consultation paper, as well as the relevant sections of the Programme for Government.

IMPACT would welcome the opportunity to discuss or elaborate on any or all of the points raised in this submission.

Principles of education policy and strategy

The 2016-2018 education strategy should develop policy and practice in ways that:

- Maintain and improve the quality of Ireland's education services
- Place due weight on the importance of education and skills during all life phases including early years, primary, secondary, third level, and lifelong learning
- Place priority on equality of access to high-quality education and positive educational outcomes (including by tackling educational disadvantage), regardless of economic background or circumstances, and inclusive of people with disabilities, throughout these life phases
- Promote plurality and a broad understanding of the world we live in
- Provide choice and diversity that fosters personal growth, expression and fulfillment
- Give students the skills, knowledge and understanding they need for quality and fulfilling employment and careers
- Ensure that Ireland has the skills and knowledge necessary to compete in the modern global economy
- Respect all the people who work in the education sector, regardless of their role.

Improving access to education by tackling disadvantage

Now that Ireland's economic recovery is strengthening, IMPACT believes there is significant scope to strengthen measures to tackle educational disadvantage in the period 2016-2018 and beyond. This should include action in the following areas:

- Support for early childhood provision
- Adequate support for children with special needs
- Development of the DEIS programme
- Access to higher education.

Support for early childhood provision

There is a clear need for enhanced investment in the early childhood sector. Evidence shows that investment in early years' services delivers huge benefits for children, particularly those from lower income backgrounds, and for society and the economy more generally. Yet Ireland spends just 0.2% of GDP on childcare, compared to an OECD average of 0.8%. The education strategy should include a commitment to sustained investment in early years to at least bring Ireland's state investment up to the OECD average. Investment should be linked to top quality service provision which, in turn, requires the professionalisation of all early years' staff to enable them to deliver the range and quality of services that children need and parents demand, and to ensure that the people who provide services are properly rewarded with decent pay, regular working hours, and a modern career structure.

Like others, IMPACT welcomed the additional free pre-school year, which was announced in Budget 2016. However, the programme's inadequate capitation payment is disincentivising providers and driving down wages by effectively requiring providers to provide services 'below cost'. A recent ICTU survey found that, although Irish parents pay dearly for pre-school care, early years staff (including well-qualified workers) can earn as little as €5,150 a year in an increasingly-casualised sector. Low pay, poor career prospects, and long periods off-payroll during the summer months, damage service quality by driving staff out of the sector.

Although responsibility for early years services rests with the Department of Children and Youth Affairs, the fact that children who fall behind in early years rarely, if ever, catch up should make proper provision of these services a top priority for our education strategy. Invitation for submissions on early childhood care and education.

Adequate support for children with special needs

IMPACT welcomed the announcement of additional special needs assistant posts in Budget 2016, but believes that a continued expansion of the service will be required in 2016-2018, and beyond, in order to meet growing demand. The union has expressed its concern about the fragmentation of SNA posts, and the impact this has on service consistency and quality, to the DES on a number of occasions. We are continuing to monitor the agreed measures that have been put in place to address this issue.

The issue of certainty over the allocation of special needs provision, including the timeliness of the publication of allocations in advance of each school year, is a perennial problem that should be addressed in the education strategy for 2016-2018. This should include immediate action on the inadequate recruitment of special educational needs organisers.

IMPACT believes a new emphasis on the development of the SNA role, including access to continuous professional development for SNAs, is required to ensure the development of the service. To this end, IMPACT believes that the implementation of the recommendations of the Joint Oireachtas Committee on Education and Social Protection's report on the role of the special needs assistant should be a priority in the new education strategy. IMPACT's submission to Joint Oireachtas committee should be read as part of this submission.

Development of the DEIS programme

IMPACT set out its response to ESRI's 2015 report *Learning from the Evaluation of DEIS* in its response to the DES stakeholder consultation on the assessment of DEIS, which should be considered as part of this submission. We place particular emphasis on the crucial role of the schools completion programme (SCP) in tackling educational disadvantage, which is explored in some detail in the IMPACT submission *Assessment of DEIS Programme Template for Stakeholder Consultation*.

The viability of many SCP programmes has been compromised by repeated funding cuts over recent years. In this respect, our publication *The future of the School Completion Programme: Addressing key issues in educational disadvantage* should be considered as part of this submission.

The IMPACT submission to the DES stakeholder consultation on the assessment of DEIS also outlined a number of measures that are necessary to address gaps in DEIS I, including three priority areas of food poverty and hunger prevention in schools, arts and social inclusion in education strategy, and the need for enhanced emotional and mental health supports. On mental health supports, IMPACT welcomes the Programme for Government's commitment to a limited expansion in staffing in the National Educational Psychological Service (NEPS), which has been subject to strict staffing restrictions since 2008 – a period in which the school population has increased by 50,000. In this respect, our publication *The Way Forward: A School Psychological Service for All Children and Young People* should be considered as part of this submission.

Access to higher education

IMPACT's submission to the Higher Education Council's consultation *Towards the Development of a New National Plan for Equity of Access to Higher Education* should be considered as part of this submission. The IMPACT submission makes observations on ten issues: financial barriers, equity of access as a strategic priority, higher education in the community, flexible learning and the concerns of students with disabilities, mature students, traveller students, LGBTQ students, migrant students, and international students.

Future role and function of Education and Training Boards (ETBs)

The Education and Training Boards (formerly VECs) have experienced phenomenal change since the Further Education and Training Act became law in 2013. This has included the transfer of staff from FÁS into the newly-established SOLAS and into the ETBs, which were themselves created under separate legislation that followed the reduction of the number of VECs from 33 to 16. Staff concerns over the role and functions of ETBs led to an agreement (brokered by the Labour Relations Commission) on a process between DES/ETBI and IMPACT, to deal with the change programme that includes future roles and functions. IMPACT still has serious concerns about these matters, which should be addressed in the 2016-2018 Statement of Strategy.

Institutes of technology and technological universities

The March 2014 IMPACT submission to the Joint Oireachtas Committee on Education and Social Protection should be read as part of this submission. Staff in these institutions are committed to creating a modern third-level sector true to the values that historically underpinned ITs, RTCs and VECs. The challenge is to achieve this against the backdrop of increasing student numbers and the sustained funding crisis of recent years.

Among other things, our submission to the joint Oireachtas inquiry argued that:

- There should be no diminution of the social function of ITs/technological universities
- The current broad geographical and demographic scope of ITs should be sustained
- There must be a clear role for smaller institutes that are not comprehended by mergers of ITs
- The new institutions must continue to co-operate with staff representatives to ensure sustainable operational structures and staff terms and conditions
- The outsourcing provisions of existing industrial relations agreements must be respected during and after the establishment of technical universities.

Higher education funding

A separate paper on higher education funding is being submitted by IMPACT along with the Union of Students in Ireland (USI) and SIPTU, the Teachers' Union of Ireland and the Irish Federation of University Teachers.

National Skills Strategy

IMPACT's submission to the DES National Skills Strategy (2015) should be considered as part of this submission.

Easing restrictions on staff numbers

IMPACT has welcomed the easing (albeit limited) of recruitment restrictions in some parts of the education sector, as well as Programme for Government commitments to future recruitment in certain areas. However, in the context of a strengthening economic recovery, together with demographic and other challenges facing the sector, it is essential that further and more rapid recruitment programmes are now undertaken in a number of areas.

The recruitment moratorium, and the strict application of employment control frameworks (ECFs), continues to place a huge burden on services and the people who deliver them. In some cases, it has led to the inappropriate use of contract staff, internships, and other labour market activation programmes.

A number of professions and grades represented by IMPACT have outlined to the DES the impact of staff reductions and restrictions on the services they provide. These include special needs assistants, special educational needs organisers, NEPS staff, school completion officers, primary and post-primary inspectors, and staff in institutes of technology and ETBs.

Although staff shortages in so-called 'frontline' roles most frequently capture official and political attention, we stress that, while administrative and other support staff constitute a relative small proportion of education staff, they perform functions vital to the effective delivery of education services at all levels. They have also felt the full force of ECFs in recent years, and should be included in the easing of staffing restrictions in the coming period.

Two-tier education system: School secretaries and caretakers

Secretaries and caretakers play a central supporting role in our schools. Yet the continuing absence of national pay and conditions for the many that are paid from school ancillary grants perpetuates a low-pay, two-tier system. Welcome and overdue pay increases were agreed last year, along with the introduction of collective bargaining for this group, following an arbitration process facilitated by the Lansdowne Road agreement. However, the two-tier system remains in place and should be addressed in the 2016-2018 education strategy.

APPENDIX III:

IMPACT SUBMISSION TO HEA EQUITY OF ACCESS CONSULTATION

In 2012 IMPACT established a dedicated Education Division. It is the fastest growing area of the Union and membership now numbers circa 10,000 spread among early years, primary, post-primary and third level.

IMPACT welcomes the publication of the HEA's Consultation Paper, 'Towards the Development of a new National Plan for Equity of Access to Higher Education', and commends the significant work and research undertaken by the HEA in putting this together.

We also acknowledge that truly achieving a fully equitable and accessible Higher Education system requires an effort right across the education sector, from pre-school all the way through to third-level. Further Education should also play a growing role in providing a range of educational pathways and opportunities.

The ongoing reform of transitions from second-level to third-level currently under examination by the HEA is also a highly significant enabler in this area, and IMPACT looks forward to constructively engaging with that process as it develops.

IMPACT would be grateful if the HEA could consider the following 10 key observations (in no particular order) in finalising the new National Plan for Equity of Access to Higher Education:

1. Financial barriers:

As acknowledged in the paper, financial considerations continue to pose a substantial barrier to students from lower socio-economic backgrounds and non-traditional students in accessing Higher Education.

The increase in demand for the Fund for Students with Disabilities (FSD) led to a fall in the available funding for the Student Assistance Fund (SAF) last year. As a critically important safety net which prevents the most financially disadvantaged students from being forced out of Higher Education, IMPACT believes that a core budgetary priority should be to ensure that adequate funding is in place for the SAF this year. This could be done at a cost of no more than €5 million to the Exchequer.

Finally, IMPACT believe that it is now appropriate for a data-driven review of maintenance grant thresholds and criteria, and the proofing of its effectiveness in maximising opportunity for disadvantaged social groups, with a view to proposing reforms which may further the equity of access agenda.

2. Students with disabilities:

Accessible facilities and ensuring the necessary provisions are in place (for example appropriate course materials) is of fundamental importance for this cohort.

Sign language supports and services are a critical priority in order to meet the targets set for deaf students accessing Higher Education.

3. Mature students:

The Back to Education Allowance (BTEA) should continue to be protected and maintained at its current levels, as a central plank in policy to incentivise more mature students to pursue Higher Education qualifications.

Upskilling of mature students in competency-driven areas such as computer software packages can in many ways be as important in creating an accessible environment as Recognition of Prior Learning.

Public investment in on-campus crèche and childcare facilities would provide a much more accessible third-level environment for student parents, and would also have obvious social and economic benefits if made available to Institute staff and the wider community.

4. Traveller students:

IMPACT supports the target of increasing the number of Traveller students accessing Higher Education by 100% from 35 to 70.

However we believe more ambitious goals should be strived for through close links between Higher Education Institutes (HEI's) and traveller organisations, and practical early intervention programmes.

5. LGBTQ students:

In 21st century Ireland, gender-neutral bathrooms and facilities should be compulsory in all Higher Education Institutes to provide a safe and accessible environment for students who identify as transgender.

Support services and counselling should be put in place for LGBTQ students who experience bullying or victimisation as a result of their sexuality, and comprehensive policies and guidelines should be in place to address this.

6. Migrants students:

IMPACT welcomes the calls by the previous Minister for Education & Skills, Ruairi Quinn to address the inconsistency of fees arrangements for migrant students, and hope that the HEA will examine this matter promptly which could remove a financial barrier to migrant participation in our Higher Education system.

"The non-EU rate of fee should be charged only to international students (with permission to remain on a student visa and conditions) and not to non-EEA nationals and their dependents who are legally resident in the EU. While this is a matter for individual institutions, today I am asking the HEA to enter into discussions with the institutions to ensure the introduction of a consistent policy on this basis across all higher education institutions."

7. International students:

Ensuring the successful adjustment of international students to the Irish Higher Education experience is fundamentally important in maximising access potential and student retention.

High levels of staff diversity, accessible academic literature, and having both facilities and an Institutional culture which are cognisant of the backgrounds, beliefs and practices of religious minorities are all key drivers for this objective.

IMPACT also recommend that the ringfencing of a small portion (1%) international fee income by Higher Education Institutions to create an

international student hardship fund (as they do not qualify to access the SAF) would be favourable to ensure the retention of international students who encounter financial emergencies.

8. Equity of Access as a strategic priority:

IMPACT firmly believes that as part of the strategic dialogue process, HEI's progress on equity of access targets should be considered and measured.

Although the equity of access agenda is already embedded in the RGAM funding model, IMPACT is of the view that it should be also a key priority in the performance compacts agreed by the HEA with individual Institutions.

9. Higher education in the community:

Closer collaborations and partnership programmes between third-level institutes and community agencies (as well as at second-level) can play an important role in bringing Higher Education to targeted groups.

The work done by outreach programmes in local communities, such as DCU in the Community in the Ballymun and wider area to engage with young people from disadvantaged backgrounds, is extremely valuable and should be replicated across the sector.

10. Flexible learning:

Greater flexible and blended learning opportunities for students with extra-curricular commitments such as part-time jobs or children are vitally important, for example the provision of online resources and support for students in these circumstances.

APPENDIX IV:

JOINT SUBMISSION ON HIGHER EDUCATION FUNDING

SUBMITTED BY IMPACT, SIPTU, USI, TUI, IFUT TO THE CONSULTATION ON
STATEMENT OF STRATEGY FOR EDUCATION & SKILLS 2016-2018

The Case for Public Funding

The five unions involved in this submission representing students, academic and non-academic staff are united in the belief that not only is fully publicly funded higher education achievable, it is desirable if the political will which is required exists. We are committed to working together to advocate and campaign on the need for significant public investment in higher education.

We believe that Higher Education is predominantly a public good, and our ambition should be to ensure equity of opportunity to all who wish to access it.

We would like to draw the Minister's attention to the attached 2014 report by the Nevin Economic Research Institute- 'We Need to Talk about Higher Education'- which examines the public value of higher education and reviews the evidence on funding across OECD countries.

It is clear that far from being a radical idea, higher education systems mostly funded from public sources are the norm, while fully-free public education exists in many strong and competitive economies, such as the Nordics and Germany.

This paper concludes that a publicly funded system is the preferred option which can safeguard the contribution of Higher Education to economic development and social mobility/cohesion and, at the same time, avoid escalating costs and long-term personal debt for graduates.

This could be achieved through gradual increases in public investment, as well as an increased contribution by employers either through a ring-fenced increase in the training fund levy or another mechanism. Given that Irish levels of employer's social insurance are amongst the lowest in the OECD, we see this as being entirely necessary and appropriate.

Current Issues

Far from being an acceptable outcome, continuing with the status quo without a clear investment strategy to address the funding challenge would be a disastrous one.

Some of the issues currently being faced by our members as a result of budgetary cutbacks and underinvestment are as follows:

- **Access & Affordability**

Many students struggle to meet the current fee level of €3,000, while the gap between the current level of the student maintenance grant and the real cost of going to college has continued to widen. According to the Irish League of Credit Unions study last year, 59% of parents are getting into debt on average of over €5,000 through private borrowing to cover the spiralling costs of going to college.

- **Casualisation of Staff**

- **Demographic Demand Pressures**

While public funding has been reduced consistently in recent years, student numbers have increased significantly due to demographic demand pressures which are expected to continue into the future. This has led to a dramatic fall in the amount of resource per student which is being provided.

- **Postgraduate Funding**

The regressive decision in Budget 2014 to effectively remove all postgraduate maintenance support has created a social inequity for those wishing to access postgraduate study. This needs to be reversed immediately.

- **Quality Risks**

During the austerity years, funding for Higher Education was cut by up to 35%, student numbers increased by 20% and academic staff numbers reduced by 10%. The current student to teaching staff ratio is 23:1, well above the OECD average of 16:1. The quality of provision of teaching and research is at crisis point.

A recent QQI report notes quality has only been maintained by the commitment and good will of academic staff. The reality of funding cuts is apparent in Dundalk IT and GMIT which are now considering closing programmes and reducing staffing levels.

- **Services and Supports**

The lack of funding has impacted on the delivery of services to students and will inevitably affect the quality of education delivery and supports to students. The most vulnerable of students are those struggling to remain in college because they require additional supports.

A new report published by the European Trade Union Committee for Education (ETUCE) suggests that education funding cuts here are a local rather than European phenomenon.

The report “The state of funding in education, teachers’ working conditions, social dialogue and trade union rights in Western European countries (2016)”, points to ‘a persistent negative investment trend since 2010’ and warns that this is not due to ‘cuts spread across Europe’ but is ‘mainly found in the same group of countries,’ including Ireland. The report refers to ‘slightly increased’ education funding in a number of European countries as we come out of recession, but Ireland is not listed among them.

There is a clear need for significant and sustained investment in the system, in order to maintain, protect and enhance quality, meet demographic demand, and address issues regarding student access and affordability. This will require a significant increase in current spending on higher education, as well as an increase in the resource allocation to HE under the Capital Investment Plan.

Fees & Loans

At €3,000, Ireland already charge the 2nd highest rate of fees among EU countries in the OECD, to those who do not qualify for a fee waiver through the maintenance grant scheme.

We are vehemently opposed to the imposition of a further burden on students and families, whether this is through direct increases in upfront fees or the introduction of a deferred payment scheme such as the income contingent loan model which has been widely reported in the media.

Based on the experiences of similar schemes which have been introduced in the UK and elsewhere, we have a large number of concerns as to the impact of an income contingent loan scheme in an Irish context.

This includes the aversion to debt of students from lower socio-economic backgrounds, potential impacts on outward migration, inter-generational fairness, the extremely high level of personal and household indebtedness in Ireland (3rd in EU), and increased upfront costs and longer-term risks for our public

finances. It also raises fears of potential future fee increases and/or caps in student numbers.

Expert Group Report

The Cassells Group’s report on the future funding of higher education must be published as a matter of urgency, in order to enable the proper examination of the report’s findings and recommendations by stakeholders inside and outside the sector, and so that a robust public and political debate on these challenges can take place.

Following this, we would welcome the opportunity to prepare a detailed submission in response to the contents of the report, and how we believe the quantum of funding which is identified can be resourced through a comprehensive public investment strategy.

Future Engagement

We urgently need the Minister to act as a strong advocate for an Irish Higher Education sector which has endured a prolonged period of underinvestment. We are hopeful that given the Minister’s previous experience at the Department of Jobs, Enterprise and Innovation, that he will recognise the fundamental importance of higher education to our future economic development.

A step change in thinking and approach is required away from viewing HE as a mere line item of spending, to that of public investment which yields a guaranteed long-term return. If we want a truly world-class higher education system so that our highly-skilled workforce and ‘knowledge economy’ continues to be a strength for this country, then we need to invest heavily.

We look forward to engaging on this matter with the Minister and the relevant cross-party Oireachtas Committee who will have responsibility for outlining a proposed funding plan for the sector, as set out in the Programme for Government.

This joint submission was prepared and agreed by the following trade unions and representative bodies:

- IMPACT
- SIPTU
- Union of Students in Ireland (USI)
- Teachers Union of Ireland (TUI)
- Irish Federation of University Teachers (IFUT)

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