

## SUBMISSION TO THE JOINT OIREACHTAS COMMITTEE ON EDUCATION AND SKILLS ON NON-TEACHING STAFF IN SCHOOLS

Made by Fórsa Trade Union, March 2019

1. On behalf of close to 20,000 non-teaching staff in schools – made up of school secretaries, caretakers, special needs assistants (SNAs) and others, Fórsa Trade Union is pleased to have been asked to make this submission to the Committee. We're very much looking forward to the opportunity to engage directly with the Committee on these matters.
2. Our submission to the Committee covers four main areas, the status of school secretaries and caretakers, the status of special needs assistants, the status of staff within our Education Centres and those working on the School Completion Programme.

### School secretaries

3. School secretaries play pivotal roles in our school communities. The country's 3,500 school secretaries are the first and frequently the key point of contact between schools and parents, and they provide the smiling welcome that helps provide reassurance often at very stressful times for families. Secretaries are also the point of contact between the school and Department of Education & Skills.
4. However due to a dual or 'two tier' pay system in our schools, 90% of our school secretaries and caretakers are paid from ancillary grants, are not deemed to be public servants, have low pay of €13ph, no access to pensions, no paid holiday leave and no entitlement to sick pay.
5. Whereas the 10% of staff employed by Education and Training Boards (ETBs) are paid according to public service pay scales and have access to the standard benefits of public service status such as pensions and paid leave.
6. Fórsa has been campaigning for public service status for this group of staff for a number of years. As part of that campaign we consulted all the stakeholders in the school community on the pivotal role that school secretaries carry out in our primary, secondary and special schools (see Appendix 1). This campaign commenced in 2008 and achieved the first ever collective agreement on pay for school secretaries and caretakers in 2015.

7. The arbitration finding which resulted in a 4 year agreement (2.5% per year for 4 years) was necessary to restore the pay cut imposed under the FEMPI legislation in 2010. This fact highlights the unenviable position of this staff group, they are the only members of the school community not deemed to be public servants, they have none of the benefits of public service status such as pensions, holiday pay, incremental scales or sick pay, yet their pay was cut as if they were public servants.
8. On a weekly basis school secretaries work alongside colleagues with public service status, completing pay and pension returns within schools for teachers and undertaking many tasks necessary to ensure that teaching staff receive holiday, pay sick pay and other public service conditions of service, yet the majority of secretaries who make sure that others receive these benefits are locked out of the system without holiday pay, sick pay, pensions or access to public service salary scales.
9. In an earlier phase of this campaign Fórsa commissioned research carried out by independent employment expert, Mr Seán McHugh, which demonstrated that the School secretaries' role across all schools is one that carries with it a wide range of duties and responsibilities including:
  - Reception and telephone duties;
  - Secretarial services – much of which is confidential and sensitive by nature;
  - Report preparation;
  - Management of school finances – including cash collection, payments, wages, keeping accounts;
  - Administrative support to Board of Management;
  - Managing attendance records, admissions and transfers;
  - Assisting with pupil welfare;
  - Managing school data including GDPR and other regulatory compliance.
10. The routine work carried out by school secretaries in many instances far exceed the limits of responsibility as set out in the clerical officer job descriptions used by the Public Appointments Service for the purposes of recruiting new clerical officers across the public service.
11. Indeed, Seán McHugh found that, given the sensitive and responsible nature of much of the work, school secretaries' role goes well beyond what would be expected of a clerical officer, who would be part of a team rather than working on their own as most School secretaries do.
12. However, despite their pivotal roles in the school community, most School secretaries are very poorly paid, with uncertain short-term contracts which force many of them to sign on during the summer holidays.

13. It's time that these workers in our education system are properly valued, and receive fair pay and conditions that reflect the roles they play in our children's education.

### **Caretakers**

14. School caretakers are also impacted by many of the same issues affecting school secretaries. These are the people who keep so many of our schools going and ensure the seamless and smooth running of these very significant operations, whether that is through fixing heating problems or sanitary issues or carrying out vital Health & Safety responsibilities.
15. In the study referenced earlier, employment expert, Seán McHugh, found that school caretakers undertake a wide variety of roles and responsibilities that are vital to the smooth running of every school including:
  - Operation and maintenance of electrical, heating, plumbing and security systems;
  - Maintenance and repair of furniture, windows, fixtures and fittings;
  - General tidiness and upkeep of the school – including disposal of waste;
  - Opening and closing of the school on a daily basis;
  - Being first keyholder so responsible for attending any alarm call outs;
  - Making the school and its grounds safe, particularly in bad weather;
  - Responsible for all health and safety issues;
  - Managing on-school traffic and parking.
16. However, despite their pivotal role in the school community, most School Caretakers are, like school secretaries, also very poorly paid, with uncertain short-term contracts which force many of them to sign on during the summer holidays.

### **Profound Inequality and Precarious Employment**

17. One of the worst aspects of the situation affecting School secretaries and Caretakers is that 90% are paid through the ancillary grant and do not have public service status, whereas only about 10% of the cohort are paid directly by through their ETBs on salaries varying between €24,000 to €44,711 per annum dependent on the whole time equivalent (WTE) number of teachers in the school.
18. However, the vast majority are paid through an 'ancillary grant' paid to a school's board of management which translates into a salary of as low as €12,702 per year – slightly more than a quarter of the pay enjoyed by DES-employed Secretaries at the top of their scale.

19. In addition, the school secretaries and caretakers paid through the ancillary grant, unlike all others employed by school boards of management, like teachers, SNAs and other school secretaries have:

- No certainty of employment or hours of work – if school numbers drop, then School secretaries and caretakers can find that their hours or even their jobs are axed;
- No occupational pension;
- No entitlement to sick leave;
- No entitlement to pay increases resulting from public sector pay agreements;
- No incremental pay increases.

20. Indeed, many have to apply for social welfare during the school holidays. Perhaps the worst part of all is that there are schools employing more than one Secretary and Caretaker – doing exactly the same work and sharing the same premises – where one is employed on €12,702 per year and another on €44,711 per year. Indeed, the schools themselves make no distinction between the duties to be performed by these different staff – they're doing exactly the same work but have very different terms and conditions. If they were of different genders this would be illegal.

21. This is simply not fair, is manifestly unjust and can cause tension and disharmony in the school community. And it is no longer acceptable in an Ireland which has the fastest growing economy in Europe.

### **Where did the Inequality come from?**

22. This inequitable two-tier pay structure emerged during the 1970s, 1980s and 1990s.

23. The original scheme for school secretaries and caretakers – for those paid directly by the Department – was established in 1978. This allowed larger schools to appoint school secretaries and caretakers on a full-time permanent basis. However, from late 1982 onwards, no new appointments were allowed under this scheme

24. Many schools didn't have the numbers to appoint such staff so from 1985, under the terms of the Social Employment Scheme, these schools could now employ school secretaries and caretakers. A new scheme was introduced in the Programme for Economic and Social Progress (PESP) and from 1994 onwards, all new school secretaries and caretakers were employed under the PESP ancillary grant.

25. These secretaries and caretakers are not deemed to be public servants. They are employees of the schools. Despite this, their already low rates of pay were cut as part of the public service pay cuts made during the earlier part of this decade. This pay cut is currently in the process of being restored.

### **Joint Pay Process**

26. In 2015, following agreement to refer the matter, then head of WRC Conciliation Kevin Foley (now Chair of the Labour Court) issued an adjudication which began the process of raising the pitifully low hourly rates for many school secretaries and caretakers. The adjudication called for a 2.5% pay increase yearly over four years and the raising of the minimum hourly rate to €13.00 per hour by 1 April 2019. The last instalment to increase school secretaries' and caretakers' pay was made in January 2019 and while the terms of the adjudication run until 31 December of this year, the WRC has recommended that negotiations should commence between the Department of Education and Skills (DES) and Fórsa Trade Union to consider a new agreement to operate from 1 January 2020.

27. During the period 2015 to 2019 the pay of Grant Funded school secretaries has fallen further behind that of their colleagues paid on public service pay rates. The minimum salary for Clerical officers has increased through pay restoration under both the Lansdowne Road Agreement and the Public Services Stability Agreement; over the 4 year period by 13.75%, while the pay of the School secretary has increased by 10%. While the 2015 pay agreement concluded through arbitration was a step forward it has not prevented a widening of the pay differential between school secretaries and their public service colleagues.

28. School secretaries and caretakers are looking for support from Oireachtas members to ensure that sufficient resources are made available in the budgetary process to enable the process of achieving equal pay to be progressed.

29. Finally we would ask the Committee to consider the potential for school secretaries to continue to experience uncertainty and vastly different conditions of employment as new schools are built and developed. The Department of Education and Skills has recently concluded a consultation exercise to determine the school patron of new primary schools in Dublin, Kildare, Wicklow and Cork.

30. Educate Together has been awarded the patronage of seven new primary schools. Education and Training Boards have been awarded the patronage of three new primary schools. An Foras Pátrúnachta will run two new gaeilscoileanna. Between them, they will have capacity to cater for more than 3,300 primary pupils when fully developed.

31. Therefore new school secretaries and caretakers employed in the three ETB primary schools will be provided with public sector conditions of service, whereas new staff in the remaining nine schools will be employed through the Ancillary Grant on inferior terms and conditions with no access to pension provision. This lottery will continue unless action is taken to regularise the employment of all school secretaries and caretakers.

#### **What needs to be done?**

32. Fórsa Trade Union is seeking to have all of the School secretaries and caretakers paid from the ancillary grant put onto Grade 3 or Grade 4 dependent on WTE (whole time equivalent) teaching numbers as per the Department's own guidance.

#### **Next Steps**

33. Fórsa is campaigning to bring school secretaries and caretakers into the mainstream by regularising their employment on public service pay scales as appropriate. We are asking all political parties to support our call to make provision within Budget 2019 to fund this measure which would cost only €4.5m from the 2018 budget allocation to Education of €10.85 billion.

#### **Special Needs Assistants**

34. Since 2006, the number of SNA posts has almost doubled from 8,390 to 15,000 today. This has made it possible for some 34,600 students in 4,000 schools to attend school. This support varies from student to student and always with the goal in mind of ensuring that students develop their independent living skills to the greatest extent possible.

35. Fórsa wishes to highlight three issues affecting SNAs in our schools as follows –

#### **NCSE Comprehensive Review of the Special Needs Assistant Scheme**

36. The National Council for Special Education (NCSE) was established to improve the delivery of education services to persons with special educational needs. It is tasked with allocating the necessary level of SNA support to schools. In 2016, the then Minister for Education, Richard Bruton, requested the NCSE to undertake a comprehensive review of the SNA role. The report was published in 2018.

37. In 2018, the NCSE published Comprehensive Review of the Special Needs Assistant Scheme. Fórsa, by far the largest representative body for SNAs in the country representing close to 10,000 SNA members, expressed our concerns that neither SNAs as a staff group or their trade union were consulted in any way by the NCSE when the report was compiled. It is therefore essential that both the NCSE and the Department of Education and Skills now honour their obligations to discuss, consult and agree any changes to the SNA role, any new educational requirements and any necessary changes to contracts of employment.

### **Capacity for SNAs to serve on Boards of Management**

38. The Education Act 1988 and the Governance Manual for Primary Schools 2015 set out in detail the constitution of School Boards of Management. Teaching Staff and Community Representatives can be elected to Boards of Management, however Special Needs Assistants and other non-teaching staff are precluded from consideration and cannot serve under the current framework. This contrasts with the arrangements in place for ETB Schools as set out in the Education and Training Boards Act 2013 (Election of Staff) Regulations 2014. Fórsa believes that this inconsistency should be addressed by allowing SNAs to serve on School Boards of Management to provide parity with teaching colleagues within schools.

### **Assignment of appropriate duties to SNAs in schools**

39. As a consequence of the requirement for all public servants to increase working hours under successive pay agreements SNAs are required to carry out 72 hours of additional duties outside classroom hours in every school year. There are no productivity gains associated with this measure and there is no appreciable benefit to students or the school. Uncertainty over exactly what work should be carried out during the 72 hours leads to the inappropriate assignment of work to SNAs such as cleaning, photocopying, gardening and in one case a member was asked to wash the teacher's cars. This situation leads to considerable frustration for SNAs and uncertainty for Principals. Fórsa believes this time should be offset against continual professional development (CPD) requirements. SNAs like all education staff have to undertake training and development, they often do this in their own time. A more productive use for the 72 hours each year would be for staff to plan a programme of CPD for the forthcoming year and agree with their Principal on a range of productive areas of work aimed at improving the student experience such as community liaison, fundraising and CPD.

40. The NCSE Review highlights the lack of clarity over the use of the 72 hours as a problem that needs to be resolved. Given the nature of the NCSE Recommendation which include a suggested future requirement for staff to obtain a QQI qualification at Level 6, use of the 72 hours for CPD purposes would appear to be of benefit to staff and employers.

### **Staff in Education Centres**

41. There are 30 Education Centres around the Country (21 full time and 9 part time). These Centres provide a range of educational programmes to teachers and are grant funded by the Department of Education and Skills. Staff employed by the Centre undertake a range of education development roles, project management roles as well as a range of clerical and administrative roles. Staff are employed on a range of different salary scales and are not treated as public servants yet they provide key services to public servants. Fórsa is seeking a common set of terms and conditions for staff within Education Centres and we have sought negotiations with the Department of Education and Skills to address this and to ensure that these staff are granted public service status.

### **School Completion Programme**

42. The School Completion Programme (SCP) is a successful early intervention initiative within the schools sector which supports young people at risk of poor attendance, participation and retention within our school system. SCP is to be found within every DEIS school and in some non DEIS schools (40% of disadvantaged students are not enrolled in DEIS schools). The SCP operates nationally in 470 primary schools and 224 post primary schools. There are 124 local SCP projects employing 248 full time staff, 627 part time staff and other sessional staff delivering specific short inputs such as music, dance and sports. SCP directly supports 36,000 school students in school, after school, during holiday periods and while some young people are temporarily out of school.
43. The SCP was established in 2002 and consists of 124 independent local projects lead by a Board of Management. The value of the SCP in supporting students was highlighted and confirmed by the ERSI Review of the School Completion Programme in 2015 which found that: "Since the inception of SCP, there has been an improvement in primary attendance levels and in the proportion of young people staying in school until the Leaving Certificate. While these trends cannot be attributed to SCP alone, SCP, along with other strands of DEIS provision, has played an important role. It is difficult to assess the definitive impact of SCP on other child outcomes, such as engagement with school and socio-emotional wellbeing. However, school principals are generally very positive about the impact of the programme on at-risk children and young people in their school."

44. SCP is currently funded through Tusla as part of the Educational Welfare Service along with the Home School Liaison Scheme and the Educational Welfare Officers and falls under the remit of the Department of Children and Youth Affairs.
45. SCPs have no national governance arrangements, the only governance structure in existence is the role of Tusla in approving annual plans according to criteria that the SCPs did not approve and on which they were not fully consulted.
46. SCP staff work in our schools sector often engaging directly with students, yet they are not deemed to be public servants, there are no common conditions of service and for a national service it is concerning to Fórsa that there is no national management structure or direction provided.
47. The SCP budget was reduced from €32.9m in 2010 and is currently €24.7m per annum, this budget has not increased in any way and staff have who experienced pay cuts due to reduced funding have not benefitted from any pay restoration. Fórsa has raised these issues with the DCYA and with Tusla.
48. We ask the Committee to endorse our proposal that SCP staff are transferred to either the ETB sector or into Tusla to ensure that adequate national governance and leadership is provided and that SCP staff are employed on the same basis as public service colleagues within the schools sector.

## Appendix 1

### Fórsa Survey of School Secretaries 2018

Fórsa conducted a survey in early 2018, which was responded to by 681 school secretaries across the country (68% working in primary schools and 32% in secondary schools). This is a strongly representative sample of school secretaries in Ireland.

Some of the headline findings were as follows:

- School secretaries are in their job 17 years on average, and a critical part of their school community.
- 39% are working part-time. From our experience working with secretaries around the country, many part-time secretaries have full-time workloads and responsibilities, but their board of management can only afford to fund part-time hours from the ancillary grant.
- The average hours are 29 hours per week, but significant variables exist within this.
- On average there are 1.35 secretaries per school. With an average of 27 teachers and 372 students.
- 27% of secretaries state that they have no sick leave entitlements.
- 66% do not have access to any pension entitlements, despite for many a life-long role as a trusted, essential and indispensable member of the school community.
- 47% are not paid during the summer months and are forced to sign on, which for many is the most demeaning part of the injustices which they face.

It was also clear from our survey that the role, functions and responsibilities of a school secretary have expanded rapidly since the unjust and unfair 'ancillary grant' funding mechanism was put in place in the 1980's. This includes both very 'high value' work such as handling all accounts work in the school, to being expected to fulfil very 'low value' menial tasks on request within the school.

- 84% balance all school monies including petty cash, and take responsibility for large sums of money in handling school banking transactions.
- 68% care for unwell students, while 56% assist with first aid.
- 63% support and manage the school book scheme.
- 60% are involved with fundraising events.
- 54% assist with preparing the school newsletter.
- Despite working in the school for 28 years, one secretary described not being on the formal payroll, while she uploads new substitute teachers to the payroll as soon as they commence work in the school.
- When other members of school staff are planning their holidays, often secretaries are facing in to another period on the dole.

Other tasks mentioned by secretaries include booking and payment for use of school facilities out of hours, recording of staff absences and payment of substitutes, booking of all school buses and coaches for school trips, running the school Twitter account and text messaging system, maintaining the online pupil database, front line greeting of all visitors and handling of all general enquiries, ordering stationery and school supplies, dealing with all post and correspondence, dealing with audit, insurance and fees queries, ordering of exam scripts, and much, much more.