



An Roinn Oideachais  
Department of Education

# **Schools Reconfiguration for Diversity**

## **Transfer of Patronage of Primary Schools – Information for School Authorities**

March 2022

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## Information for School Authorities

### 1. Patron

#### i) Engagement between Patrons on Practical Matters

There are many matters to be worked through and agreed between the outgoing patron and incoming patron as part of a transfer of patronage.

It will take time for these to be worked through and for engagement and consultation with the school community on relevant matters. The below, while not an exhaustive list, provides guidance in relation to some of the principal matters which need to be considered

#### ii) Timeframe

The outgoing patron and incoming patron should agree an implementation schedule.

This schedule should take into consideration various timing imperatives such as the provision of information to, and consultation with, the school community with a view to the transfer of patronage taking place at the start of a school year and, where relevant, employment law notices including Transfer of Undertakings (Protection of Employment) regulations and timing of teacher redeployment panels.

Depending on local circumstances a lead-in time of a number of years may be needed for some schools before a transfer of patronage takes place. In other cases, a shorter lead-in time may be appropriate.

#### iii) Communications

It is important that school communities are provided with clear and consistent information from relevant parties.

The outgoing patron and incoming patron should agree on the timing and format of communications and in particular any press release, announcement or public statement prior to the transfer of patronage taking place.

#### iv) How does the patronage transfer formally take place?

When agreement on practical arrangements are well advanced and there has been agreement in principle between the outgoing patron and incoming patron, the process for arranging for the necessary approval and amendment of the patron register held by the Department of Education is as follows:

The Schools Reconfiguration for Diversity Process aims to provide more multi-denominational schools, in line with the choices of families and school communities and the Programme for Government commitment.

This process facilitates a change of patron, and ethos, in areas where there may be demand for more diversity in school type. In places where there is a lot of one type of patron, and a demand for more diversity/choice, existing denominational (religious) patrons may consider transferring a school under their patronage to a multi-denominational patron. This will offer choice to those parents that do not wish to send their children to a denominational (religious) school.

When a school transfers from one patron to another, the school remains open (with the same roll number and operating from the same school property), with staff and pupils remaining in place.

The school patron is responsible for decisions on any transfer of patronage.

- The existing patron should write to the Minister for Education to request a voluntary transfer of patronage under Section 8 of the Education Act 1998, in relation to the particular school, setting out the engagement he has had and identifying what patron body the existing patron wishes to transfer patronage to and requesting that the patron register is amended accordingly.
- The Department will write to the identified proposed incoming patron seeking formal confirmation that the proposed incoming patron is agreeable to take on patronage of the school and that the patron is satisfied that all appropriate arrangements are in train in this regard, including in relation to matters such as the practical and legal considerations, that timelines and communication with the local community has been discussed and agreed and that other matters (such as making arrangements for the appointment of a new board of management or a single manager as an interim measure, having an appropriate name for the school, the continuation or otherwise of any arrangements currently in place regarding the use of the school premises by other parties and so on) have been considered.
- When confirmation is received from the proposed incoming patron, the Minister may agree to amend the patron register and confirmation letters issue to the outgoing and incoming patron.

#### v) Appointment of a new Board of Management by the incoming patron

The Governance Manual for Primary Schools 2019 – 2023 sets out the procedures to be followed for the appointment of a board of management in a primary school, including where a school changes patronage (Section 3.7 of the manual). The manual also contains a helpful overview of the role of the board in addition to the various rules regarding the composition and operation of boards.

When a transfer of patronage takes place, the incoming school patron should make arrangements to appoint a new board of management under the direction of the new patron.

The term of office of the board operating under the outgoing patron shall cease to exist on the day prior to the first day on which the school is open to receive pupils under the new patron.

In the period pending the establishment of the new board the new patron shall manage the school or appoint a manager to discharge the functions of a board in accordance with section 14 of the Education Act, 1998.

If the incoming multi-denominational patron is an Education and Training Board, that Education and Training Board (ETB) becomes the employer of the staff of the school and the board of management is a committee of the ETB Board. The board of management will still have responsibility for matters that are not employment-related e.g. school policies, child protection and school planning. Further details are available in *The Governance Manual for Primary Schools 2019 – 2023*.

The incoming board of management will be required to uphold the characteristic spirit of the school as determined by the incoming patron in accordance with the Education Act.

Queries in relation to the appointment of a board of management, or a manager pending the establishment of a board, may be forwarded by email to [schoolgovernance@education.gov.ie](mailto:schoolgovernance@education.gov.ie)

## 1(a) Property related matters

Patronage of schools generally involves ownership of schools and school property. Where a transfer of patronage is taking place suitable arrangements will need to be made for the leasing of the school property by the new patron. Local circumstances will vary and due diligence is required on the part of the property owner/outgoing patron and on the part of the incoming patron when entering into a lease. The property owner may wish to engage with their legal advisers to advise on this and other aspects of the process.

The following are issues that will need to be addressed:

### i) Confirmation of ownership status

The ownership and control of school property can be a complex issue, both constitutionally and in terms of property law and rights.

Typically, it can involve religious trusts, trustees, religious orders, bishops (both as landowners and school patrons) and the State. The outgoing patron should identify the property owner(s) and make arrangements to seek the written consent of the property owner to a lease/sub-lease of the property to the incoming patron for the purposes of facilitating the operation of the school under the incoming patron.

It is advised that arrangements are made at an early stage in the process to locate relevant property ownership documents, including property deeds, and to ensure the title is in order.

The property owner/patron may wish to engage their legal advisers in this regard and to advise on other aspects of the process. If some Trustees are deceased, arrangements will need to be made to appoint new Trustees. The property deeds may impact on the power of the property owner to lease the property and depending on the circumstances an application may need to be made to the Charity Regulator. Further information in this regard is available here: <https://www.charitiesregulator.ie/en>.

Any arrangements that may be in place in relation to Astro Turf pitches, playgrounds or other amenities controlled by the board of management/school should be set out, the ownership identified by the outgoing patron, and arrangements made to seek the written consent of the property owner, if necessary, to a lease/sublease as set out above.

### ii) Lease

#### **A) Position where the school property is not owned by the Minister for Education**

Where the property owner is not the Minister for Education, agreement is needed on leasing arrangements between the property owner and new patron. A lease/sub-lease should be put in place between the property owner and the incoming patron.

The circumstances in relation to each property will vary and this will need to be taken into account in the leasing arrangement.

The status of the property owner/Trust that owns the school and the relevant provisions in a Trust's Memorandum of Association and Articles of Association needs to be considered.

Relevant Charities Law provisions will need to be complied with; further information is available from the Charity Regulator in this regard. Diocesan trusts operate in different ways, for example, some hold property in trust for the parish, in which case any proceeds relating to the property may need to be for the benefit of the parish. The particular circumstances relating to the property owner and their properties will need to be taken into account.

### **Lease Rental Amount**

Discussion on the appropriate rental amount should take into consideration the following:

- Following a transfer of patronage the school premises will continue to be used as a school for the benefit of local children
- The property will benefit from continued State investment in the upkeep, maintenance or improvement of the premises
- The property may have benefitted from State capital investment in the past.
- The Department may be providing funding and investment for multiple schools under the same ownership and will continue to do so
- Expansion of capacity in remaining Catholic schools in the area will remain an option subject to demographic position and demand.

The Department will provide the following resources:

- The approved rental cost (which will be determined taking into consideration the above factors and will be paid to the property owner by the incoming patron as part of the leasing arrangement and the Department will reimburse the incoming patron in this regard)
- The buildings insurance premium will be reimbursed to the property owner by the incoming patron as part of the leasing arrangement (and the Department will reimburse the incoming patron)
- The Department will make a reasonable contribution towards vouched necessary legal costs incurred by the outgoing patron directly associated with putting in place any legal agreement required to secure the Minister's interests in the property
- The Department is providing a facilitation resource to support patrons in the local consultations leading to reconfiguration in the pilot areas.

Given the educational use of the property and the investment by the Minister a comparable commercial rent would not be appropriate, however a reasonable rent will be agreed with the legal owner taking into account the aforementioned factors and considerations and particular circumstances. The rental amount will need to be approved by the Department of Education.

### **Terms to be included in the Lease**

- The duration of the lease should be for 40 years, which aligns with the New School Lease.  
<https://www.gov.ie/en/policy-information/866bf0-establishment-of-a-new-school/>
- Where possible/ achievable a condition should be included in the lease for the term of the lease to be extended should the Department of Education and/or incoming patron deem it necessary in the future for any significant capital investment in the school building.

- Where possible/achievable the lease should include an option for first refusal to the incoming patron/Department of Education to purchase the school property should the owner decide to dispose of the property in the future
- In case of dispute the terms of the lease should make provision for arbitration.

## **B. Position where the school property is owned by the Minister for Education:**

Where the property is owned by the Minister, the incoming patron will be required to enter a lease with the Minister for a term of 40 years the format of which is the New School Lease as published on the Department's website.

<https://www.gov.ie/en/policy-information/866bf0-establishment-of-a-new-school/>

### **Leases involving Education and Training Boards**

In the case of leases to which an Education and Training Board is a party the approval of the Minister for Education must be sought in order for the ETB to enter the lease as required under the Education and Training Board Act 2013 and the governance procedures in place between the Department and ETBs.

#### **iii) Indemnities/Insurance**

Suitable indemnity/insurance arrangements will need to be agreed between the outgoing patron and the incoming patron to ensure there is clarity on the requirements of both parties and these may need to be reflected in the lease of the property, where applicable.

The incoming patron/board of management should ensure that appropriate insurance policies are put in place such as contents insurance, employer's liability insurance, public liability insurance and, where appropriate, buildings insurance to take effect from the date of transfer and should make these policies available to the outgoing patron/school property owner, where requested to do so.

Where appropriate, the property owner should put in place and maintain appropriate buildings insurance cover on the property. The premium may be reimbursed to the property owner by the incoming patron as part of the leasing arrangement.

#### **iv) Use of School Building/Property by Third Parties**

The outgoing patron should provide details of any agreements with any third parties in relation to use of the school property, for example, pre-school providers, community groups etc. Any lease/licence agreement in this regard should be provided to the incoming patron. Among the items to be agreed by the outgoing and incoming patron is the approach to be taken with regard to any such pre-existing arrangements.

Any new arrangements which might be put in place with third parties are a matter for the incoming patron, subject to adhering to any relevant terms of the lease and obtaining the property owner's consent where required under the lease. Any agreement put in place for the use of school facilities by third parties should include a condition that the agreement with the third party will cease should the facilities be required for education provision.

The Department of Education's 2017 "*Guidelines on the use of school buildings outside of school hours*" provides guidance to schools in relation to their current arrangements for the use of school buildings outside of school hours or for those schools who are considering putting such arrangements in place. The guidelines also aim to make schools aware of the types of issues that should be considered when a school wishes to make their facilities available outside of school hours.

#### v) Release of Minister's interests /Securing the Minister's interests

This may be relevant in some instances. A school patron should make contact with the Department's Site Acquisition and Property Management Section at [schoolproperty@education.gov.ie](mailto:schoolproperty@education.gov.ie) if the patron has queries in this regard in relation to a school property.

Where appropriate, and where there is significant capital investment by the Minister in a property either before or after the incoming patron commences operation of the school, consideration will be given to securing the Minister's interests by way of an appropriate legal agreement between the Minister and the property owner.

The Department may make a contribution towards vouched necessary legal costs incurred by the outgoing patron directly associated with putting in place the above agreement in order to minimise the financial burden on the outgoing patron.

### 1(b) School Finances/Bank Accounts

Section 18 of the Education Act 1998 provides that a school board of management shall keep accounts of all income and expenditure, and obliges the board to ensure that the accounts are audited or certified in accordance with best accounting practice. This section also provides that the board must make the accounts relating to State and other funding available for inspection by the Minister and parents of students in that school.

Due diligence is required on the part of the outgoing patron and incoming patron on matters relating to the school finances, income and expenditure and bank account including any debt, liabilities etc. and agreement should be reached between the parties in this regard.

The due diligence should include the following to be provided to the incoming patron/board:

- Annual school accounts for the past 6 years
- Contracts of employment for all board employees including those on leave
- Contracts with service providers such as cleaner companies and catering contracts
- Details of any ongoing legal cases or redress issues that may potentially impact on the new patron
- Details of any possible/potential legal cases or redress issues that may potentially impact on the new patron
- Details of any legal agreements with third parties such as preschools or after schools located in the school and any licence agreements which are in place
- Details of any loans/overdraft facilities taken out by the board

The outgoing patron should ensure that all board of management assets are retained and preserved for the benefit of the incoming patron's board of management.

The outgoing patron should ensure that the members of its board of management arrange for the bank mandate for the school bank account to be amended in such manner as the incoming patron (and/or its board of management) directs so as to replace the outgoing members of the board of management with the new members of the board of management appointed by the incoming patron or ETB officials as authorised signatories on the bank mandate where applicable.

All debts and claims which the outgoing patron or his board of management incurs in the course or in connection with patronage/management of the school should be settled in a timely manner prior to the transfer of patronage. All creditors and accruals should be ascertained to ensure that there are sufficient funds to cover them.

In the period prior to a transfer of patronage taking place, no board of management contracts should be cancelled or modified without the incoming patron's prior written consent.

If any funds are transferred from, or donated by, a third party to the outgoing patron or his board of management after the transfer of patronage has taken place, in respect of the carrying on the patronage/management of the school, arrangements should be made to transfer this to the incoming patron/board of management/school account as appropriate.

The patrons should ensure a handover meeting is arranged between the outgoing board of management and the incoming board of management where a handover document and checklist reflecting all practical matters signed off by the outgoing board is provided to ensure a smooth transition.

#### Funds in the bank account

It is expected that all, or the vast majority of, funding in the school bank account would be retained for the continuing benefit of the school following the transfer of patronage unless there are very clear and specific reasons why that should not be the case.

- Any and all State funding provided for the school/students will remain with the school or will be transferred to the ETB where applicable.
- The position with any balance of locally raised funding will need to be considered by the outgoing and incoming patron. The appropriate approach to this will depend on factors such as the purpose for which the fundraising was conducted. Any fundraising that was done for a specific purpose would have to be spent on that particular purpose and this may not be necessary/appropriate under a new patron. Approval from the Charities Regulator may be required if it is proposed to re-direct funds raised by fundraising to a purpose which differs from the purpose for which the funds were raised. The Charities Regulator's office can be contacted at [info@charitiesregulator.ie](mailto:info@charitiesregulator.ie) or 01 2118600.

#### Reporting to the Department's Financial Services Support Unit

All school financial information needs to be retained for the past 6 years and the current year. If a school moves to another sector, for example, to become a Community National School under an Education and Training Board, that school should report to the Financial Services Support Unit (FSSU) up to the date of the move for the purposes of year end accounts.

The Financial Services Support Unit (FSSU) is an important source of advice and support for school management and finance personnel on financial governance matters. Queries regarding the financial arrangements for a Transfer of Patronage may be referred to the FSSU via the following e-mail addresses: [primary@fssu.ie](mailto:primary@fssu.ie) in respect of primary schools and [info@fssu.ie](mailto:info@fssu.ie) in respect of post-primary schools.

### **1(c) General Data Protection Regulation**

In making available to the incoming patron appropriate, relevant books and records relating to the outgoing patron's tenure as patron, any records that the outgoing patron (in his capacity as patron of the school) was required by law to retain, and any relevant books and records of the outgoing board of management relating to the management of the school, the outgoing patron and the incoming patron and the relevant boards of management should comply with all data protection laws which includes a clear lawful basis for sharing and receiving personal data.

The parties should have appropriate data protection policies and procedures concerning the collection, use, storage, retention and security of personal data in place.

## 2. Board of Management

### i) Employment Law Consultation and Notice for All Staff

Where the transfer of patronage is to an ETB as a Community National School, a change of employer is effected. The outgoing board of management as outgoing employer will be required to complete its consultation and information requirements in relation to staff imposed by the [European Communities \(Protection of Employees on Transfer of Undertakings\) Regulations 2003](#).

Section 8 of the Regulations provides that information including the proposed date of the transfer, the reasons for the transfer, the legal implications of the transfer for the employees and a summary of any relevant economic and social implications of the transfer for them and any measures envisaged in relation to the employees is provided to the staff at least 30 days before the transfer is carried out, where reasonably practicable, and in any event, in good time before the transfer is carried out.

Similar requirements arise for the incoming employer.

The provision of information and consultation on issues that directly affect staff is also required under the [Employees \(Provision of Information and Consultation\) Act 2006](#).

### ii) Garda Vetting

The vetting legislation and the vetting procedures operated by the National Vetting Bureau fall within the remit of the Minister for Justice.

When the vetting requirements were commenced in April 2016, the Department of Education issued Circular 0031/2016, which set out the statutory vetting requirements applicable to schools along with the practical arrangements in place to support the vetting procedures.

A Frequently Asked Question (FAQ) document was also published by the Department to assist schools with queries in respect of the Circular.

Circular 0031/2016 and associated FAQ can be accessed at the following link:  
<https://www.gov.ie/en/circular/a822016571c44796b2a79ee66fb1c1da/>

As set out in Circular 0031/2016, Section 12 of the Vetting Act places statutory obligations on school authorities to, other than in certain limited circumstances, obtain a vetting disclosure from the National Vetting Bureau prior to the employment, contract, permission or placement of a person to undertake relevant work or activities with children or vulnerable persons.

It is the responsibility of each school authority to satisfy itself, that it has met any vetting obligations that arise under the Vetting Act and that it has all necessary and appropriate wider recruitment procedures and checks in place.

For schools transferring to another entity which also involves a change of employer, for example, in a transfer of patronage of a school from a denominational patron to an Education and Training Board, this requirement is particularly relevant given the ETB will be the new employer of the staff.

Further information on vetting requirements are set out in Section 8.6 of the Child Protection Procedures for Primary and Post-Primary Schools 2017.

<https://www.gov.ie/en/publication/fe465-child-protection-procedures-for-primary-and-post-primary-schools-2017/>

### iii) Facilitating the transfer of pupils

While it is envisaged that pupils will remain with the school after a transfer of patronage has taken place, where a transfer of patronage involves a change of ethos, it is possible that some parents may wish to apply to re-enrol their children in a school with a denominational ethos. It is also possible that parents of some children in other denominational schools in the area may wish to apply to re-enrol their children in the school which is transferring to multi-denominational ethos.

Patrons/boards should make efforts to accommodate such requests, where feasible and in accordance with their admissions policies.

All admissions must be in accordance with the admissions policies of the relevant schools as set out in the Education (Admissions to Schools) Act 2018. As part of the information made available to parents, the options regarding applying to be enrolled in another school should be set out.

It is the responsibility of the managerial authorities of all schools to implement an enrolment policy in accordance with the Education Act, 1998 and the Education (Admission to Schools) Act 2018. The Education (Admission to Schools) Act requires schools to clearly set out their selection criteria in their admission policies.

It is a key requirement of the Act that all school admission policies are fair and transparent. The admissions policy must include the procedures for admission of students who are not already admitted to the school for years other than the intake year, and for admission after the start of the school year for which admission is sought.

Schools have discretion in relation to their admission criteria and how they are applied. However, in schools where there are more applicants than places available, a selection process will be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory on specified grounds and must be applied fairly in respect of all applicants. However, this may result in some pupils not obtaining a place in the school of their first choice.

More information on the new school admission process which applies to admissions for the 2021/22 school year onwards is available at the following link: <https://www.gov.ie/en/policy-information/c5bd9f-school-enrolment/#school-admissionsenrolment>

### 3. Arrangements for School Staff

#### i) Supports for Staff and Boards of Management before and after transfer

Transfer of school patronage is a transformative process which involves both cultural and systematic changes to school life.

Through the process, schools transform their existing denominational ethos to a multi-denominational one. Changes to school governance procedures may also occur. Transfer of school patronage requires time, professional development and meaningful engagement from the school community, directly supported by the patron.

All schools in Ireland are run by patrons. Patrons are responsible for establishing the ethos of their schools. When a school transfers patronage the new patron takes over the running of the school and supports the school community with establishing a multi-denominational ethos.

#### ii) Teachers – employer

The board of management of a school is the employer of the teaching staff in denominational primary schools. Salaries are paid directly by the Department of Education.

When a school changes patronage, the school principal and teaching staff continue working in the school after the transfer of patronage has taken place and there will be no change to pay or general employment conditions.

Government policy as set out in the Programme for Government is to expand and prioritise the transfer of viable schools to Education and Training Board Community National Schools. The position that applies if the incoming patron is an Education and Training Board is set out below, along with the position that would apply if the incoming patron is not an Education and Training Board.

If the incoming patron is an Education and Training Board, that Education and Training Board becomes the employer of the teacher with effect from the date of transfer. Teachers' salaries will continue to be paid by the Department of Education.

If the incoming patron is a company limited by guarantee such as An Foras Pátrúnachta or Educate Together, the board of management remains the employer of the teaching staff. Teachers' salaries will continue to be paid by the Department of Education.

#### iii) Principals and Teachers – redeployment

In relation to principals and teachers, staffing arrangements for reconfiguration are set out below.

The approach taken is cognisant of the fact that teaching staff currently employed in denominational (religious) schools may have a particular affinity to the ethos of their school and may not wish to continue teaching in the school under a different type of ethos. The approach is designed to facilitate those teachers in continuing to teach in a school of their preferred patronage and ethos while managing the impact on the operation of the school which is transferring patronage and changing ethos.

When a reconfiguration is being considered, it is essential for the effective operation of the procedures set out below that final decisions in relation to reconfiguration are taken at the latest by 31<sup>st</sup> December of the year preceding the reconfiguration. All reconfigurations should be implemented on 1<sup>st</sup> September and the school year preceding that will be regarded as year 1 of the process.

### Principal<sup>1</sup>

School leaders are responsible for the day to day management of the school, including communicating the guiding vision for the school and leading its realisation in the context of the school's characteristic spirit. Accordingly, it is essential that the principal of a school that is transferring patronage and changing ethos is committed to managing, leading and mediating change to respond to the evolving needs of the school in the context of the new patronage and ethos.

- Any principal who considers that he/she is not in a position to fully commit to leading the change process in a school that is transferring patronage may opt to be voluntarily redeployed, before the transfer of patronage takes place, to a relevant school<sup>2</sup> as a teacher (rather than a principal) via the relevant main panel.
- A principal who wishes to be voluntarily redeployed should do so before the transfer of patronage and in line with the timeframe for redeployment included in the 'Redeployment Arrangements at Primary Level for Surplus Permanent and CID Holding Teachers'.
- A person in this position ('personal basis allowance holder') will be entitled to retain their principal's allowance but will be required to undertake a leadership and management role in the receiving school. Such a role should be broadly in line with a role assigned to as an Assistant Principal I post. In the event that the former principal subsequently voluntarily leaves the receiving school he/she will forego the allowance.
- A former principal redeploying in this manner will have the following effect on Post of Responsibility vacancies in his/her receiving school:
  - Assistant Principal II – will prevent the filling of an Assistant Principal II post. The above shall be set aside if the personal basis post holder was re-deployed into the school in the five year period prior to the vacancy arising.
- The option for a principal to opt for redeployment prior to the transfer of patronage taking place is made available regardless of the size of the teaching allocation in the school which is transferring patronage.

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<sup>1</sup> Arrangements for Deputy Principals are dealt with under the section dealing with "Teachers".

<sup>2</sup> "relevant school" means another school under the same patronage as the outgoing patron of the school.

## Teachers

### Voluntary redeployment

- Teachers, serving in the school on the date of the transfer of patronage, will be given the opportunity to opt to voluntarily request redeployment to another school via the main panel of the existing (outgoing) patron of the school.
- Where necessary, there will be a phased approach to requests for redeployment, with a limit on the number of teachers who can transfer in any given year. A maximum of 33% of the teaching staff cohort, who make such requests (including the principal), will be redeployed in each of the first 3 years<sup>3</sup> and first preference will be given based on the principal first followed by the teaching staff in order of seniority. Where there are only two teaching staff in a school, this can be dealt with on a case by case basis taking into account local circumstances. Applications for the main panel must be made in accordance with the arrangements set out in the relevant staffing and redeployment circular for that year.
- The option for teachers to go on the relevant panel expires 2 years after the transfer of patronage has taken place.
- Teachers who have requested redeployment but who remain in the school awaiting redeployment in the second and third years<sup>4</sup> will be required to adhere to the requirements of the new patron body in relation to upholding the ethos of the school.
- Teachers who initially opt for redeployment can subsequently withdraw their request and opt out of redeployment if they so wish.
- In schools where a phased reconfiguration is taking place (where a transfer of patronage is taking place and the new multi-denominational ethos is introduced on a phased basis over time, for example, the multi-denominational ethos is introduced at junior infants and works its way up vertically each school year i.e. existing classes will remain under denominational ethos until they leave the school after 6<sup>th</sup> class), redeployment of teachers may be managed in accordance with the timing of the phased reconfiguration and a longer timescale for redeployment may apply.
- Any teacher who is redeployed in accordance with these provisions will be entitled to retain any Posts of Responsibility allowances (i.e. Deputy Principal, API, APII allowances) that they hold at date of transfer on a personal basis ('personal basis allowance holder') but will be required to undertake a leadership and management role in the receiving school. Such a role should be broadly in line with a role assigned to Assistant Principal II. In the event that a post-holder subsequently voluntarily leaves the receiving school he/she will forego the allowance.
- A post holder on a personal basis will only block the appointment of teachers from the receiving school in accordance with section 17 of Circular 0044/2019 and any updated version of this circular.

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<sup>3</sup> Year 1 in this document refers to the year directly preceding the transfer of patronage taking place. Years 2 and 3 refer the two years directly after the transfer of patronage has taken place.

## Mandatory Redeployment

Where there are surplus staff in the teaching allocation of the school which is transferring patronage, the arrangements as outlined in 'Redeployment Arrangements at Primary Level for Surplus Permanent and CID Holding Teachers' will operate in the normal way, save for the following:

- For a period of two years from the date of patronage transfer, surplus teachers will have the opportunity to opt to be placed on either the main panel of the outgoing patron or the main panel of the new patron.

### iv) Special Needs Assistants (SNAs)

The board of management of a school is the employer of SNAs in denominational primary schools. Salaries are paid directly by the Department of Education.

Government policy as set out in the Programme for Government is to expand and prioritise the transfer of viable schools to Education and Training Board Community National Schools. The position that applies if the incoming patron is an Education and Training Board is set out below, along with the position that would apply if the incoming patron is not an Education and Training Board.

If the incoming patron is an Education and Training Board, that Education and Training Board becomes the employer of the SNA with effect from the date of transfer of patronage. SNAs' salaries will continue to be paid by the Department of Education.

If the incoming patron is a company limited by guarantee such as An Foras Pátrúnachta or Educate Together, the board of management remains the employer of the SNA. SNAs' salaries will continue to be paid by the Department of Education.

### v) Ancillary Staff

The board of management of a school is the employer of ancillary staff (for example, secretaries / cleaners / caretakers) in denominational primary schools. Salaries are paid directly by the schools. However, there are some schools that still have secretaries/caretakers employed under the 1978 schemes that are paid by the Department.

Government policy as set out in the Programme for Government is to expand and prioritise the transfer of viable schools to Education and Training Board Community National Schools. The position that applies if the incoming patron is an Education and Training Board is set out below, along with the position that would apply if the incoming patron is not an Education and Training Board.

If the incoming multi-denominational patron is an Education and Training Board, the ETB will become the employer. As ETBs have specific pay scales and terms and conditions for ancillary staff which may differ to those in place in the school, ancillary staff can consider whether they wish to retain their existing terms and conditions or whether they wish to transfer to the ETB's ancillary staff terms and conditions. In choosing the latter, ancillary staff will transfer to the relevant ETB pay scale and associated superannuation, sick leave, annual leave arrangements etc. Each ancillary staff member will need to make a decision in this regard. The ETB can inform ancillary staff of the relevant pay and conditions arrangements.

In the case of an incoming patron which is a company limited by guarantee such as An Foras Pátrúnachta or Educate Together, the board of management remains the employer of the ancillary staff and no change occurs as a direct result of the transfer of patronage.

In general, redundancy of ancillary staff will not arise directly on foot of a transfer of patronage as the school will continue to operate (albeit under different patronage and ethos) and the employment for the ancillary staff remains in place.