



Circular 0137/2006

To Boards of Management, Vocational Education Committees And Principals Of Schools

EARLY RETIREMENT SCHEME FOR TEACHERS, RETIREMENT AT THE END OF THE 2006/2007 SCHOOL YEAR

The Closing Dates for receipt of applications in the Department are:

Strands 1 and 2

Thursday 18th January 2007

Strand 3

Thursday 15th February 2007

1. OBJECTIVE

In order to promote greater efficiency and effectiveness within schools, a voluntary early retirement scheme is available to teachers. The scheme was introduced on a pilot basis pending review in the light of the report of the Commission on Public Service Pensions. The Commission, in its final report of November 2000, recommended that the pilot scheme be continued for a further 5 years and that a further review be carried out at that time. Pending the completion of the review, expected to be finalised by the end of the current year (2006/7) school year, it has been decided that the pilot scheme will be continued for a further year, i.e. to include **the 2007/08 school year**.

2. STRUCTURE OF THE SCHEME

The scheme will consist of three strands.

Strand 1 relates to teachers who are consistently experiencing professional difficulties in their teaching duties.

Strand 2 relates to teachers whose retirement will provide their school with an opportunity to enhance the education service provided through facilitating change.

Strand 3 relates to teachers who are in posts which are surplus to requirements.

3. GENERAL ELIGIBILITY

- 3.1 The scheme is available to applicants who are currently in permanent teaching service or employed, in whole-time posts or Regular Part-time posts, under contracts of indefinite duration. It is also available to applicants under **Strands 1 or 2** who are on a **career break** but are due to return to teaching from the beginning of the 2007/08 school year.

Contracts of Indefinite Duration. A contract of indefinite duration exists where a person has an expectation that, subject to the normal date of retirement in the employment, she or he will be retained in the employment and will not be dismissed without there being any good reason such as misconduct or unfitness for their position, or other compelling or unavoidable circumstances. It has been agreed, under transitional arrangements, that fixed term employees with more than 4 years successive teaching service as at 1st September 2006 and who are deemed to be qualified shall receive contracts of indefinite duration unless the employer can demonstrate:

- (a) that a post will not be viable within a reasonable period and where such a ground was set out as an objective ground in writing in the previous contract, **or**
- (b) that the person is covering for a post holder on an approved scheme of leave of absence.
- The foregoing exclusions shall not apply where the person has not received a written contract setting out objective grounds since September 2001. Such persons (who are deemed to be qualified) shall automatically receive contracts of indefinite duration.

- 3.2 With regard to applications under **Strand 3**, it should be noted that teachers on career break are not eligible for early retirement under this Strand. It should also be noted that the **post of Principal or Deputy Principal** in a school cannot be surplus to requirements unless there are most exceptional circumstances. (For example, applications from Principals and Deputy Principals for early retirement under **Strand 3** will be considered where the school is being closed down or amalgamated with another school with effect from the beginning of the 2007/08 year.)
- 3.3 Where a minimum period of service is specified for eligibility of an application, this refers to actual service. A year of job-sharing or of employment under a Regular Part-time Contract will also, for eligibility purposes, be regarded as a full year of service; for pension benefit purposes it will, as usual, be treated as a portion of a year.
- 3.4 Other eligibility requirements, which are particular to each Strand, are included in the Details of each Strand which follow.

3.5 **Ill Health**

Intending applicants should note that there are long-standing provisions for teachers to retire **on grounds of ill health**. Where it is considered that ill health may be a factor, the applicant may be advised that it would be more appropriate for him/her to apply in the first instance for early retirement on grounds of ill health.

4. DETAILS OF STRAND 1

- 4.1 Teachers with **not less than 15 years'** service and who are consistently experiencing professional difficulties in their teaching duties are eligible to apply under this Strand.
- 4.2 This strand will operate in the context of existing arrangements whereby individual teachers may raise with the Principal, and individual Principals may raise with the Chairperson of the Board of Management/CEO (VEC) as appropriate, the issue of professional difficulties which they may be experiencing and request the provision of support services.
- 4.3 In accordance with existing procedures, CEOs/Principals may raise the issue of professional difficulties with teachers and the need for professional or other support. Where the teacher involved is a Principal the issue may be raised by the Chairperson of the Board of Management or by the CEO (VEC) following consultation with the Inspector as appropriate.

- 4.4 A decision by a teacher experiencing professional difficulties to apply for early retirement will be voluntary. A teacher's attention could be drawn to the early retirement option by the managerial authorities of a school or other persons or parties concerned with the teacher's welfare.

Support services

- 4.5 Where relevant, the Principal/CEO/Chairperson of the Board of Management, as appropriate, and the teacher concerned, should agree on remedial/support action necessary to deal with difficulties which are informally noted by the CEO/Chairperson. In the case of a Principal, the CEO/Chairperson and the Inspector, where relevant, should agree with the Principal on remedial/support action necessary to deal with the difficulties identified.
- 4.6 The school will arrange for appropriate available in-career support in consultation with the Inspector, where necessary, or for other appropriate professional/welfare support.
- 4.7 The support services will provide a report to the school and to the teacher on the outcomes of the services provided.

Eligibility for Early Retirement under Strand 1.

- 4.8 A teacher who has **not less than 15 years' service**, may apply for early retirement under this Strand in the following circumstances:
- a) when the managerial authorities of the school and the teacher are agreed that the teacher is experiencing professional difficulties, **and**
 - b) (i) when it is agreed between the parties concerned, as set out in Paragraph 4.8(a) above, that the support services needed to deal with the difficulties identified are not available, **or**
 - b) (ii) when such support services, if provided, have not proved successful, **or**
 - b) (iii) when a Department Inspector concurs in the shared view of the managerial authorities and the teacher concerned that such services as are available would not be successful in dealing with the difficulties identified.

Superannuation Entitlements under Strand 1.

- 4.9 In the case of a teacher whose actual pensionable service is equal to or in excess of 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service.
- 4.10 In the case of a teacher whose actual pensionable service is less than 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service, together with added years at the rate of 25% of actual pensionable service. The grant of added years will also be subject to the following restrictions:-
- (1) the amount of added years granted in any case will not exceed:
 - (a) 5 years, or
 - (b) potential service to compulsory retirement age, whichever is the lesser amount;
 - (2) provided that the aggregate of (a) actual pensionable service and (b) added years will not in any case exceed 35 years.
- 4.11 Application procedures are outlined at paragraph 7 below.

5. **DETAILS OF STRAND 2.**

- 5.1 Teachers who are **fifty-five years of age** or more and have a minimum of **twenty years'** service are eligible to apply under this Strand.
- 5.2 School managerial authorities will be required to verify that the retirement of a teacher under this Strand will provide an opportunity to enhance the education service provided by the school by facilitating change such as the introduction of new skills and curriculum review.

Superannuation Entitlements under Strand 2.

- 5.3 In the case of a teacher whose actual pensionable service is equal to or in excess of 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service.
- 5.4 In the case of a teacher whose actual pensionable service is less than 35 years, superannuation awards will be based on actual pensionable service and any purchased notional service, together with a maximum of 2 added years. The grant of added years will also be subject to the following restrictions:-
- (1) the amount of added years granted in any case will not exceed potential service to compulsory retirement age and
 - (2) the aggregate of actual pensionable service and added years will not in any case exceed 35 years.
- 5.5 Application procedures are outlined at paragraph 7 below.

6. **DETAILS OF STRAND 3.**

- 6.1 Strand 3 is open to teachers with a minimum of **5 years'** service and who are in posts:
- (1) which are surplus to requirements and
 - (2) from which they may not be redeployed readily and
 - (3) which will not be filled should they leave the posts.

Eligibility for Early Retirement under Strand 3.

- 6.2 Offers of early retirement under Strand 3 may be made where it is confirmed that a teacher in a school holds a post which meets the conditions defined in 6.1 above. The offer may be confined to teachers who meet certain age requirements. The offer will be made in the following sequence.
- (a) In the first instance, an offer may be made to the teacher who actually holds the surplus post;
OR
 - (b) Where the teacher actually holding the surplus post does not wish to retire or does not meet the age requirement, an offer may be made in the second instance to a colleague in the same school who has applied under the terms of the scheme and who occupies a post to which the teacher holding the surplus post could and would be assigned;
OR

- (c) Where neither the teacher holding the surplus post nor a colleague in the same school wish to avail of an early retirement offer, then an offer of early retirement under this Strand may be made in the third instance to a teacher in another school who occupies a post to which the teacher in the surplus post could and would be redeployed. In these circumstances the teacher actually holding the surplus post will be transferred to fill the consequential vacancy in the other school, under the relevant redeployment panel arrangements.

Superannuation Entitlements under Strand 3.

- 6.3 On the basis that applicants under this Strand have a minimum of 5 years' service, they may opt for early retirement terms under Option 1 or Option 2 as follows:

Option 1

Immediate pension and lump sum based on actual pensionable service and any purchased notional service, together with the award of added years at the rate of 35% of actual pensionable service. The grant of added years will also be subject to the following restrictions:-

- (a) added years will not in any case exceed
- (i) 7 years, or
 - (ii) potential service to compulsory retirement age, whichever is the lesser;
- (b) total service for pension and lump sum purposes will be limited to the standard maximum of 40 years

Option 2

Immediate pension and lump sum based on actual pensionable service and any purchased notional service, subject to the standard 40-year limit, with no added years awarded, but with a severance gratuity at the rate of 3 weeks pay per year of potential service to age 65, subject to a ceiling of 27 weeks pay.

The severance gratuity will be free of income tax deductions except to the extent, if any, that it exceeds the threshold specified by the Revenue Commissioners from time to time for such payments. **(The relevant threshold is, currently, €10,160 together with €765 for each year of actual pensionable service. For example, the threshold in the case of a teacher with 10 years' service would be €17,810:- €10,160 + €7,650 = €17,810.)**

7. APPLICATION PROCEDURES.

- 7.1 A teacher may apply to retire under one or more Strands.

Separate application forms have been designed to suit the particular requirements of each Strand and, in the case of Strand 3, to suit the particular requirements of each sector, (primary, vocational, secondary + community + comprehensive). Attached for the information of management and interested teachers is a copy of each of the forms in question. Copies of the forms, and of the circular, may also be obtained through accessing the Department's **Website** at the following website address:-

www.education.ie

Eligible teachers who require additional forms may obtain them by writing to the following address

**Pensions Section (Early Retirement),
Department of Education and Science,
Athlone,
Co. Westmeath.**

The request for application forms should state the Strand or Strands required. (e.g. Strand 1, Strand 2 or both). The request for application forms for Strand 3 should state the type of school in which the teacher is employed.

- 7.2 Eligible teachers are asked to submit completed applications together with any relevant supporting documentation to the managerial authorities of their school as soon as possible.
- 7.3 Applications should be forwarded, **to the address given above**, by school management or by the CEO of the relevant VEC, accompanied by a recommendation and relevant supporting documentation.

Note that only applications which have been fully completed by all parties can be considered. School authorities are requested not to forward applications to the Department which are not supported by the school authorities.

- 7.4 The latest date for receipt of completed applications under **Strand 1** and/or **Strand 2**, together with any necessary supporting documentation, is Thursday

18th January 2007

The latest date for receipt of completed applications under **Strand 3**, together with any necessary supporting documentation, is Thursday

15th February 2007

Unless there are *most exceptional circumstances*, applications received after the relevant closing date will not be considered.

- 7.5 Where a teacher applies for retirement under both Strands 1 and 2, the Early Retirement Advisory Committee will consider both applications and will then make a recommendation to the Minister as to the Strand, if any, under which an offer of early retirement would be appropriate.
- 7.6 A teacher who has applied to retire under Strands 1 or 2 (or both) may also apply to retire under Strand 3. An applicant who meets the criteria for early retirement under both Strand 3 and either Strand 1 or Strand 2 will be given two offers of early Retirement.
- 7.7 Decisions on applications under Strands 1 and 2 will be notified to applicants and school authorities during April/May 2007.

Note that a teacher who has applied to retire under **one** of the Strands in question *and is unsuccessful* will not in any circumstances be eligible to apply at that stage under the other Strand. A teacher who considers that he or she may be eligible for early retirement under both Strand 1 and Strand 2 must apply under both Strands not later than 18th January 2007.

- 7.8. A teacher who has also applied under Strand 3 may **accept an offer of early retirement** under Strand 1 or 2 without prejudice to his/her application under Strand 3.
- 7.9 It is planned to issue decisions on applications from post primary teachers under Strand 3 towards the end of May 2007.
- 7.10 In the case of primary teachers, it will not be possible to issue decisions on applications under Strand 3 until Autumn 2007, when primary redeployment panels have been worked out. A primary teacher may therefore accept retirement under either Strand 1 or 2 without prejudice to any application that may have been made under Strand 3.

- 7.11 With the exception of applicants from primary schools under Strand 3, successful applicants will be expected to retire **on the last day of the 2006//2007 school year**. Pension will be payable to successful applicants with effect from the first day of the following school year, i.e. from

1 September 2007

The retirement of applicants from primary schools who are successful under Strand 3 may, depending on the working-out of primary redeployment panels, be later than 31 August 2007.

8. PROCESSING OF APPLICATIONS.

Strands 1 and 2

Early Retirement Advisory Committee (ERAC)

- 8.1 Applications under Strands 1 and 2 will be submitted, in the first instance, to an Early Retirement Advisory Committee (ERAC).

ERAC will consist of one nominee of the teachers' unions, one nominee of the school management bodies and one nominee of the Ministers for Education and Finance. The Committee will have an independent chairperson appointed by the Ministers.

- 8.2 ERAC will process applications in accordance with guidelines and principles adopted by the Early Retirement Consultative Council (ERCC), including guidelines on professional difficulties. ERAC may have available to it the views of the appropriate Inspector in regard to individual applications. An Inspector's report will normally be required in relation to all Strand 1 Primary applications. The ERAC will make a recommendation, citing reasons, to the Minister for Education and Science for decision.
- 8.3 The Minister's decision will be conveyed to the ERAC, to the teacher and to management. If the decision is positive, the teacher will have two weeks within which to accept the offer of early retirement. As already stated, an offer of early retirement under Strand 1 or Strand 2 may be accepted without prejudice to any application that may have been made under Strand 3.

Early Retirement Consultative Council (ERCC)

- 8.4 The function of ERCC will be to review the policy guidelines of ERAC and the operation of the early retirement procedures and to propose changes where they are deemed necessary. ERCC will agree criteria for the identification of professional difficulties for the purposes of Strand 1 and will issue appropriate guidelines for ERAC.
- 8.5 ERCC will be representative of each of the teacher unions and school management bodies as well as the Departments of Education and Science and Finance. The Chairperson of ERAC will also chair the Council meetings.
- 8.6 ERAC will be obliged to consult with ERCC on an annual basis or more frequently if necessary.

Strand 3.

- 8.7 Pending agreement on procedures, provision for early retirement under Strand 3 will be made by the Department on an ad hoc basis.

Applications for early retirement under Strand 3 will be considered by the Department and submitted to the Minister for decision. The Minister's decision will be conveyed to the teacher and to management. If the decision is positive, the teacher will have two weeks within which to accept the offer of early retirement.

9. GENERAL PROVISIONS OF THE EARLY RETIREMENT SCHEME - QUOTAS.

- 9.1 Retirements under Strand 1 and Strand 3 will be subject to an overall quota, in aggregate, of 150 per year.
- 9.2 Retirements under Strand 2 will be subject to an overall quota of 250 per year.
- 9.3 Priority will be given to older teachers under all three strands where the number of applications exceeds the quota.

10. GENERAL PROVISIONS OF THE EARLY RETIREMENT SCHEME – FUTURE EMPLOYMENT.

- 10.1 Acceptance by a teacher of early retirement under **Strands 1 and 2** of this scheme will be subject to his/her agreement that s/he will not be eligible for future employment in any capacity as a teacher/lecturer in any school or college recognised and funded directly or indirectly by the Department of Education and Science.
- 10.2 A teacher who retires under **Strand 3** shall not be debarred from employment as a teacher/lecturer in any school or college recognised and funded directly or indirectly by the Department of Education and Science. Payment of the early retirement pension may be continued during such employment or resumed following such employment, subject to the following provisions:-
- (a) The employment is as a **substitute or part-time** teacher and is undertaken on an **intermittent or casual** basis;
 - (b) if the rate of remuneration for any period equals or exceeds the rate of remuneration on which the pension is based, the pension shall not be payable for any period for which the remuneration is payable;
 - (c) if the sum of pension and remuneration exceeds the remuneration on which the pension is based, the pension shall be reduced by the amount of the excess for the period for which remuneration is payable.

Note that any one period of employment which extends over more than 3 months cannot be regarded as casual. Furthermore, periods of employment which, in aggregate, extend over more than 50% of the school year cannot be regarded as casual or intermittent.

- 10.3 A teacher who retires under **Strand 2 or Strand 3** may, without affecting payment of his or her early retirement pension, undertake work as an examiner or superintendent in connection with the Certificate Examinations of the State Examinations Commission.
- 10.4 With the exception of the situations set out in paragraphs 10.2 and 10.3 above, and with those exceptions only, if a teacher accepts early retirement under **Strands 1, 2 or 3** of this scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under the scheme **will immediately cease**. Pension payments will, however, be resumed on the cesser of such employment or on the person's 60th birthday, whichever is the later, but on resumption, the pension will be based on the person's actual reckonable service as a teacher (i.e. the added years previously granted will not be taken into account in the calculation of the pension payment).

11. **RELATIONSHIP WITH OTHER PROCEDURES.**

Where an application is unsuccessful or an offer not accepted statements made by a teacher, in support of an application for early retirement may not subsequently be used by management against the teacher in the pursuance of formal professional evaluation, discipline or grievance procedures.

12. **ENQUIRIES.**

Enquiries regarding pension entitlements or retirements, including requests for application forms for early retirement, should if at all possible be addressed to the Department in writing. As already stated, copies of the forms, and the circular, may also be obtained through accessing the Department's **Website**.

Enquiries by phone, where required, should be made in the case of POST-PRIMARY TEACHERS

between the hours of 10 am and 12 noon each day,

and in the case of PRIMARY TEACHERS

between the hours of 2.30pm and 4.30pm each day.

Phone calls should be made to 090-6483600 or 01-8734700:

extensions 3659, 3660, and 3661 for Post-Primary teachers;

extensions 3637 and 3643 for Primary teachers.

The Department requests the co-operation of teachers in restricting enquiries by phone to the hours specified.

13. **CIRCULATION.**

The contents of this circular should be brought to the attention of all permanent teachers and to the attention of all teachers who are employed, in whole-time posts or Regular Part-time posts, under contracts of indefinite duration.

Note that, in addition to teachers currently serving, the circular should also be brought to the attention of teachers on career break or other approved leave of absence.

Shay Lennon
Assistant Principal Officer
Pensions Unit

14 November 2006.