



Circular Letter 0022/2017

**To: The Managerial Authorities of Recognised Primary, Secondary, Community,
and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

REVISION OF SALARIES FOR SPECIAL NEEDS ASSISTANTS (SNAs) WITH EFFECT FROM 1 APRIL 2017

1. The Minister for Education and Skills wishes to inform management authorities and SNAs of the application of revised rates of salary with effect from 1 April 2017.
2. The new salary rates have been introduced as a result of the Lansdowne Road Agreement and the Financial Emergency Measures in the Public Interest Act 2015.

Salary Increases with effect from 1 April 2017

3. In accordance with the Agreement and the legislation, whole-time annual basic salaries up to €65,000 are increased by €1,000 with effect from 1 April 2017.
4. Revised salary scales which implement these increases and take effect from 1 April 2017 are attached at Appendix 1
5. Revised hourly casual rates for SNAs which take effect from 1 April 2017 are attached at Appendix 2.
6. All salary scales and hourly casual rates payable to SNAs set out in previous Circulars are superseded by the terms of this Circular with effect from 1 April 2017.

Enhanced Controls in relation to Terms and Conditions of Employment Agreed with effect from 30 November 2015

7. Employers are reminded that the Ministers and Secretaries (Amendment) Act 2011 has been amended under the FEMPI Act 2015 to introduce enhanced controls in relation to terms and conditions of employment agreed between public servants and their public service body employers with effect from 30 November 2015. The relevant sections of the Act are included at Appendix 3.

Circulation and Queries

8. Please ensure that copies of this circular are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all SNAs in your employment including those on leave of absence.

9. This Circular can be accessed on the Department's website under www.education.ie

10. Enquiries regarding this Circular should be e-mailed to: NTSPayroll@education.gov.ie

P. Maloney
Principal Officer
Payroll

March 2017

Appendix 1

	Pre-1 January 2011 Entrants 1/4/2017	Post-1 January 2011 Entrants 1/4/2017
Special Needs (Child Care) Assistant	€ 24,767	€ 22,893
	€ 25,520	€ 24,397
	€ 26,616	€ 24,767
	€ 27,716	€ 25,520
	€ 28,818	€ 26,616
	€ 29,912	€ 27,716
	€ 30,980	€ 28,818
	€ 32,045	€ 29,912
	€ 32,800	€ 30,980
	€ 33,857	€ 32,045
	€ 34,919	€ 32,800
	€ 36,919	€ 33,857
		€ 34,919
		€ 36,919
Long service increment w.e.f 1/4/2000	€ 38,339	€ 38,339

Appendix 2

CASUAL SNA HOURLY PAY RATES:

Status of Substitute SNA	Ongoing Rate From 1/4/2017	Value of Statutory Annual Leave Accumulated per Hour Worked from 1/4/17
SNAs appointed on or before 31 December 2010	13.65	1.19
SNAs appointed on or after 1 January 2011	12.61	1.10

APPENDIX 3

Section 12 of the Financial Emergency Measures in the Public Interest Act 2015

Amendment of Ministers and Secretaries (Amendment) Act 2011

The Ministers and Secretaries (Amendment) Act 2011 is amended by the insertion of the following section after section 16:

“Control of terms and conditions of public servants

16A. (1) Where—

(a) the Minister has approved a term or condition as being a term or condition that shall apply for the time being in respect of the employment of a class or category of public servant (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter), and

(b) a contract of employment in respect of a public servant falling within that class or category is entered into that contains a term or condition that corresponds or is equivalent to the term or condition standing so approved but which is more favourable to the public servant than that term or condition,

the contract shall have effect as if the term or condition standing so approved (referred to in subsections (2) and (3) as the ‘approved term or condition’) were substituted for the first-mentioned term or condition in paragraph (b) (referred to in subsections (2) and (3) as the ‘unapproved term or condition’).

(2) Any amount paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(3) Where an amount is paid to the public servant concerned in purported compliance with the unapproved term or condition that is in excess of the amount payable to the public servant under the approved term or condition then—

(a) the public servant shall hold the overpayment in trust for the public service body, and

(b) the public service body shall recover the amount of the overpayment from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(4) Where—

(a) a contract of employment is entered into in respect of a public servant, and

(b) the contract contains a term or condition in relation to remuneration that does not correspond or is not equivalent to any term or condition standing approved by the Minister in respect of the employment of a class or category of public servant into which the first-mentioned public servant falls (whether that approval takes the form of an approval as such, any other form of sanction or the giving of consent by the Minister to a decision of another person in the matter),

the term or condition shall be void.

(5) Any amount paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) shall be disregarded for the purpose of calculating any pension entitlement (including an entitlement to a lump sum and an entitlement to periodic payments of pension) of that public servant.

(6) Where an amount is paid to the public servant concerned in purported compliance with a term or condition voided under subsection (4) then—

(a) the public servant shall hold the amount in trust for the public service body, and

(b) the public service body shall recover the amount from the public servant, either directly or by a deduction taken from remuneration subsequently payable to that public servant or otherwise.

(7) Subsections (3) and (6) shall not be taken as limiting the liability under statute of any person to account for such overpayment.

(8) Where an amount to which subsection (3) or (6) relates has not been recovered by the public service body concerned, the Minister may direct in writing that body to recover, by a specified date, the amount in accordance with subsection (3)(b) or (6)(b), as the case may be, and, where that body fails to so recover the amount, the Minister may deduct the amount from any grant or vote of, or other payment to, that body out of money provided directly or indirectly by the Oireachtas or from the Central Fund or the growing produce of that Fund.

(9) This section applies to a term or condition agreed after the commencement of section 12 of the Financial Emergency Measures in the Public Interest Act 2015.

(10) This section has effect notwithstanding—

(a) any other enactment,

(b) any pension scheme or arrangement,

(c) any other agreement or contractual arrangement, or

(d) any understanding, expectation, circular or instrument or other document.

(11) In this section—

“public servant” means a person who is employed by, or who holds any office or other position in, a public service body;

“remuneration” means emoluments to which Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 applies or is applied.”.