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DRAFT AMENDMENTS OF THE REGULATIONS FOR LOCALLY RECRUITED TEACHERS OF THE EUROPEAN SCHOOLS

BOARD OF GOVERNORS

Meeting on 17, 18 and 19 April 2018

1. Introduction

The Board of Governors adopted in May 2016 by Written Procedure the ‘Service Regulations for Locally Recruited Teachers in the European Schools’ (hereafter: ‘Service Regulations’).

The Service Regulations entered into force on 1 September 2016 and are applicable to all Locally Recruited Teachers in the European Schools.

The implementation of the Service Regulations was accompanied by information sessions for the representatives of the Locally Recruited Teachers and the administrative staff in the Schools being in charge of the contracts of the Locally Recruited Teachers. These sessions took place in June and July 2016.

Moreover, the implementation process was addressed in a meeting of the Bursars in June 2016 and meetings of the Directors in June and September 2016.

Based on these information sessions and meetings a MEMORANDUM (2016-06-M-2) was established which aims to guide the Schools when applying the Service Regulations. Together with the MEMO harmonised model contracts in the language of the hosting Member States were provided.

In addition, a document addressing frequently asked questions was shared with the Bursars of the Schools in August 2016.

Since the entering into force of the Service Regulations the Locally Recruited Teachers Working Group has met five times in order to ensure a harmonised implementation of the Service Regulations and to address potential gaps of the Regulations.

Based on its discussions the Locally Recruited Teachers Working Group provided a ‘Report on the Implementation of the Regulations for Locally Recruited Teachers’ (doc. 2017-10-D-37-en-2) which in general was welcomed by the Budgetary Committee in November and by the Board of Governors in December 2017.

The Implementation Report addressed besides the question of staff representation also areas for further harmonisation among the Schools, potential shortcomings and gaps of the Service Regulations which need to be addressed either by a revised MEMORANDUM or in amendments of the current Service Regulations.

This document provides – based on the findings of the Implementation Report – concrete proposals for amendments of the Service Regulations which should enter into force on 1 September 2018. The proposals were discussed in the Locally Recruited Teachers Working Group on 12 January and 23 February 2018.

Moreover, at the meeting on the 23 February 2018, the Commission representatives required further concrete information and statistics regarding the specific problems that the European Schools have been facing in recruiting and/or retaining teachers, namely:

* The profile of teachers that are more difficult to attract: in which cycle/language/ subject.
* In which locations are the European Schools facing this problem and/or are salaries of locally recruited teachers no longer competitive in comparison with national salaries and/or international schools.

Such information would allow the Budgetary Committee and ultimately the Board of Governors to have a more accurate overall picture and to identify the issues at stake.

1. **Potential amendments of the Service Regulations**
2. **Recruitment and conclusion of contracts**
3. **Legal requirements of the Service Regulations**

The recruitment is carried out under the responsibility of the Director of the School. He/she shall consult a national inspector in order to validate the qualifications and the relevant supporting documents of the candidates.

Concerning the contracts, the Service Regulations make a distinction between school year(s) contracts, which can be for a limited or an unlimited period of time, and ad interim teaching contracts in order to replace teachers temporarily or in order to provide additional support (Article 6 of the Service Regulations).

Model contracts for those type of contracts, reflecting the formal criteria established in Article 9 of the Service Regulations, have been provided in the Annex of the MEMORANDUM 2016-06-M-2 and the Schools were asked to use these new model contracts as of 1 September 2016 when

* providing a new ad interim contract,
* providing the first or second fixed term contract or
* when replacing a fixed term contract by a contract for an indefinite period.

The recruitment procedure is also applied to candidates having been previously seconded to the School. Like other candidates they receive a contract of an indefinite contract only after two fixed term contracts of two years each. Nevertheless, a probation period is dispensable.

1. **Area for possible amendments of the Service Regulations**

With respect to the attribution of hour/periods the policy among Schools varies. While some Schools provide a minimum of hours/periods (so called ‘Sockel’) do others try to reflect in the basic contract the hours/periods as exact to the reality as possible.

In general, the basic contract should reflect the amount of hours/periods as exact as possible. Yearly amendments to the contract will have to be done in order to reflect the concrete teaching needs in a given school year.

A clarification in a revised MEMORANDUM should be envisaged; an amendment of the Service Regulations is not necessary.

Another point for discussion had been the recruitment of teachers who are already teaching in the Schools either as Seconded Teachers or as Locally Recruited Teachers. Currently, Seconded Teachers are treated in the recruitment process like other external candidates while for Locally Recruited Teachers already in the system the Director may decide to derogate from the provisions in Article 7.1 of the Service Regulations.

The members of the Locally Recruited Teachers Working Group agreed that Article 7.2 of the Service Regulations should be amended in order to ensure an equal treatment of Locally Recruited and Seconded Teachers.

Moreover, the involvement of national inspectors in the recruitment process has been identified as an area for potential clarification.

In Article 7.6 of the Service Regulations it is stated that the *“Director shall consult a national inspector in order to validate the qualifications and the relevant supporting documents”* of the candidates.

In this context it should be clarified which inspector should be consulted. If possible, this should be the inspector of the country of the awarding body of the pedagogical qualifications.

1. **Concrete proposal**

***Article 7***

***Recruitment procedure***

*1. A Director who has to recruit a teacher locally shall be required to publish a job offer on the website of the School, the European Schools and in national or international media at least two weeks before the selection of the candidates.*

*The job offer shall contain the following information:*

* *the nature of the duties,*
* *the approximate number of weekly hours/weekly periods,*
* *the requirements to perform the duties in accordance in particular with Article 10**of these Service Regulations,*
* *the place of work,*
* *where applicable, the intention to constitute a reserve list for future recruitment and*
* *the method of application.*

*2. The Director may derogate from the provisions of paragraph 1* ***and may publish the post only within the European Schools*** *in cases where a vacancy can be filled* ***~~either~~ by a teacher currently seconded to a European School or*** *by a locally recruited teacher* ***either*** *already employed at an European School* ***or******~~. Moreover, a Director may decide to derogate from the provisions of paragraph 1 in cases where a vacancy can be filled by~~*** *~~or~~* ***a locally recruited teacher******already*** *placed on a reserve list linked to an earlier recruitment procedure carried out in line with these provisions.* ***Moreover, a Director may decide to derogate from the provisions of paragraph 1*** *~~or~~ where this is mandatory to ensure the continuity of the service.*

*3. During the selection procedure the Director must treat all candidates equally.*

*4. A Director may not make any distinction on the basis of personal factors when they have no connection with the post or the nature of the undertaking. Thus, the employer may, in particular, not make a distinction on the basis of age, sex, marital status, medical history, race, colour, national or ethnic ancestry or origin, political or philosophical convictions, sexual orientation or a disability.*

*5. All information concerning the candidate shall be treated confidentially.*

*6. The Director shall consult a national inspector/****national inspectors*** *in order to validate the qualifications and the relevant supporting documents (i.e. diploma, certificates or attestations of previous* ***teaching*** *post(s) held).* ***Where possible, the inspector(s) should represent the Member State of the awarding body of the certificates.***

*7. Candidates whose applications have not**been successful shall be informed in writing by the Director within 20 working days after the finalisation of the recruitment procedure.*

1. **Period of employment**
2. **Legal requirements of the Service Regulations and approach during the transitory period**

As a general principle contracts of employment with Locally Recruited Teachers shall be concluded for a fixed term period (Article 11 of the Service Regulations).

All contracts have to be signed before the Locally Recruited Teacher takes up his/her duties.

1. **Ad interim teaching contracts**

The duration of **ad interim teaching contracts** depends on the duration of the temporary teaching need to be covered (Article 13 of the Service Regulations). The ad interim teaching contract shall cover the School holidays in that period, but should end at the end of the ‘schooling period’ (meaning the beginning of the summer holidays – Article 15 of the Service Regulations.

1. **School year(s) teaching contracts**

In order to cover permanent teaching needs which cannot be covered by seconded teachers the Schools may offer **school year(s) teaching contracts**. The first contract has to be a fixed term contract of a maximum duration of two years ending at the end of the second school year (31 August). This contract might be prolonged once for another two years.

After this maximum period of four years a contract for an indefinite period may be offered provided that the results of the evaluation of the teacher, which has to be carried out by the Director and **a** national inspector, are positive (Article 12 of the Service Regulations).

1. **Area for possible amendments of the Service Regulations**

The current system of a first contract of two years plus a second contract of two years has been the outcome of long lasting discussion process and has been considered as a compromise addressing on one hand the priority of secondments and on the other hand the need to overcome the insecure situation linked to a number of consecutive one year contracts as foreseen in the previous ‘Employment Conditions for Locally Recruited Teachers’.

The members of the Locally Recruited Teachers Working Group agreed that – within certain limits - more flexibility could be given to the schools in order to be more competitive.

The limit would be that at least after four years a permanent contract should be offered and that not more than two consecutive fixed term contracts should be allowed.

Moreover, it is proposed to align the end of contract with the retirement age of the hosting country.

1. **Concrete proposal**

***Article 12***

***School year(s) teaching contracts***

*1.**A fixed term school year(s) teaching contract* ***lasts from one up to three school years*** *~~until the end of the second school year, following the school year for which the school year teacher was recruited~~ and may only be prolonged* ***once up to a total of four*** *~~for two further~~ school years.*

*2. To cover school year teaching needs with the same locally recruited teacher beyond a fourth year, only contracts for an indefinite period may be concluded****.***

*3. A contract for an indefinite period shall only be concluded*

* *after an evaluation carried out by the Director and a national inspector and*
* *on condition that the results of the evaluation carried out in conformity with Article 22 are positive.*

***Article 15***

***End of the contract***

*The contract shall automatically end without notice or compensation in case of:*

* *fixed term school year(s) teaching contracts on the last day of the* ***(final)*** *~~second~~ ‘school year’ as defined* ***in the contract*** *and in Article 4 of these Service Regulations;*
* *ad interim teaching contracts, on the day the temporary teaching need defined in the contract ceases to exist and at the latest at the end of the ‘schooling period’ as defined in Article 4 of these Service Regulations;*
* *extraordinary termination of the contract in accordance with Article 18 and 45 of these Service Regulations;*
* *at the end of the school year in which the locally recruited teacher ~~turns 66 years~~* ***reaches the legal retirement age of the host country of the school****, unless both contracting parties agree on a prolongation; in this case the notice period will be eight weeks;*
* *death.*

1. **Termination**
2. **Legal requirements of the Service Regulations**

The contract ends either automatically in the cases defined in Article 15 of the Service Regulations or by termination of the contract in accordance with Articles 16, 17 or 18 of the Service Regulations.

Currently, the contract ends i.e. automatically at the end of the school year in which the Locally Recruited Teacher turns 66 years. As in some Member States the pension age is different, the School and the teacher may agree on a prolongation of the contract under the conditions laid down in Article 15 of the Service Regulations. Also the Locally Recruited Teacher may decide to terminate the contract before turning 66 by respecting the period of notice established in Article 16.2 of the Service Regulations.

The arrival of a seconded teacher is only one reason for the termination of the contract. Before ending the contract, the Director has firstly to verify the possibility to offer the teacher other teaching hours/periods in the same School. In a second step the director will verify the possibility of a transfer to another European School in the same city or – if this is also not possible – to another European School in another city. The Office of the Secretary-General will establish a system to promote such transfers in accordance with Article 38 of the Service Regulations.

Other reasons for termination of the contract might be linked to organizational requirements of the School (i.e. closure of a language section) or to the performance or non-performance of the Locally Recruited Teacher.

The periods of notice laid down in Article 16 of the Service Regulations are applicable to all locally recruited teachers no matter when they have been recruited and what was applicable to them before the Service Regulations entered into force, unless the new periods of notice would contradict with what has expressively been fixed in their individual contract (Article 52.3 of the Service Regulations).

**In summary the periods of notice are the following:**

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| --- | --- | --- | --- |
| **Type of contract** | **period of employment** | **Period of notice** | **Legal basis** |
| **Ad interim teaching contracts** | During the probationary period (to be fixed in the contract) | To be fixed in the contract | Article 14.2 |
|  | After the probationary period | 4 weeks | Article 16.1 |
| **Fixed term school year(s) teaching contracts** | During the probationary period (ending at the schooling period of the first year) | 2 weeks | Article 14.1 |
|  | After the probationary period | 4 weeks | Article 16.1 |
| **unlimited school year(s) teaching contracts** | < 3 years | 3 months | Article 16.2 |
|  | 3 years up to 10 years | 1 month per completed year up to a maximum of 10 months | Article 16.2 |
|  | * 10 years | 10 months | Article 16.2 |

1. **Area for possible amendments of the Service Regulations**

Also in this very crucial areal the practice among the Schools still varies.

In case a teacher has received a negative evaluation within the probationary period his/her contract should end at the end of the schooling period. In all other cases of a regular termination the contract should cover also the month of August and end on 31 August.

This should also be the case if one of the contracting parties indicates earlier in the school year that the contract will be terminated. This transparent approach will ensure that both parties can plan the coming school year early in advance without fearing negative consequences.

The members of the Locally Recruited Teachers Working Group agreed that this should be clarified in a revised MEMORANDUM; an amendment of the Service Regulations is not needed.

Another area for clarification is the determination of the basis of calculation of the notice period. It needs to be clarified that the last school years’ contract signed by both parties is the basis for the notification. Moreover, the members of the Working Group agreed that it should be clarified that absences of the locally recruited teacher do not interrupt or suspend the period of notice.

Finally, it is proposed – as already stated - to align the end of contract with the retirement age of the hosting country.

1. **Concrete proposal**

***Article 16***

***Termination***

*1. Without prejudice to Article 14 and 15 of these Staff Regulations and where a locally recruited teacher is recruited for a fixed term period, each of the parties may terminate the contract within four weeks.*

*2. Where a locally recruited teacher is recruited for an indefinite period in accordance with Article 12.2 and 12.3 each of the parties may terminate the contract.*

*Unless stated differently in an agreement signed by the Director and the locally recruited teacher the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months.*

*3. During the period of notice both parties are obliged to fulfil their obligations laid down in these Service Regulations* ***and in the contract signed by both parties****.* ***Absences of the locally recruited teachers do not interrupt or suspend the period of notice.***

1. **Staff Representation**
2. **Legal requirements of the Service Regulations**

The staff representation is ruled out in Article 19 of the Service Regulations.

The Schools were asked to ensure the election of the (new) representatives in September 2016.

The new committee are composed of two representatives of the Locally Recruited Teachers (one primary and one secondary cycle) per School and represent the interests of the Locally Recruited Teachers of their individual School and in the system of the European Schools. Together with the representatives of the ‘Inter Schools Staff Committee’ referred to in Article 8 of the Regulations for Seconded Staff Members of the European Schools they compose the ‘Teaching Staff Committee’ representing the whole teaching staff of the European Schools. In each School two representatives of the teaching staff, one from the primary and one from the secondary cycle shall be appointed by common assent as delegates with voting right to the Administrative Board of each of the Schools.

1. **Area for possible amendments of the Service Regulations**

Based on Article 19 of the Service Regulations staff representations for Locally Recruited Teachers have been established in all 13 Schools.

Moreover, a ‘Locally Recruited Teachers Staff Committee’, composed of these representatives of the 13 Schools has been established.

The current provision shall be only inforce until 31 August 2018 and should be replaced by a more comprehensive provision aiming at a unique representation of all teachers of the European Schools.

A joint Working Group composed of members of the Locally Recruited Teachers Working Group and members of the Seconded Staff Regulations Working Group has met several times to work on a proposal for a unique staff representation for all teaching staff members.

The concept discussed foresees an amendment of Article 19 of the Service Regulations for Locally Recruited Teachers, an amendment of Article 8 of the Regulations for Seconded Staff Members of the European Schools and the introduction of ‘Implementing Rules’ determining the details of the representation of the teaching staff.

1. **Concrete proposal**

***Article 19***

***Representation***

1. ***The members of the Locally Recruited Teachers in the European Schools are represented by two representatives of staff, one for the nursery and primary cycle and one for the secondary cycle.***
2. ***Together with two representatives of the Seconded Staff, they comprise the ‘Teaching Staff Committee’ in each school. The rights and procedures of the ‘Teaching Staff Committee’ and the ‘Inter-Schools Teaching Staff Committee’, comprised of the Teaching Staff Committees of the schools, are set up in the ‘Implementing Rules Establishing the Rights and Procedures of the Representation of the Teaching Staff of the European Schools’.***
3. **Teaching hours/periods and their adaptation**
4. **Legal requirements of the Service Regulations**

On recruitment or on renewal of his/her contract the Locally Recruited Teacher shall be assigned a number of weekly teaching hours/periods established in the contract.

There is no legal minimum or maximum of teaching hours/periods foreseen.

According to Article 30 of the Service Regulations the number of teaching hours/periods may be adapted to the needs of the School. A change of the number of hours/periods will lead to a correlating change to the remuneration without the Locally Recruited Teacher being entitled to any kind of compensation.

If the teacher does not agree on the change the School may terminate the contract by respecting the periods of notice established in Articles 15 and 16 of the Service Regulations.

1. **Area for possible amendments of the Service Regulations**

The practice among the schools varies. While some schools provide only a contract with a minimum number of hours/periods, others try to reflect in the basic contract as many hours/periods as possible. As stated above, further harmonisation within each School and among the 13 Schools needs to be achieved.

The members of the Locally Recruited Teachers Working Group agreed that the quality of teaching is the main basis for allocating hours/periods. Nevertheless, in cases where all conditions are equal, the seniority of the teacher should be taken into account.

Both areas should be clarified in a revised MEMORANDUM; an amendment of the Service Regulations is not necessary.

1. **Other duties**
2. **Legal requirements of the Service Regulations**

Article 31 of the Service Regulations reflects the judgment 12/12 of 21 August 2012 of the Complaints Board of the European Schools clarifying that supervision is part of the tasks of Locally Recruited Teachers which are already covered by the remuneration fixed in Article 35 and Annex 1 respectively Annex 2 of the Service Regulations.

Like other duties the extent of the supervision should correlate with the number of teaching hours/periods and the timetable scheduled for the Locally Recruited Teacher. In each School the concrete correlation between supervision and the number of weekly teaching hours/periods shall be subject to consultations of the ‘Locally Recruited Teachers Staff Committee’. As a matter of principle the time foreseen for ‘unpaid’ supervision should not exceed 10% of the total number of weekly teaching hours/periods. Moreover, other tasks like for example the task of a ‘class teacher’ should be taken into account.

1. **Area for possible amendments of the Service Regulations**

Also in this area the practice varies from School to School although the ceiling of a maximum of 10% has been fixed in the individual contracts and is respected all over the system. The variation is caused by the different staffing of the Schools. The number of supervisions mainly depends on the number of seconded teachers at the School.

Moreover, the practice how other duties are weighted, varies among the Schools.

Finally, it has to be underlined that ‘replacement’ has to be remunerated in accordance with Article 31.7 of the Service Regulations.

Based on these observations the existing MEMORANDUM should be revised and it should be clarified that the 10% of unpaid supervision is the maximum and that schools are not obliged to go up to this maximum; an amendment of the Service Regulations is not necessary.

1. **Remuneration**
2. **Legal requirements of the Service Regulations**

Locally Recruited Teacher recruited prior to 1 September 1994, those recruited between 1 September 1994 and 31 August 20111 and those recruited as of 1 September 2011 until 31 August 2016 kept their salary scales provided in Annex 2 of the Service Regulations unless they opted in accordance with Article 35.2 of the Service Regulations for the new salary scales established in Annex 1 of the Service Regulations. This possibility to opt for the application of Annex 1 has been of particular interest for those teachers who had been recruited between 1 September 2011 and 31 August 2016. By opting for the new salary scheme they are entitled to benefit from the merit based step system. Opting for the Annex 1 did not have any negative impact for the teachers and will in particular not influence the calculation of the years in service referred to in Article 16 of the Service Regulations.

1. **Area for potential amendments of the Service Regulations**

As a matter of fact, teachers recruited before September 2011 do not merit from any step system. This has been subject to strong criticism, but taking in consideration their higher salary no actions should be envisaged for the moment

Moreover, it has to be stressed that the salaries applicable since September 2011 are no longer competitive in all places where European Schools are located. In some hosting Member States not only the salaries of other international schools, but also of the national schools are more attractive.

The members of the Working Group, but also of the Board of Governors stressed the need to tackle the competitiveness of the salaries in a comprehensive manner. In this context also the salaries of other staff categories need to be addressed.

One idea - promoted by the representatives of Interparents - could be, to review the current correction coefficient in the different places where the European Schools are located or to develop other mechanism which would allow to better reflect in the salaries the local market conditions.

The attractiveness of the European Schools salaries is an issue which has been raised during the meetings organised by Commissioner Oettinger with the Schools’ Directors and parent representatives. The Commissioner showed his willingness to analyse the issue in the appropriate forum.

1. **Removal costs and other allowances**
2. **Legal requirements of the Service Regulations**

As of 1 September 2016 Locally Recruited Teachers recruited for a minimum of one year are entitled to the reimbursement of their removal costs in accordance with Articles 59 and 62 of the Regulations for Seconded Staff Members of the European Schools.

According to Article 59.1 of the Regulations for Seconded Staff Members only the expenses are reimbursed, which the staff member has incurred **on taking up his/her engagement**. In consequence only locally recruited teachers taking up their engagement as of 1 September 2016 should be entitled to the reimbursement of their removal expenses.

In case the contract ends within the first 12 months due to circumstances lying in the responsibility of the Locally Recruited Teacher the school shall ask back the paid sum. This is in particular the case if the contract is terminated by the Locally Recruited Teacher on his own will or by the Director due to obvious incompetence established in the ordinary or in an extraordinary evaluation during the probationary period referred to in Article 14 of the Service Regulations or due to the outcome of a disciplinary procedure in line with Article 43 to 48 of the Service Regulations.

In the case of a change of the school and at the end of the contract the Locally Recruited Teacher is also entitled to the reimbursement of removal costs under the conditions laid down in Article 37 of the Service Regulations and Article 62 of the Regulations for Seconded Staff Members of the European Schools.

Besides the removal costs no other allowances are foreseen.

1. **Areas for potential amendments of the Service Regulations**

Article 37 of the Service Regulations refers to Articles 59 and 62 of the Regulations for Seconded Staff Members of the European Schools. In contrast to their seconded colleagues Locally Recruited Teachers quite often do not have a full time table. The current Article in the Service Regulations does not make a distinction between a teacher with a full time table and a teacher providing only a small number of hours/periods. Moreover, Locally Recruited Teachers may be recruited worldwide. As a consequence, a teacher coming from a state outside the EU and teaching two hours/periods per week is also entitled to the reimbursement of the removal expenses.

In order to tackle this phenomenon, the members of the Working Group agreed that a certain threshold for the reimbursement of the removal costs should be established. Moreover, a specific solution for the teachers coming from non EU Member States should be developed. Finally, the members of the Working Group agreed that the entitlement to the reimbursement of the removal costs should be limited to the removal to the school and not covering – as currently - the removal back to the place of origin.

On the other hand, it is proposed by the Working Group to foresee additional allowances for Locally Recruited Teachers in order to keep the schools competitive. Many of the European Schools face more and more problems to attract Locally Recruited Teachers due to the salary conditions which are no longer competitive.

The introduction of an installation allowance and the reimbursement of travel expenses in the event of appointment would attract in particular teachers coming from abroad.

1. **Concrete proposals**

***Article 37***

***Removal costs***

***1.*** *A locally recruited teacher recruited for a minimum period of one year* ***and a contract providing a minimum of 16 hours/periods per week*** *shall, as provided in Article 59 and Article 62 of the Regulations for Seconded Staff Members of the European Schools, be entitled to reimbursement of ~~his removal~~* ***the*** *expenses* ***caused by the removal to the place of the school*** *unless the contract ends within the first 12 months due to circumstances lying in the responsibility of the locally recruited teacher.*

***The reimbursement of the expenses caused by the removal to the place of the school shall be limited to a maximum amount of 5.000 euro for locally recruited teachers removing from a place outside the territories of the Member States of the European Union ~~as well as outside of the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union~~.***

*2. A locally recruited teacher who changes to another European School in another city following the mobility approach defined in Article 38* ***of these Service Regulations*** *will be entitled to the reimbursement of his removal expenses in accordance with Article 62 of the Regulations for Seconded Staff Members of the European Schools*.

***Article 37bis***

***Installation allowance***

***1. A locally recruited teacher recruited for a minimum period of one year and a contract providing a minimum of 16 hours/periods per week who furnishes evidence of having been obliged to change his/her place of residence and of having actually settled at his/her place of employment in order to comply with Article 27 of these Service Regulations shall be entitled***

***(a) to an installation allowance equal to two months' basic salary if he/she fulfils the legal requirements of Article 53.2 of the Regulations for Members of the Seconded Staff of the European Schools;***

***(b) to an installation allowance equal to one month’s basic salary if he/she does not fulfil the legal requirements of Article 53.2 of the Regulations for Members of the Seconded Staff of the European Schools or whose family does not settle at the place of the school.***

***2. The allowance shall be paid at the time of installation on production of documents establishing the fact that the locally recruited teacher has actually settled at the place of the school.***

***3. The locally recruited teacher in receipt of installation allowances shall declare immediately allowances of like nature to which his/her spouse is entitled. Such latter allowances shall be deducted from the installation allowance paid by the school.***

***In cases where the locally recruited teacher and his/her spouse are both employed in the service of the European Schools and both are entitled to the installation allowance, this shall be payable only to the person whose basic salary is the higher.***

***4. The installation allowance shall be calculated by reference to the locally recruited teacher’s marital status and salary on the date of his/her recruitment.***

***5. A locally recruited teacher who on recruitment has received an installation allowance and whose contract ends within the first 12 months due to circumstances lying in his/her responsibility shall, on leaving the service, refund part of the allowance, in proportion to the unexpired portion of the initial contract.***

***6. A locally recruited teacher who changes to another European School in another city following the mobility approach defined in Article 38 of these Service Regulations will be entitled to the installation allowance in accordance with paragraph 1 to 5 of this Article.***

***Article 40***

***Travel expenses***

*1. A locally recruited teacher travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses in accordance with the provisions laid down in the Regulations for Members of the Seconded Staff of the European Schools.*

*2. Without prejudice to Article 31.6, the participation in a mission shall not entitle a locally recruited teacher to any further compensation* and, in particular, to compensation for overtime.

***3. A locally recruited teacher shall be entitled in accordance with Article 60.2 of the Regulations for Seconded Staff Members of the European Schools to the reimbursement of travel expenses for himself/herself, his/her spouse and his/her dependants actually living in his/her household on taking up his/her appointment, from the place of origin to the place of the school.***

***4. A locally recruited teacher who changes to another European School in another city following the mobility approach defined in Article 38 of these Service Regulations will be entitled to the reimbursement of travel expenses in accordance with paragraph 3 of this Article.***

1. **Educational Adviser**
2. **Legal requirements of the Service Regulations**

Similar to the previous ‘Employment Conditions’ also the Service Regulations do not mention the function of ‘Educational Adviser’ or ‘Principal Educational Adviser’. Nevertheless, these functions have been and are currently filled by Locally Recruited Teachers over the last years as Member States did not fill all these functions with seconded teaching staff.

So far this gap has been discussed in detail in the Locally Recruited Teachers Working Group and was not addressed in the Implementation Report.

1. **Areas for potential amendments of the Service Regulations**

The revised Service Regulations should reflect the reality and refer to the function of educational adviser and principal educational adviser and their time table and clarify their remuneration.

The members of the Locally Recruited Teachers Working Group agreed that concrete proposals should be based on the outcome of the discussions of the ‘Educational Adviser Working Group’.

1. **Impact on the budget of the schools**

It is difficult to estimate the impact on the budget of the schools.

The introduction of an installation allowance (new Article 37 bis) will cause additional costs of around € 300.000. The reimbursement of travel costs for taking up the post will probably amount to € 100.000.

In 2016 the estimated costs for the removal of staff amounted to € 600.000.

The new proposal foresees that only the removal to the schools, but not the removal at the end of the contract will be reimbursed. Moreover, in future only teachers with a minimum teaching load of 16 hours/periods will be entitled to the reimbursement of the removal costs. Finally, a ceiling for teachers moving from outside the EU will be introduced. These three measures will create ‘savings’ which potentially will amount potentially to around € 400.000 and will correspond to the estimated costs caused by the installation allowance and the reimbursement of the travel costs.

All other proposals are cost neutral or might cause slight savings (for the details see the annex).

1. **Conclusions of the Budgetary Committee**

The Budgetary Committee supported the proposals to amend the Service Regulations for Locally Recruited Teachers. The French delegation had a reservation.

1. **Proposal**

The members of the Board of Governors are invited to adopt the proposed amendments of the Service Regulations for the Locally Recruited Teachers in the European Schools which should enter into force on 1 September 2018.

**Annex**

**Budgetary implications**

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| **Provisions draft proposal** | **Financial implications** |
| **Article 7**  **Recruitment procedures** | **Slight potential savings**  due to less external publications and less bureaucratic selection procedure |
| **Article 12**  **School year(s) teaching contracts** | **Slight potential savings**  due to more attractive offer (less need for recruitments) |
| **Article 15**  **End of contract** | **No implications** |
| **Article 16**  **Termination** | **No implications** |
| **Article 37**  **Removal costs** | **substantial savings - ~ € 400.000**  Due to   * limitation of the entitlement to teachers who have a minimum teaching load of 16 hours/periods * limitation of the reimbursement of the removal costs to the removal linked to the start of contract * introducing of a ceiling for candidates from outside the EU |
| **Article 37 bis**  **Installation allowance** | **Substantial increase + ~ € 300.000** |
| **Article 40**  **Travel expenses** | **Increase + ~ € 100.000** |