



Powerstown Educate Together National School

Brief Absences Policy

This policy has been formulated by Powerstown ETNS to promote good attendance of staff at Powerstown ETNS and to implement Departmental Procedures. Guidance for this policy came from CPMSA Handbook & Circular 32/2007.

Contents

Introduction	3
Definition of Brief Absence	3
Making an application for leave	4
Leave not covered by substitute payment on behalf of the DES:.....	5
EPV (Course Days).....	6
Exam Leave	6
Graduation ceremony of teacher	6
Teacher's own wedding	6
Staff attendance at funerals	7
Leave for non-teaching staff	7
Roles and Responsibilities.....	7
Review:.....	7
Ratification and Communication.....	8
Appendix 1: Application for Leave – Teachers.....	Error! Bookmark not defined.
Appendix 2: Application for Leave - SNA	Error! Bookmark not defined.
Appendix 3: EPV Request Form.....	Error! Bookmark not defined.
Appendix 4: Circular 32/2010.....	10
Appendix 5: Sick Leave for SNA's.....	14

SNA's should note that it would be contrary to the express purpose of this any activity (including travel abroad) which in the opinion of the Occupational Health Service could reasonably be regarded as impeding that SNA's progress to recovery. The approval of the employer must be sought prior to an

SNA engaging in any such activity and the employer must seek the advice of the Occupational Health Service before deciding on the matter.....19

Appendix 6: SNA on Force Majeure20

Introduction

In developing this policy, the Board of Management of Powerstown Educate Together National School is required by the Department of Education and Skills to ensure that **'the welfare and educational needs of the pupils in the school take precedence over all other considerations'** which also reflects the school ethos in caring for those who are most marginalised in society.

However, in dealing with the school staff, the Board is also mindful of the Mission Statement of the school and will use this as a framework in balancing decisions regarding brief absences of staff with the educational needs and welfare of the pupils.

Definition of Brief Absence

The term **'Brief Absence'** is used to describe short-term, occasional absences sanctioned for staff during the school year. These are permitted on compassionate grounds and are allowed for special family occasions. In consultation with staff and with due regard to the issues outlined in the following documents:

- Primary Circular 0032/2007 'Brief Absences'
- Management Board Members' Handbook CPSMA 2007 & 2015

This policy outlines procedures in relation to the following:

- Making an application for leave
- Notifying the school of unexpected absences
- Leave where substitution is not paid for by the Dept of Education and Skills
- EPV days, exam leave, teacher's own wedding, graduation of teacher (Section 3, Primary Circular 0032/2007}
- Attendance of representatives of staff at funeral
- Leave for non-teaching staff.

In its circular regarding 'Brief Absences' (Primary Circular 0032/2007), the Department of Education and Skills stipulates the following:

- The prior approval of the Chairperson of the Board of Management must be granted for all absences
- Absence for part of a school day constitutes an absence for a full day
- Teachers are not allowed to be absent themselves from school for the purpose of transacting private or personal business such as consultation with a solicitor or bank manager, signing of contracts, attending for interviews etc
- Any absence without reasonable cause and the approval of the Board of Management will involve loss of salary.

Making an application for leave

- **Staff Leave Application on Aladdin** to be filled in by staff member and submitted for approval (see Appendix 1). **This must be completed for ALL ABSENCES, including sick leave.**
- This is to be forwarded to the Chairperson of the Board of Management as required.
- If decision needs to be made by the Board of Management before the BoM meeting is due to be held, the Chairperson has the authority of the Board to grant or withhold approval on its behalf
- In making a decision, the BoM or the Chairperson on its behalf, will take into account, the number of teachers applying for leave at any one time and the likely impact of such absences on pupils' learning
- In the case of EPV days of teachers, specific procedures are outlined in the schools EPV policy.

Notifying the school of an unexpected absence

- Staff member to make verbal phone contact with the Principal at the earliest possible opportunity
 - ✓ **PHONE** the principal Helena on 0851617270
 - ✓ **If you cannot contact principal, PHONE** Deputy Principal Cróna on 0858430082
 - ✓ **PLEASE NOTE:** Text message, App messages (e.g. viber/whatsapp) do not suffice.
- If the Principal cannot be reached, a verbal message may be left regarding the circumstances of the absence, together with a contact phone number for the staff member to be reached before the end of the school day

Staff preparation for Absence

- All staff must have their timetables uploaded to the planning website.
- All teachers are required to have their plans uploaded to the planning website, in line with the school's planning calendar.
- All teachers are required to have **3 days of appropriate work available in advance of such an absence, in a folder** kept in the allocated room. These folders must be presented to the relevant ISM member on the third week of September. **Folders must be updated after every absence.**
- The substitute SNA will cover supervision for absent SNA.
- If the absent teacher is on lunchtime supervision duty, his/her allocated yard buddy will cover supervision. Absent teacher must return supervision to their yard buddy.
- If a teacher is absent for a longer period than two weeks, the substitute teacher will be asked to cover the teacher's supervision duties.
- A medical certificate must be submitted on the fourth day of the sick leave and must cover the full absence.
- Staff are responsible for forwarding their own MC1 form, MC2 (Inter & Final) form to the department. Please see Appendix 2.

Substitute Teachers

- A substitute teacher may only be employed on the second day of a teacher's uncertified absence, unless there are two teachers absent on the same day. In this case, a substitute teacher, if one is available, will be employed on behalf of one of the absent teachers
- In the event that a substitute teacher is not available or may not be employed on behalf of a class teacher, the principal/member of COS team/ISM team will be responsible for collecting the folder of work and dividing the class in question among other designated classes in accordance to Class Division Sheet (distributed in September & attached) displayed inside each teacher's door.

Leave not covered by substitute payment on behalf of the DES:

EPV (Course Days)

- Teachers must check in advance with the Principal if they wish to avail of EPV days & complete Absence form (Please see Appendix 1 & EPV Policy)
- As a general rule, it is recommended that only one class should be split on any particular day. The days will be sanctioned on a 'first-come, first-served' basis.
- Where possible in infant classes a member of the COS team will take the EPV class.
- Where the principal is attending courses or on an EPV day, no class teacher may take their EPV days. (The only exemption being that class teacher booked EPV day before principal was given notice of course)
- Any teacher needing to take more than two course days at a time, must get Board of Management approval.
- See EPV policy for more information.

Exam Leave

- Application may be made a month in advance of the required dates to the Board of Management
- If the number of days required exceeds two, the teacher will be expected to apply to the DES to take unpaid leave of absence, so that a temporary teacher may be employed, or alternatively engage a substitute teacher to cover the remaining days of the absence
- The teacher is required in either case to prepare work for the class to proceed with while he/she is absent.

Graduation ceremony of teacher

- In the case of a mainstream class teacher, the class will be divided among teaching colleagues for the day
- Should there be more than two teachers graduating on the same day, support teachers may be asked to help with supervision of the classes for part of the day.

Teacher's own wedding

In the event that a teacher's own wedding takes place during term time, the five days' absence of the teacher will be covered as follows in the case of a mainstream class teacher:

- The class will be divided among other classes for two days
- Teachers working on COS team will substitute on a rota basis in the class for three days

- Only in exceptional and with Board of Management approval will the teacher be permitted by the Board of Management to avail of any EPV days in order to extend the five days leave permitted by the Department of Education and Skills.

Staff attendance at funerals

1. In the case of the death of a close relation of a staff member, two representatives from the staff will be sanctioned by the Board of Management to attend the funeral Mass
2. These will be close friends of the staff member in question
3. Should they be mainstream class teachers, other members of staff will facilitate their absence if required on a day when the school is open
4. If the funeral is to take place outside the greater Dublin area and requires distance travel, the Board may sanction more than one day's absence
5. Should other staff members wish to apply for a course day to attend the funeral, the BoM will consider the applications in light of the staff members already sanctioned to attend, taking into account the disruption that any further absence may cause to the pupils or remaining staff members.

Leave for non-teaching staff

- In the case of ancillary staff i.e. Secretary, Caretaker and Cleaning Staff, leave will be sanctioned by the Board of Management with reference to their written contracts
- In the case of Special Needs Assistants, the Board will follow the guidelines set out by the Department of Education and Science in **Circular 32/2010** entitled '**Brief Absences for Special Needs Assistants**' and **Circular 33/2010** entitled '**Sick Leave for Special Needs Assistants**'

Roles and Responsibilities

All stakeholders in the education of the pupils will take responsibility for implementing the policy.

Review:

The Policy will be evaluated on an ongoing basis by representatives from the relevant sections of the school community and will be reviewed every three years

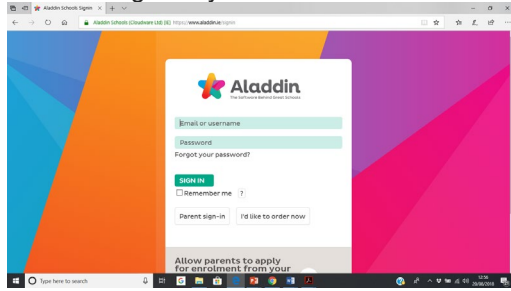
Ratification and Communication

This policy was ratified by the staff in December 2012.

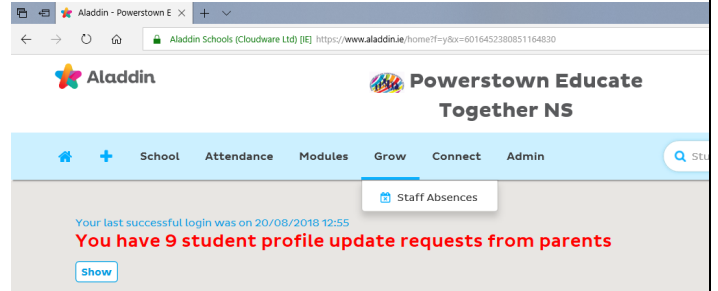
The Policy was presented to the Board of Management for ratification in January 2013:

Appendix 1: Absence Request on Aladdin

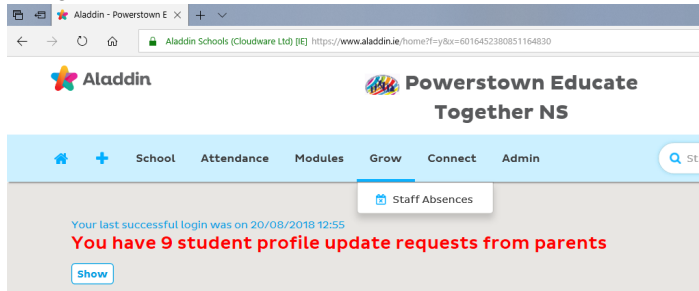
1. Log in to your Aladdin account



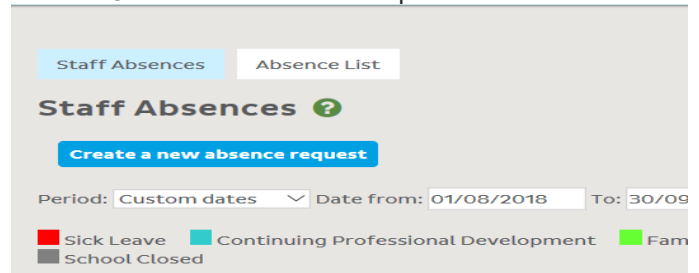
2. Select Grow



3. Select staff absence



4. Create a new absence request



5. Complete form

And click save!

Reasons:

EPV:

Reason: Select: **Personal leave** –

Sub reason: Select: **extra personal day (EPV)**

Sick:

Reason: Select: sick day:

Sub reason: Select certified / uncertified

Other Reason: Personal leave: EPV, family funeral, graduation, family illness day etc

- Form will be automatically sent to principal, who will approve absences in line with school policy. Principal will email you to confirm approval (or otherwise). Principal will mark absence on Google calendar

Appendix 2: Illness Benefit Requirements of staff

Ensure you avoid a deduction of €188 per week from your salary (Illness Benefit Payment).

Please read the following important notice.

Permanent, CID, Temporary and RPT Staff paid on DES Payroll paying PRSI Class A (Full Rate)
The Department of Education and Skills (DES), as your paymaster, pays your full salary whilst you are absent on approved sick leave, and in turn is entitled to recoup the illness benefit payment from the Department of Social Protection (DSP). DES can only recoup the illness benefit payment if you complete the documentation as outlined below.

In order to ensure that your sick leave certificates are processed quickly by the Illness Benefit Unit (IBU) in the DES and that the correct recoupments are made from DSP, please ensure that you complete the following:

1. An **MC1 (First Certificate)** and forward to the Illness Benefit Unit of DES for illnesses lasting longer than 6 consecutive days. You should tick the box entitled 'pay directly to your employer' and leave the bank details blank.
2. An **MC2 (Inter Certificate)** should be completed for each subsequent week of illness and submitted to Illness Benefit Unit of the DES.
3. An **MC2 (Final Certificate)** should be completed and must be submitted to the IBU of the department when you are deemed fit to resume.
4. The above certificates are obtainable from your GP at the time of your appointment.
5. All forms should be completed fully, signed and dated on the declaration and forwarded to:

Illness Benefit Unit – Payroll Division
Department of Education and Skills
Cornamaddy
Athlone
Co Westmeath.

6. The Department of Education and Skills will then forward these forms to the Department of Social Protection.

In the event that you do not adhere to the procedures set out above, arrangements will be made to recoup from your salary an amount equivalent to the total benefits that would otherwise have been transmitted to the DES in respect of that absence.

Qualifying for Illness Benefit

*You may qualify for Illness/Injury Benefit if you:

Please note:

1. The Department of Social Protection Illness Benefit Scheme operates on a 6 day week basis for Illness/Injury Benefit purposes; Saturday is included and Sunday is excluded. For example,
 - a. If you are absent from a Wednesday to the following Tuesday, an MC1 form will not be required.
 - b. If your absence continues for a second week or subsequent weeks, the MC1 is required for the first week along with an MC2 form (INTER CERT) for each continuing week of absence after the first week. When you are considered fit to resume work an MC2 form (FINAL CERT) will be required.
 - c. If you are absent from a Monday up to and including the following Monday, an MC1 is required with a fit to resume work date completed by your GP.
2. If the Illness/Injury Benefit is paid directly by the DSP to you instead of to the DES as employer, the payment must be forwarded to the Illness Benefit Unit of the Department of Education and Skills.

illnessbenefit@education.gov.ie January 2016

Circular 0032/2010
**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools**
and
The Chief Executive Officers of Vocational Education Committees
BRIEF ABSENCES FOR SPECIAL NEEDS ASSISTANTS
IN RECOGNISED PRIMARY AND POST-PRIMARY SCHOOLS

The Minister for Education and Skills directs you to implement the regulations and procedures regarding brief absences for special needs assistants whose posts are funded by monies provided by the Oireachtas.

The regulations and procedures are to be implemented by each employer with effect from the 1st September 2010 and all special needs assistants must adhere to the terms of this circular.

This circular supersedes all previous circulars, memoranda, rules and regulations in relation to brief absences for special needs assistants in recognised primary and post-primary schools. Please note the rules regarding attendance as outlined in Paragraphs 11, 12, & 13 of circulars PPT07/04 and SNA18/04 still apply. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all special needs assistants in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie Home – Education Personnel – Special Needs Assistants.

All enquiries regarding this circular should be e-mailed to: teachersna@education.gov.ie

D. Tattan P. Maloney
Principal Officer Principal Officer
Schools Division Payroll Division
May 2010 May 2010

Brief Absences for Special Needs Assistants - SNAs

1. Definitions

For the purposes of this scheme the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

The Department – means the Department of Education and Skills.

Employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school.

On Line Claims System (OLCS) - means the system currently operating in primary, voluntary secondary, community and comprehensive schools.

2. General Information

The term “brief absence” is used to describe short-term occasional absences sanctioned by the employer during the school year.

- The prior approval of the employer must be sought and granted for all absences under this circular.
- Each employer shall develop and maintain as part of an overall policy on SNA absences, a policy statement specific to the needs of the school authority, in relation to the approval of brief absences.
- In drawing up this policy, the welfare and educational needs of the pupils shall take precedence over all other considerations and absences should be kept to a minimum to avoid disruption to the SNA duties and to guarantee continuity for all pupils being catered for including ensuring the services of a fully and suitably qualified replacement SNA is available to take up duty if required.
- Pro-rata entitlements to absences under this circular will apply to SNAs employed on a part-time basis.
- Absence for part of a school day constitutes an absence for a full school day.
- Any absence without the approval of the employer will be regarded as unapproved leave, will lead to the immediate cessation of salary and will be dealt with under disciplinary procedures.
- Absences shall not extend beyond the duration of the SNA’s contract of employment.

3. Bereavement Leave – Substitution paid by the Department/VEC

Bereavement involving a family member

Special leave with pay is allowed to an SNA in the event of the bereavement of a family member.

(a) 5 consecutive days (including weekends) in the case of a spouse, partner, child.

(b) 3 consecutive days (including weekends) in the case of a parent, brother, sister, parent-in-law, step-parent or grandparent.

Should the death occur after school hours the special leave commences from the following day. Should the death occur at the weekend, for example, a Saturday, the special leave commences from the day directly following the death i.e. Sunday.

4. Force Majeure Leave - Parental Leave Act 1998 - Substitution paid by the Department/VEC

Force Majeure leave allows an SNA leave with pay where for urgent family reasons, owing to an injury or the illness of a family member, the immediate presence of the SNA at the place where the family member is, whether at his/her home or elsewhere, is indispensably required.

Force Majeure leave is limited to a maximum of 3 days in 12 consecutive months, or 5 days in 36 consecutive months. School Authorities must ensure that these limits are not exceeded.

In this context “family member” means the following; child or adoptive child, spouse/partner, a person to whom the SNA is in loco parentis, a brother or sister, a parent or grandparent or a person who resides with the SNA in a relationship of domestic dependency.

5. General Brief Absences

The following tables outline the instances where approval for brief absence may be granted, the maximum numbers of days allowable in respect of each absence and the position regarding substitution. **Please note**

documentary evidence must be retained by the employer and notification of absence must be submitted to the Department (via the OLCS) or VEC where appropriate.

(a) Paid Leave will be allowed for the following absences. Substitution <u>will be paid</u> by the Department/VEC. Reason for Absence	Maximum Number of Days
Jury Service	Number of days as deemed necessary by the court.
Court Attendance related to school	Number of days as deemed necessary by the court.

(b) Paid Leave will be allowed for the following absences. Substitution will not be paid by the Department/VEC.

Reason for Absence	Maximum Number of Days
Marriage Leave	7 consecutive days (including weekends) and applicable only if the marriage takes place during the school term. If the marriage occurs during the holidays no leave in lieu is allowable.
Wedding of *immediate family member. *means child or adoptive child, a person to whom the SNA is in loco parentis, a brother or sister, or a parent.	1 day and applicable only if the wedding takes place on a day when the school is open
Witness in Court	The number of days as required by the summons or subpoena.
Union Conference	1 day and applicable only if the conference takes place on a day when the school is open
Examination Leave relevant to SNA Duties.	The days of the examinations only

6. Unpaid Leave – Substitution paid by the Department/VEC

- Absences in excess of the provisions outlined in Paragraphs 3-5 of this circular must only be considered in the most exceptional of circumstances, where the employer is satisfied that there is a compelling obligation involving absence from duty. Absences under this heading must not be used to substitute other forms of leave, statutory or otherwise and must not be of a recurring nature.
- The maximum amount of unpaid leave which may be taken is 10 school days in a school year.
- The employer shall submit notice of all unpaid leave to the Department (via the On Line Claims System)/VEC regardless of whether or not a substitute SNA was employed. Applications for unpaid leave should be entered on the OLCS system as early as possible after they are approved by the employer to ensure that deductions from pay are made at the correct time. It should be noted that an absence for unpaid leave cannot be changed once it is processed on the On Line Claim System.
- Absences under this heading do not impinge on entitlements under Statutory Leave.

Circular Letter 0033/2010

To: The Managerial Authorities of Recognised Primary, Secondary, Community, and Comprehensive Schools

and

The Chief Executive Officers of Vocational Education Committees

Sick Leave Scheme for Special Needs Assistants in Recognised Primary and Post-Primary Schools

The Minister for Education and Skills directs you to implement the regulations and procedures regarding sick leave for special needs assistants whose posts are funded from monies provided by the Oireachtas.

The regulations and procedures are to be implemented with immediate effect and all special needs assistants must adhere to the terms of the attached sick leave scheme.

An Occupational Health Strategy has been put in place as a supportive resource for special needs assistants. The aim of this strategy is to promote the health of special needs assistants in their workplace, with a focus primarily on prevention rather than cure. The Occupational Health Strategy comprises of the Employee Assistance and Occupational Health Services for special needs assistants.

The Employee Assistance Service incorporates confidential counselling on issues such as health, relationships, bereavement, stress, conflict, critical incident and trauma. The Occupational Health Service incorporates pre-employment health assessments, sickness absence referrals, medical assessments of fitness for work and ill health retirement assessments.

For additional information on the Employee Assistance and Occupational Health Services, log on to the Department of Education and Skills Website, www.education.ie and follow the links provided.

This circular supersedes all previous circulars, memoranda, rules and regulations in relation to sick leave for special needs assistants in recognised primary and post-primary schools. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all special needs assistants in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie Home – Education Personnel – Special Needs Assistants.

All enquiries regarding this circular should be e-mailed to teachersna@education.gov.ie

D. Tattan P. Maloney
Principal Officer Principal Officer
Schools Division Payroll Division
May 2010 May 2010

Sick Leave Scheme for Special Needs Assistants (SNAs)

1. Definitions

For the purposes of this scheme the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

The Department – means the Department of Education and Skills.

Employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school.

Occupational Health Service (OHS) Providers – means the providers of independent medical advice on occupational health.

On Line Claims System (OLCS) – means the system currently operating in primary, voluntary secondary, community and comprehensive schools.

School Sector – means primary, voluntary secondary, community, comprehensive or vocational as appropriate.

Introduction

1. A period of illness is defined as any period in which an SNA is medically unfit to carry out his/her normal duties irrespective of whether the employing school is open for normal business or not.
2. The granting of leave of absence to an SNA who is ill is intended to provide an adequate opportunity for that SNA to recover from the illness and its effects so that he/she may make an early return to duty without a likelihood of a relapse into illness.
3. Leave of absence may be granted to an SNA who is unable to perform his/her duties
 - because of illness, injury or medical conditions related to pregnancy/childbirth or
 - when absent for the purpose of obtaining health-related services e.g. Doctor/Dentist provided such appointments could not have been arranged outside of regular working hours or working days.

Entitlement to Paid and Unpaid Sick Leave

1. Incremental salary is normally payable to eligible SNA's in respect of attendance on full duties.
2. For the purpose of the SNA paid sick leave scheme qualifying service includes all aggregated SNA service in primary, voluntary secondary, community and comprehensive schools and with Vocational Education Committees where the service was funded from monies provided by the Oireachtas.
3. Paid sick leave will not be allowed during the first three months service. Subsequently the following limits apply:
 - a) After three months service, paid sick leave for up to six weeks in any period of twelve months service
 - b) after six months service, paid sick leave for up to nine weeks in any period of twelve months service
 - c) after twelve months service, paid sick leave for up to thirteen weeks in any period of twelve months service.

The sick leave period is calculated retrospectively and includes weekends and school closures occurring within the period of absence.

4. Pro-rata arrangements will apply for SNA's employed on a part-time basis.

5. An SNA's entitlement to sick leave, whether paid or unpaid, shall cease on the expiry of a contract, that contract not having been renewed
6. An SNA who, having exhausted the maximum period of paid sick leave, is still medically unfit to resume duty and wishes to retain his/her position in the school must apply to his/her employer for a period of unpaid sick leave within which he/she may resume duty if certified as fit to do so. This period shall not exceed 12 months from the date of expiration of paid sick leave. (An SNA must exhaust her/his period of paid sick leave before he/she can apply for unpaid sick leave.) The granting of a period of unpaid sick leave is subject to
 - there being a reasonable prospect of recovery and return to work and
 - continued submission on a regular basis (max 1 month) of satisfactory medical certification to the employer.
7. In exceptional circumstances a second period of unpaid sick leave may be taken where
 - The first period of unpaid leave is less than 12 months
 - The advice of the Occupational Health Service has been obtained
 - The aggregate of both periods does not exceed the maximum of 12 months
8. Where a return to duty is not deemed viable, the employer should take such timely action as it deems appropriate including but not limited to termination of the contract of employment.
9. Unpaid sick leave does not count as service qualifying for further paid sick leave.

Uncertified sick leave

1. The maximum number of uncertified sick leave days allowable in any period of 12 months, reckoning backwards from the start date of the latest absence, is 7.
2. An SNA who is absent from duty due to illness must notify, or make suitable arrangements to notify the employer as early as possible on the first day of the absence. The SNA should, where possible, state the likely duration of the absence.
3. Payment for uncertified sick leave may be modified or withdrawn following due process, in cases where absences are unduly frequent or the maximum number of days is regularly approached or taken year after year
4. An SNA may take a maximum of 2 consecutive days sick leave without providing a medical certificate.
5. An SNA shall not take a period of uncertified sick leave immediately after certified sick leave.

Certified sick leave

1. Where an SNA is absent on sick leave for more than 2 consecutive days a medical certificate is required.
2. To be acceptable, a medical certificate **must**
 - state the nature of the illness,
 - cover a period not exceeding one week.
 - be signed by a duly qualified medical practitioner registered with the Irish Medical Council,
 - be furnished not later than the third day of absence

Should an SNA fail to provide a medical certificate to the employer in respect of an absence on sick leave in accordance with the terms outlined above, the employer should contact the SNA to advise that if he/she fails to submit the required medical certification, the employer, following due process, shall record the leave as a period

of unapproved leave and payment to the SNA will be withdrawn and the matter may be dealt with under disciplinary procedures.

3. In the case of Class A PRSI contributors in all school sectors, the MC1 Social Welfare Certificate must be submitted to this Department/VEC after 3 days of sick leave for referral to the Department of Social and Family Affairs. This is required for compliance with PRSI regulations.
4. Employers must safeguard the confidentiality of all information relating to the sick leave records of individual SNAs and this applies in particular to medical certificates.
5. Where in exceptional circumstances, an SNA does not wish to disclose the nature of his/her illness to the employer, the employer should seek the advice of the Occupational Health Service in this regard.

Notification of sick leave

1. The employer shall submit details of all sick leave absences to the Department (via the OLCS)/VEC regardless of whether or not a substitute SNA was employed.
2. An SNA may request a detailed breakdown of absences owing to illness from their employer. This breakdown is available on the OLCS or from the VEC.

Resumption of duty following paid / non paid sick leave

1. It is expected that an SNA would be deemed medically fit before duty is resumed after a period of absence owing to illness so that resumption of duty would not induce a relapse into illness.
2. The employer has duty under Section 8 of the **Safety, Health and Welfare at Work Act 2005** to “ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees”. The Occupational Health Service is in place to assist the employer in carrying out this duty. The employer may therefore refer an SNA to the Occupational Health Service, for the purpose of an independent medical assessment where reasonable concerns exist as to the capacity of an SNA to undertake his/her duties in a manner that is safe for both the SNA and pupils.
3. The employer, in making a referral to the Occupational Health Service, should follow the Standard Operating Procedures manual available on the Department’s website - www.education.ie.
4. An SNA will be required to co-operate with the Occupational Health Service for the purpose of providing appropriate advice to the employer. Co-operation may involve an SNA attending in person for a medical examination (arranged by the Occupational Health Service) and/or arranging for the transmission to the Occupational Health Service (by the SNA’s attending doctor) of a comprehensive doctor-to-doctor report.
5. It is a matter for the Occupational Health Service to decide in what circumstances an SNA may be required to attend for medical assessment. Failure without reasonable cause, of an SNA to cooperate with the Occupational Health Service on the basis of a referral by the employer may result in cessation/withholding of salary following due process.
6. An SNA intending to resume duty prior to the date specified on her/his medical certificate, must provide a medical certificate of fitness from his/her attending doctor not later than the date of resumption. In the absence of such a certificate, the full period as recorded on the medical certificate(s) of illness will be

counted as sick leave. Certificates of fitness furnished at a later date will not be accepted as evidence of fitness for duty.

7. An SNA may resume duty following a period of paid sick leave of 8 or more consecutive weeks, or at a shorter period where reasonable concerns exist, in circumstances where, prior to resumption
 - satisfactory medical certification of fitness for duty is submitted by the SNA and
 - the employer is satisfied, having obtained the advice of the Occupational Health Service by means of a medical referral (see 6.3 – 6.5 above), as to the SNA's physical and mental fitness to resume.
8. An SNA may resume duty following a period of unpaid sick leave where, prior to resumption
 - satisfactory medical certification of fitness for duty is submitted by the SNA and
 - the employer is satisfied, having obtained the advice of the Occupational Health Service by means of a medical referral (see 6.3 – 6.5 above), as to the SNA's physical and mental fitness to resume.
9. Where an SNA is absent on sick leave and has not returned to duty for a reasonable period before and after a period of school closure, the SNA will be deemed to be on sick leave for the whole duration unless
 - the SNA provides a medical certificate of fitness to resume duty prior to or during a period of school closure and
 - the advice of the Occupational Health Service as to the SNA's fitness for duty as been obtained as to whether the school closure period or any part thereof might be discounted and
 - the Occupational Health Service has deemed the period of return to duty to be reasonable taking into account the medical circumstance in individual cases.

Sick leave while on additional unpaid maternity leave (Statutory 16 weeks leave)

1. Under the provisions of the Maternity Protection Amendment Act 2004, an SNA, who has made an application for or has commenced additional statutory unpaid maternity leave and who subsequently becomes ill, may cancel the application or opt not to continue the additional unpaid maternity leave and may instead apply for sick leave.

The employer and the SNA must agree the date of termination of additional unpaid maternity leave. The SNA will be deemed to be on sick leave from the date of certification by her attending doctor and the procedures in relation to sick leave will apply thereafter. The SNA will not be entitled subsequently to take the additional unpaid maternity leave or any part of it not taken at the time of commencement of sick leave.

2. Under the Maternity Protection Amendment Act 2004, a male SNA, who is on unpaid leave following the death of the mother of his child while on maternity leave and who becomes ill, may opt not to continue with this period of unpaid leave and may instead apply for sick leave.

The employer and the SNA must agree the date of termination of the unpaid leave. The SNA will be deemed to be on sick leave from the date of certification by his attending doctor and the procedures in relation to sick leave will apply. The SNA will not be entitled subsequently to take any additional unpaid leave as a result of the death of the mother of his child or any part of such leave not taken at the time of commencement of sick leave.

Salary Adjustment

1. In cases where, prior to resumption of duty, entitlement to salary has been exhausted, salary may be restored only from the date that the Occupational Health Service deems an SNA fit to resume full duties.

This is conditional on an SNA actually resuming full duties on the first possible day following the Occupational Health Service certification.

2. Any action which necessitates an adjustment to an SNA's salary should be notified to the Department/VEC immediately.

Sick Leave and other Leave of Absence:

If an SNA wishes to take another form of leave, other than statutory leave or brief absence, immediately after being absent from duty on sick leave, a medical certificate of fitness to resume full duties must be provided to the employer. This includes where an SNA was absent owing to illness up to a school closure and wishes to take another form of leave immediately after the school closure

Retirement on grounds of ill health

An SNA deemed medically unfit in the longer term to continue in his/her role may be entitled on cessation of salary, to certain pension benefits under the superannuation scheme for SNA's and should consult with the Pensions Section of the Department/VEC to establish any entitlements he/she may have in this regard.

Organisation of Working Time Act, 1997 – Public Holiday Entitlements

An SNA who is absent from work on certified sick leave on a public holiday within the first 26 weeks of a sick leave period is entitled to leave in lieu in respect of the public holiday. The leave in lieu should be taken directly after the period of sick leave, or, as an exceptional measure, at a subsequent date with the agreement of the employer.

Other

Engagement in the following while on paid sick leave will lead to the immediate cessation of salary and may be dealt with under disciplinary procedures:

- gainful (i.e. for reward) employment including self employment while on paid sick leave.
- any activity which in the opinion of the Occupational Health Service would adversely impact on an SNA's state of health and/or his/her capacity to make an early recovery.

In the case of unpaid sick leave, an SNA must be in receipt of formal approval from the employer before he/she may engage in any gainful employment. An application for such approval must be accompanied by a report from the SNA's examining Doctor as to the therapeutic value of the proposal. The employer must refer it to the Occupational Health Service for advice before deciding on the merits of the application.

SNA's should note that it would be contrary to the express purpose of this any activity (including travel abroad) which in the opinion of the Occupational Health Service could reasonably be regarded as impeding that SNA's progress to recovery. The approval of the employer must be sought prior to an SNA engaging in any such activity and the employer must seek the advice of the Occupational Health Service before deciding on the matter.

Appendix 5: SNA on Force Majeure

Rannán Párolla,
An Roinn Oideachais agus
Eolaíochta,
Cor na Madadh,
Baile Átha Luain,
Co. na hIarmhí.



Payroll Division,
Department of Education and
Science,
Cornamaddy,
Athlone,
Co. Westmeath.

Notification to Department of Education and Science of a Special Needs Assistant on Force Majeure Leave

Employee's Name: _____

Address: _____

Employee's PPS Number: _____

School Name: _____ **Roll Number:** _____

Address: _____

Injured/ill person's name: _____

Address: _____

Relationship to employee: _____

Nature of illness/injury: _____

Dates of Force Majeure Leave: _____

Signed:

Date: _____

Special Needs Assistant

Date: _____

Chairperson, Board of Management

BRIEF ABSENCES ROI

The term 'brief absences' is used to describe short-term occasional absences sanctioned for teachers during the school year. These include compassionate leave in respect of illness and bereavement, leave for specified special family occasions and other specified provisions. See [Circular 32/07](#).

Please Note: There have been a number of amendments to this Circular since 2007, such as the removal of substitute cover for self-certified sick leave and the first day of Family Illness Leave. Two exceptions apply: 1) Substitute cover will be provided for the first day of an absence of a teacher on self-certified sick leave or the first day of Family Illness Leave in schools with two or less classroom teachers. 2) In the event that two or more teachers in a school are absent from teaching duty on either self-certified sick leave or the first day of Family Illness Leave, substitute cover is provided for the second and subsequent teachers that are absent. (for more information on the appointment of substitute teachers, please see the [Staffing](#) Section).

- [General Information](#)
- [Appendix A - Definition of Family Members in Relation to Absences](#)

 [Family Leave Provision for Teachers 2017](#) (pdf, 218 kb)

This information is taken from the DES publication *Terms and Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*

TABLE OF ABSENCES

- [Section 1](#) relates to absences which allow for the employment of a substitute teacher to cover teacher absences such as Sick leave, Family leave, Personal leave & School Business Related Absence.
- [Section 2](#) relates to absences which allow for the employment of a temporary/fixed term teacher to cover teacher absences on Career Break, Carers Leave, Secondment, & APSO (Agency for Personal Service Overseas) Leave.
- [Section 3](#) relates to paid leave absences for which no substitute (casual/non-casual) or temporary/fixed term cover is paid by the Department.

Section 1

Teacher absences for which a Substitute teacher may be employed by the Board of Management and be paid by the Department of Education & Skills

<i>Nature of absence</i>	<i>No of days including maximum, if applicable, for which substitute teacher will be paid</i>
SICK LEAVE	
Certified Sick Leave – allowed maximum 183 days certified and uncertified sick leave over four years service in respect of an "ordinary illness". Allowed maximum of 365 days certified and uncertified sick leave over 4 years service in respect of "critical illness".	Maximum of 365 days
Maternity Leave	
Ante Natal Visits - evidence of appointment required by BOM	All days
Ante Natal Classes – A female teacher is allowed absence to attend one set of ante natal classes except the last 3 in a set. A male teacher is allowed absence to attend the last two ante natal classes once only. Evidence of attendance required by BOM	No of days applicable
Maternity Leave	Maximum of 26 weeks

Unpaid Statutory Maternity Leave - this leave follows immediately on from statutory paid maternity leave in lieu	Maximum of 16 consecutive weeks
Adoptive Leave	
Adoptive Meetings – Allowed time off to attend pre-adoption meetings/classes with social workers/health board officials. Evidence of appointment required by BOM	No of days required
Adoptive Leave	Maximum of 24 weeks
Unpaid Statutory Adoptive Leave Allowed maximum of 16 consecutive weeks	Maximum 16 weeks
Additional (Extended) Unpaid Adoptive Leave - Allowed immediately following the statutory unpaid adoptive leave & may be taken until the end of the school year (i.e. 31 st August)	No of days absence
Resumed (Postponed) Paid Adoptive Leave – As outlined in Primary Circular 0018/2013	Maximum of 24 weeks
Resumed (Postponed) Unpaid Adoptive Leave	Maximum of 16 weeks
Paternity Leave	
Paternity Leave - This is paid leave applicable to fathers only	Maximum of 3 school days within 31 days of the birth/placement of the child
Parental Leave	
Parental Leave – Unpaid leave allowed maximum 18 weeks per child	Maximum of 18 weeks per child
Leave for Illness/Bereavement	
Leave in respect of tending to an immediate family member who is ill including accompaniment to hospital – As outlined in Appendix A . Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave.	Maximum of 5 school days in a school year with the exception of the first day of any such absence.
Leave in respect of tending to a near relative/member of religious community who is ill including accompaniment to hospital – As outlined in Appendix A . Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave.	Maximum of 3 school days in a school year with the exception of the first day of any such absence.
Bereavement of member of immediate family – Allowed 5 consecutive days including a weekend – As outlined in Appendix A	Five consecutive days including a weekend
Bereavement of near Relative/In-law/ member of religious community – Allowed minimum necessary period subject to maximum of 3 consecutive days including a weekend - As outlined in Appendix A	Minimum period necessary subject to a maximum of 3 consecutive days including a weekend
PERSONAL LEAVE	

Unpaid Leave of Absence – Application must be approved by BOM six weeks in advance of absence	10 days max. See DES 35/2010				
Assault Leave (Paid Leave) - Application with Board of Management approval to be made directly to the Department of Education and Skills. Documentary evidence must be supplied	Number of days approved				
Health & Safety Leave – paid leave Application with Board of Management approval to be made directly to the Department of Education and Skills. Documentary evidence must be supplied	Number of days approved				
Retirement Seminar – paid leave: Prior approval of Board of Management and evidence of attendance is required	1 day				
Member of Teaching Council of Ireland – paid leave – Allowed leave to attend meetings held on school days	Maximum of 10 school days per year				
Career Break – Paid Leave in Lieu of Public Holidays: Allowed for public holidays which fall within the first 13 weeks following commencement of a career break for the first time	1 day allowed See DES Circular 123/06				
Carers Paid Leave in Lieu of Public Holidays: Allowed for public holidays which fall within the first 13 weeks following commencement of carers leave	Number of days applicable				
Leave in Lieu of Public Holidays for Job Sharing Teachers - Allowed paid leave in lieu for 17 March, 1st Monday in May, 1st Monday in June for job-sharing teacher who is not timetabled to work on these days.	Max allowed 3 days. See DES Circular 123/06				
Representing Ireland at International Sporting Event – Paid leave, documentary evidence of the participation in the international sporting event and the number of days required must be submitted to the Department of Education and Skills with the Board of Management approval	Number of days approved				
Membership of State Bodies -e.g. National Council for Special Education, State Exams Commission -Absence applies only where meetings are held during school opening hours	Up to 10 school days in a school year.				
Candidate in a General Election -Unpaid leave for all days from the date of the candidate's lodgement of his/her nomination papers up to and including the day(s) of the count	No of days applicable				
Attending court where a teacher is the defendant or plaintiff in a personal case Unpaid Leave	The number of days deemed necessary by the Court				
Jury Service - Paid Leave	The number of days deemed necessary by the Court.				
SCHOOL BUSINESS					
Principal Release - Paid leave to allow Principals to undertake administrative duties	<i>Minimum of 14 days – maximum 22 days subject to number of mainstream posts in the school. See table below.</i> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>P + 1 - 2 Teachers</td> <td>14 days</td> </tr> <tr> <td>P + 3 - 4 Teachers</td> <td>18 days</td> </tr> </table>	P + 1 - 2 Teachers	14 days	P + 3 - 4 Teachers	18 days
P + 1 - 2 Teachers	14 days				
P + 3 - 4 Teachers	18 days				

	P + 5 - 6 Teachers	22 days
Court Attendance – Attending legal proceedings on behalf of the school	The number of days deemed necessary by the court	
In-Service/In-Career Development - Attendance must be approved by Department and Board of Management. Evidence of attendance required.	Number of days approved	
In Service/In Career Development in Lieu –Leave in lieu allowed in respect of in- service/in-career development days attended during maternity leave, adoptive leave and parental leave	Number of days applicable	
Examiner for State Examinations - Paid leave with prior approval of Board of Management. Documentary evidence required	Number of days approved	
Suspension by Board/Administration Leave – paid leave application to be made directly to Department by Board of Management	Number of days applicable	
One Teacher Schools - All brief absences approved by the Board of Management are allowed for substitute cover	Number of days required	
Union Executive Committee – Paid leave prior approval of Board of Management and documentary evidence required	Maximum of 2 days per month.	

Section 2

Teacher absence (all unpaid leave of absence) for which a Temporary/Fixed Term Teacher may be employed by the Board of Management and paid by the Department of Education and Skills

Nature of absence	Period for which temporary/fixed term teacher will be paid
Career Break DES Circular 10/2011	Overall maximum of 10 years
Carers Leave DES Circular 05/2003	Maximum of 104 weeks unpaid
ABSENCE TO OTHER AGENCIES	
Secondment - Maximum of 5 years to outside agencies , 9 years to European Schools & 10 years to Department National Approved Programmes	Maximum 5, 9 or 10 years depending on agency to which teacher has been seconded

Section 3

The following sets out teachers' entitlement to absence for which Substitute Cover is not paid by the Department of Education and Skills for the following absences

SELF-CERTIFIED SICK LEAVE	
Seven days allowed in a two year rolling period, subject to a maximum of 3 consecutive days per absence.	
FAMILY LEAVE ABSENCE (Paid leave)	
Wedding of immediate family/near relative/in-law - allowed 1 school day if the wedding is held on a day when the school is open. Please refer to No 2.1(a) of Appendix A for definition of immediate family/near relative (same as for bereavement leave)	
Ordination/profession/religious reception/ garda passing out/ commissioning/ Graduation of *immediate family - allowed 1 school day if the ordination/religious reception/profession is held on a day when the school is open. Please refer to No 2.1(a) of Appendix A for definition of immediate family/near relative (same as for bereavement leave)	

PERSONAL LEAVE ABSENCE (Paid leave)

Study Leave prior to Examinations - allowed 5 days in respect of recognised third level educational courses. Verification in respect of the exam must be submitted to the Board of Management

Exam Leave - allowed the actual days on which examinations are held, provided it is a recognised third level educational course. Verification in respect of the exam and the number of days necessary must be submitted to the Board of Management

Teachers' own wedding – this applies only when the wedding takes place on a day when the school is due to be open – allowed 7 consecutive days from the date of marriage. These days include weekends and any school closure e.g. bank holiday, vacation days etc

Graduation of teacher - 1 school day if the graduation is held on a day when the school is open.

Extra Personal Vacation (EPV) - Allowed a maximum of 5 EPV days per school year in lieu of attendance at approved summer course - DES Circular 37/97 (Currently unavailable from DES website)

Membership of public bodies e.g. county councils or statutory local bodies – allowed up to ten school days in a school year. Absence applies only where meetings are held during school opening hours

Candidate in a Local Election - allowed 1 day on day of election

Legal Separation Proceedings – allowed 1 school day provided the proceedings take place on a day when the school is open

Witness in Court (under subpoena or summons) – allowed the number of days required to be in attendance under subpoena or summons (The Board of Management/teacher may claim payment for substitute cover from the relevant party).