



**To: The Managerial Authorities of Recognised Primary Schools
And the Chief Executives of Education and Training Boards of Community
National Schools**

COVID-19:

**Temporary Changes to the Parental Leave Scheme and Unpaid Leave Scheme and other
temporary arrangements
for Teachers employed in recognised Primary Schools**

1. Introduction

- 1.1 In relation to the partial re-opening of special schools on the 11th February, 2021 and special classes in mainstream schools on 22nd February, 2021, the Department is cognisant that there may be teachers who, due to specific circumstances which exist at this time, may be unable to attend the workplace and require more flexibility in relation to leave arrangements.
- 1.2 In order to provide support to teachers, there will be a temporary change in specific terms and conditions of the Parental Leave Scheme during this partial re-opening period, i.e. where only special schools and special classes in primary schools are open for on-site learning for children, as detailed in this Information Note.
- 1.3 These changes are to be implemented by each employer with effect from 11th February (Special Schools) and 22nd February (Primary Special Classes) 2021. Aside from the temporary changes detailed in this Information Note, all teachers must continue to adhere to the agreed terms and conditions of the Parental Leave Scheme.
- 1.4 Where an application for leave is in process up to the relevant date of re-opening, a teacher may be facilitated to continue to work remotely in the interim days. However, from the relevant date of re-opening, a teacher who is required by the school to be on-site to support pupils and cannot attend the workplace due to childcare considerations, must utilise these leave arrangements.
- 1.5 Schools are required to ensure that there are sufficient staff numbers on site to facilitate the safe operation of in-school teaching and learning and the phased arrangements outlined below to support schools to implement the interim opening.
- 1.6 Special schools have been facilitated to open with reduced attendance by pupils from 11st February 2021 and alternate days are proposed to minimise the numbers of employees and pupils on site. Primary Special Classes are to open in mainstream schools on 22nd February on a full-time basis.

2. Parental Leave Scheme

2.1(a) Application Procedures

The [Parental Leave Scheme](#) at Chapter 5 of Circular 54/2019 states the following at paragraph 6.1:

‘Application for Parental Leave should be made by the teacher to his/her employer at least 6 weeks prior to the planned commencement date using the Application Form at Appendix A.’

2.1(b) Employers may at their discretion, under Section 8(4) of the Parental Leave Act, 1998 waive or reduce the requirement for the 6 week notification for Parental Leave applications, during this period of partial re-opening.

2.1(c) Where this 6 week notification requirement is waived, the deadlines detailed for the employer Confirmation Document referenced at paragraph 6.2 and the notification to the Department/ETB at paragraph 7.1 of the Parental Leave Scheme should be adjusted accordingly.

2.2(a) Pattern of Parental Leave

The Parental Leave Scheme states the following at paragraph 4.1:

‘A teacher may avail of Parental Leave in blocks of at least one week up to a maximum of 22 weeks (26 weeks from 1st September 2020). Please note each period of Parental Leave must be a minimum duration of 7 consecutive days including weekends, school closures and days on which a teacher is not timetabled for attendance occurring within that period.’

2.2(b) A teacher may be unable to attend the workplace on certain days during this period, due to specific circumstances. An employer may, having considered the circumstances, approve Parental Leave in blocks of less than one week, where the teacher is eligible to apply for Parental Leave.

2.2(c) Prior to the approval of such a Parental Leave arrangement, the employer and the teacher must agree in advance, the pattern of workplace attendance, during this period of partial re-opening.

2.2(d) For non-ETB schools, where Parental Leave applications for less than blocks of one week, are approved by the employer, the details of this leave should be recorded on the On Line Claims System (OLCS). An employer can record Parental Leave in separate days on the OLCS as Leave Category “Family Leave” followed by Leave Sub Category “Special Pattern of Parental Leave in Exceptional Circumstances”.

3. Unpaid Leave Scheme

3.1 The [Unpaid Leave Scheme](#) at Chapter 11 of Circular 54/2019 states the following at paragraph 1.1:

‘Unpaid Leave may be granted in exceptional circumstances where the employer is satisfied that there is a compelling obligation involving absence from duty.’

Paragraph 2.1 states:

‘Applications for Unpaid Leave should be made to the employer at least 6 weeks prior to the planned commencement date, using the Application Form at Appendix A.’

3.2 During this period of partial re-opening, an employer may ease this requirement in order to provide a level of flexibility for teachers who cannot source childcare for school age children.

4. Employer Policy on Teacher Absences

4.1 In line with the employer's policy on teacher absences, the welfare and care needs of the pupils must take precedence over all other considerations.

4.2 In this regard, the employer must take account of the availability of appropriately qualified replacement teachers, when considering applications for non-statutory leave.

4.3 An employer may temporarily re-assign another member of the teaching staff to the special class to maintain the operation of the special class if the special class teacher is on leave.

4.4 The substitution arrangement, as detailed in the relevant leave scheme, will then apply to the re-assigned mainstream class teacher.

5. Teachers at higher risk of COVID-19

5.1 An employer must put in place adequate staffing arrangements to support on-site provision for pupils attending school during this period of partial re-opening. An employer may, where a teacher has been categorised by the Occupational Health Service (Medmark) as at High Risk of serious illness if he/she contracts COVID-19, during this phase and on a temporary basis, facilitate more flexible working arrangements made possible by the presence of significantly reduced pupil attendance. A teacher who is over 60 years of age may also be temporarily facilitated by these arrangements. This may include reassignment of a teacher to other duties within the school or at home. This may include the reassignment of teacher roles within the complement of teachers available to the school.

5.2 Such teachers may carry out on a temporary basis, tasks appropriate to the list of duties incorporated at paragraph 12 of [Circular 0049/2020](#) in this respect. This may include supporting pupils who have not returned to school because of medical vulnerability as well as supporting other school staff, including other teachers, SNAs or administrative staff.

These duties include:

- Liaising closely with and supporting the work of the substitute teacher(s) who becomes responsible for the teaching duties of the teacher on special leave with pay.
- Supporting and engaging, using online technology, the work and progress of very high risk or extremely vulnerable pupils who are unable to attend school.
- Participating in staff meetings, team/subject planning meetings and all other normal meetings using online technology.
- Participating in relevant professional development through online media.
- Developing aspects of the school's teaching resources or teaching plans.
- Undertaking administrative or other tasks associated with a post of responsibility (provided they hold the post in line with relevant DES publications) to the greatest extent possible using online technology.

5.3 A teacher in the high risk category who is facilitated to work from home, during this partial re-opening period, must be recorded by the employer under the OLCS leave sub-category 'Personal Leave', sub-category titled 'COVID-19: Very High Risk Group' or on the relevant ETB system.

5.4 All arrangements made under this section are temporary measures and are in place only for this partial re-opening period where, to minimise movement in the State, schools are not in a position to re-open fully.

5.5 At all other times, teachers must be available in the normal way to support pupils as required, provided that they are given appropriate PPE and that the school is fully implementing their COVID-19 Response Plan.

6. Pregnant teachers at higher risk of COVID-19

6.1 Following the issuing of sectoral guidance specific to healthcare workers by the HSE in relation to pregnant healthcare workers who may be deemed at High Risk or Very High Risk, and with an increased occupational risk of exposure to COVID-19, an expert group is working to develop sectoral guidance for education sector workers to inform the occupational health service's approach to categorise the risk of pregnant workers in different roles within the education sector.

6.2 A pregnant teacher who feels they may be at higher risk from COVID-19 can submit an application for COVID-19 Health Risk Categorisation or re-categorisation to Medmark. While that is being processed, the teacher should continue to work remotely temporarily during this period.

6.3 In this regard, a pregnant teacher who is facilitated to work from home, during this partial re-opening period, must be recorded by the employer under the OLCS leave sub-category 'Personal Leave', sub-category titled 'COVID-19: Very High Risk Group' or on the relevant ETB system.

7. Review

7.1 The changes to the terms and conditions of the Parental Leave Scheme and the Unpaid Leave Scheme and other arrangements set out in this Information Note, will be kept under review by the Department during this period of partial re-opening.

7.2 No temporary adjustments to these leave schemes or temporary arrangements constitute a precedence for longer term arrangements following the full re-opening of schools and are being facilitated only in the context of increased flexibility available to schools because of the very limited attendance patterns in this period.

8. Circulation of Information Note

8.1 Please ensure that copies of this Information Note are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all special needs assistants in your employment including those on leave of absence.

All queries should initially be brought to the attention of the employer who may wish to consult with their representative organisation. Any further queries may be directed to the Department at the following email address: teachersna@education.gov.ie

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Teacher/SNA Terms & Conditions

Padraig Maloney
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04 February, 2021