



**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 and other temporary  
arrangements  
for Special Needs Assistants employed in recognised Primary Schools**

**1. Introduction**

- 1.1 In relation to the partial re-opening of special schools on the 11<sup>th</sup> February, 2021 and special classes in mainstream schools on 22<sup>nd</sup> February, 2021, the Department is cognisant that there may be Special Needs Assistants (SNAs) 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 SNAs, 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 11<sup>th</sup> February (Special Schools) and 22<sup>nd</sup> February (Primary Special Classes) 2021. Aside from the temporary changes detailed in this Information Note, all SNAs 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, an SNA may be facilitated to continue to work remotely in the interim days. However, from the relevant date of re-opening, an SNA 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 11<sup>st</sup> 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 22<sup>nd</sup> February on a full-time basis.

## **2. Parental Leave Scheme**

### **2.1(a) Application Procedures**

[Circular 27/2013](#) titled 'Parental Leave Entitlements for Special Needs Assistants in Recognised Primary and Post Primary Schools' states the following at paragraph 12.1:

*'Application for parental leave should be made by a special needs assistant to his/her employer at least 6 weeks in advance of commencement of the leave on the prescribed application form which is attached at Appendix A of this circular.'*

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 13 and the notification to the Department/ETB at paragraph 14 of the Parental Leave Circular should be adjusted accordingly.

### **2.2(a) Pattern of Parental Leave**

An SNA may avail of Parental Leave in blocks of at least 1 week up to a maximum of 26 weeks. The Parental Leave Scheme states the following at paragraph 5.1:

*'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 special needs assistant is not timetabled for attendance occurring within that period.'*

2.2 (b) An SNA 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 SNA is eligible to apply for Parental Leave.

2.2(c) Prior to the approval of such a Parental Leave arrangement, the employer and the SNA 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**

3.1 [Circular 32/2010](#) titled 'Brief Absences for Special Needs Assistants in Recognised Primary and Post Primary Schools' states the following at paragraph 5:

### ***'Unpaid Leave – Substitution paid by the Department/VEC***

- *Absences in excess of the provisions outlined in Paragraphs 2-4 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.'*

3.2 Under current arrangements, the employer's policy on employee absences, may require an SNA to apply for Unpaid Leave in advance, within a specific timeframe. During this period of partial re-opening, an employer may ease this requirement in order to provide a level of flexibility for SNAs who cannot source childcare for school age children.

#### **4. Employer Policy on SNA Absences**

4.1 In line with the employer's policy on SNA 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 SNAs, when considering applications for non-statutory leave.

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

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

#### **5. SNAs 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 an SNA 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. An SNA who is over 60 years of age may also be temporarily facilitated by these arrangements. This may include reassignment of an SNA to other duties within the school or at home. This may include the reassignment of SNA roles within the complement of SNAs available to the school.

5.2 Such SNAs 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 SNAs, SNAs or administrative staff. These duties include: These duties include:

- Advice on what typically works for a child in school.
- Demonstration/advice/training on strategies to support the child's needs.
- Support to develop a schedule to structure the child's day.
- Help with provision of social stories to support their understanding of the ongoing health emergency.
- Support, advice and reinforcement to address behaviours that challenge.
- Work on providing educational or therapeutic resources / materials in collaboration with the teacher and substitute SNA.
- Supporting, engaging with and monitoring very high risk or extremely vulnerable pupils who are unable to attend school, using online technology or telephone support, if online systems are not available.

- Participating in staff meetings and all other normal meetings using online technology or by telephone, if online systems are not available.
- 5.3 An SNA 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, SNAs 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 SNAs 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 SNA 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 SNA should continue to work remotely temporarily during this period.
- 6.3 In this regard, a pregnant SNA 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](mailto:teachersna@education.gov.ie)

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