



CATHOLIC PRIMARY SCHOOLS MANAGEMENT ASSOCIATION
CUMANN BAINISTÍOCHTA NA MBUNSCOLIEANNA CAITLICEACHA

Brief Absences – Teachers

Frequently Asked Questions



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Brief Absences & Other short absences

TEACHERS

Adoption

Q.1. Can a teacher avail of time off to attend pre-adoption classes or meetings held within the state?

A. Yes, an adopting teacher may avail of time off to attend pre-adoption meetings or classes held within the state which s/he is obliged to attend as part of the adoption process. Evidence of the dates and time of classes and/or meetings is required by the BoM. Such certification should be retained by the BoM for audit purposes. **(Circular 0018/2013 & Circular 0032/2007)**

Q.2. What notice should be given regarding attendance at such meetings?

A. Teachers should give two weeks' notice for each absence to attend pre-adoption classes and/or meetings, with evidence of the dates and times of classes concerned. Such certification should be retained by the BoM for audit purposes. **(Circular 0018/2013)**

Q.3. Can the BoM employ a substitute teacher?

A. If the absence is for at least one day the BoM may employ a substitute teacher. The substitute teacher **will be** paid by DES. **(Circular 0018/2013 & Circular 0032/2007)**

Q.4. Can a teacher avail of time off to attend pre-adoption classes or meetings held outside the state relating to foreign adoptions?

A. Yes, in the case of foreign adoptions an adopting teacher may take some or all of the statutory unpaid leave prior to the date of placement to attend adoption classes or meetings held outside the state. **(Circular 0018/2013)**

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Approval for Absences

Q.5. Can a teacher absent himself/herself without the approval of the BoM?

A. No, a teacher cannot absent her/himself without the approval of the BoM. S/he must obtain the **prior** approval of the Board of Management for all absences. **(Circular 0032/2007)**

Q.6. Can a teacher be absence for part of a school day?

A. Yes, however absence for part of a school day constitutes absence for a full school day. **(Circular 0032/2007)**

Q.7. Can a teacher absent himself/herself to transact private or personal business?

A. No, teachers cannot absent themselves from school for the purpose of transacting private or personal business such as consulting with a solicitor or bank manager, signing contracts, attending for interviews etc. **(Circular 0032/2007)**. The teacher may however request unpaid leave in accordance with circular 0035/2010.

Q.8. What are the consequences of being absent without permission by a teacher?

A. Any absence without reasonable cause and the approval of the BoM will cause loss of salary **(Circular 0032/2007 & 35/2010)**. It may also lead to disciplinary procedures being invoked.

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Ante-Natal Care Appointments/Classes

- Q.9. Can a female teacher avail of leave to attend ante-natal care appointments?**
A. Yes. A female teacher can avail of leave for all ante-natal visits. Evidence of appointment is required by the BoM. A copy of such evidence should be retained by the BoM for audit purposes. **(Circular 0032/2007 & Circular 0009/2013)**
- Q.10. How much notice is a female teacher required to give in relation to absence due to attendance at ante-natal appointments?**
A. A female teacher should give two weeks' notice for each absence due to ante-natal appointments. Evidence of appointment is required. A copy of such evidence should be retained by the BoM for audit purposes. **(Circular 0009/2013)**
- Q.11. Can a female teacher avail of leave to attend ante-natal classes?**
A. Yes, a female teacher may avail of leave to attend one full set of ante-natal classes in a working career, other than the last 3 classes in such a set of ante-natal classes. (These three classes take place while the teacher is on maternity leave). Evidence of attendance is required by the BoM. Such evidence should be retained by the BoM for audit purposes. **(Circular 0032/2007 & Circular 0009/2013)**
- Q.12. How much notice is a female teacher required to give in relation to absence due to the attendance at ante-natal classes?**
A. A female teacher should give two weeks' notice for each absence due to the attendance at ante-natal classes. Evidence of appointment is required. A copy of such evidence should be retained by the BoM for audit purposes. **(Circular 0009/2013)**
- Q.13. Can a male teacher avail of leave to attend ante-natal classes?**
A. A male teacher can avail of leave to attend the last two ante-natal classes in a set attended by the pregnant mother. At least two weeks' notice should be given by a male teacher for each absence due to the attendance at ante-natal classes. Evidence of attendance is required by the BoM. Such evidence should be retained by the BoM for audit purposes. **(Circular 32/2007 & Circular 0009/2013)**

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Bereavement Leave

- Q.14. Can a teacher avail of bereavement leave?**
A. Yes, a teacher can avail of bereavement leave subject to a maximum of 5 consecutive days which includes weekends in respect of an immediate family member. The period of time allowed for a near relative/ in law/ member of the teacher's immediate religious community is the minimum period necessary subject to a maximum of 3 days. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**
- Q.15. What constitutes an immediate family member for the purposes of bereavement leave?**
A. For the purpose of bereavement leave immediate family is defined as spouse*/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step daughter. **(Circular 0032/2007)**
- Q.16. What constitutes a near relative for the purposes of bereavement leave?**
A. For the purpose of bereavement leave a near relative is defined as a grandparent, uncle, aunt, niece, nephew, grandchild, first cousin. **(Circular 0032/2007)**
- Q.17. What constitutes an in-law for the purposes of bereavement leave?**

- A. For the purpose of bereavement leave an in-law is defined as father-in-law, mother-in-law, sister-in-law, brother-in-law, son or daughter in law. **(Circular 0032/2007)**

*spouse should be read as spouse or civil partner

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County Council/Statutory Local Body Meetings

Q.18. **Can a teacher avail of leave to attend meetings as a member of a county council or statutory local body?**

- A. Yes, but only if the meeting is held during school opening hours subject to a maximum of 10 school days in a school year. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Court Attendance

Q.19. **Can a teacher avail of leave for court attendance relating to school business?**

- A. Yes, a teacher can avail of leave for the purpose of attendance at court on school related business subject to a maximum of the number of days deemed necessary by the court. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

Q.20. **Can a teacher avail of leave to attend court where the teacher is the defendant or plaintiff in a personal case?**

- A. Yes, a teacher can avail of **UNPAID** leave to attend court where s/he is a defendant or plaintiff in a personal case. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

Q.21. **Can a teacher avail of leave to attend his/her own legal separation hearings?**

- A. Yes, a teacher can avail of 1 days leave provided the hearings take place on a day when the school is open. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

Q.22. **Can a teacher avail of leave to attend court as a witness?**

- A. Yes, a teacher can avail of leave to attend court as a witness subject to a maximum of the number of days required to be in attendance under subpoena or summons. Evidence of the subpoena or summons should be provided to the BoM. A copy of same should be retained by the BoM for audit purposes. The DES **will not** pay for substitute cover. The BoM/teacher may claim payment for substitute cover from the relevant party. **(Circular 0032/2007)**

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Elections

(i) General Elections

Q.23. **Can a teacher avail of leave as a candidate in a general election?**

- A. Yes, a teacher can avail of **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. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

(ii) Local Elections

Q.24. **Can a teacher avail of leave as a candidate in a local election?**

- A. Yes a teacher can avail of 1 day's paid leave on the day of the election. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Examination Leave

Q.25. Can a Teacher avail of examination Leave?

- A. Yes, a teacher may avail of examination leave on the actual days on which the examination is held provided it is a recognised third level education course. Verification in respect of the exam and the number of days necessary must be submitted to the BoM. A copy of such evidence should be retained by BoM for audit purposes. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Examiner in State Examinations

Q.26. Can a teacher avail of leave as an Examiner for state examinations?

- A. Yes a teacher can avail of leave as an examiner for state examinations with the prior approval of the BoM subject to a maximum of the number of days approved. Documentary evidence is required, a copy of which should be retained by the BoM for audit purposes. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Extra Personal Vacation (EPV)

Q.27. Can a teacher avail of Extra Personal Vacation (EPV) days?

- A. A teacher can avail of a maximum of 5 EPV days on foot of attending approved summer courses subject to BoM approval as per Rule 58 of the Rules for National Schools. On completion of an approved summer course the teacher will be provided with a certificate confirming attendance and completion of the course. A teacher claiming EPV days must provide the principal with this certificate at the start of the school year as evidence of completion of an approved summer course and entitlement to EPV days. A copy of this certificate must be retained in the school for future audit purposes. The DES **will not** pay for substitute cover. No EPV entitlement arises where attendance at any specific course amounts to 3 days or less. **(Circular 37/97 & Circular 35/2009)**

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Force Majeure Leave

Q.28. Can a teacher avail of Force Majeure Leave?

- A. All employees are statutorily entitled to "Force Majeure" leave subject to a maximum of 3 days in any period consecutive 12 months or 5 days in any period of 36 consecutive months. **Please note** that a teacher's statutory entitlement under "Force Majeure" leave is included in leave for illness of a family member mentioned in question 28 below.

Q.29. Can a teacher avail of leave to tend to an immediate family member who is ill including accompaniment to hospital?

- A. Yes, subject to a maximum of 5 school days in the case of an immediate family member and 3 school days in the case of a near family member or in the case of a teacher member of a religious community a member of the teacher's immediate community.

This leave is granted for urgent family reasons where owing to a serious injury or illness the immediate presence of a teacher is **indispensably** required at the place

where the family member is - this leave also includes accompanying a member of one's immediate family or near relative to hospital where alternative domestic arrangements cannot be made.

This entitlement includes a teacher's statutory entitlement under "Force Majeure" leave. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Garda Passing Out/Commissioning

Q.30. Can a teacher avail of leave for the Garda passing out/commissioning of immediate family?

- A. Yes a teacher can avail of 1 day's leave for the Garda passing out/commissioning of immediate family if the Garda passing out/commissioning is held on a day when the school is open. Immediate family for the purposes of graduation is defined as spouse/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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General Election

Q. 31. Can a teacher avail of leave as a Candidate in a general election?

- A. Yes, a teacher can avail of **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. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Graduation

Q.32. Can a teacher avail of leave in respect of his/her graduation?

- A. Yes a teacher can avail of 1 day's leave if the graduation is held on a day when the school is open. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

Q.33. Can a Teacher avail of leave for the graduation of immediate family?

- A. Yes, a teacher can avail of 1 day's leave for the graduation of immediate family if the Graduation is held on the day when the school is open. Immediate family for the purposes of graduation is defined as spouse/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Health and Safety Leave

Q.34. Can a teacher be placed on of Health and Safety leave?

- A. A pregnant teacher may be placed on Health and Safety leave if, following a Maternity related Health and Safety risk assessment, a risk is identified and if (a) it is not possible to remove it and (b) a temporary adjustment in the work environment of the teacher is not possible (c) moving the teacher to suitable alternative work which does not entail the risk is not available and (d) following consultation with and certification from the OHS. **(Circular 0032/2007 & Circular 0009/2013)**

Q.35. Can maternity related Health and Safety leave be granted in respect of more than one period?

Yes, maternity related Health and Safety leave can be granted in respect of more than one period provided the conditions outlined at Q.33 above are met. **(Circular 0009/2013)**

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International Sporting Events

Q.36. Can a teacher representing Ireland at international sporting events avail of leave?

- A. A teacher **may** qualify for leave for the number of days required. Documentary evidence of participation in the international sporting event and the number of days required, must be submitted to the DES for **prior approval**. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Jury Service

Q.37. Can a teacher avail of leave if s/he is called for Jury Service?

- A. Yes, a teacher can avail of leave if called for jury service. The maximum number of days allowed is the number of days as deemed necessary by the court. The teacher will be paid and a substitute teacher **will be** paid by DES. Documentary evidence must be retained by the BoM and notification of absence must be submitted to the Department of Education and Skills via the OLCS. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Local Elections

Q.38. Can a teacher avail of leave as a candidate in a local election?

- A. Yes a teacher can avail of 1 day's paid leave on the day of the election. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Ordination

Q.39. Can a teacher avail of leave for the ordination of immediate family?

- A. Yes, 1 day is allowed for the ordination of immediate family if the ordination is held on the day when the school is open. Immediate family for the purposes of ordination is defined as spouse/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Paternity leave

Q.40. Can a teacher take paternity leave?

- A. Yes, a teacher may take paternity leave in respect of the birth or adoption of his child. Up to three school days may be taken within 31 days of the birth or placement of the child. In the case of multiple births or the adoption of more than one child at the same time the maximum of three days applies. **(Circular 0032/2007 & Circular 01/01)**

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Q.41. Must the three days paternity leave be taken together?

- A. No, the three days may be taken consecutively or individually as appropriate subject to Board of Management approval. **(Circular 01/01)**

Q.42. How much notice should a teacher give of the intention to take paternity leave?

A. A teacher should notify the Board of Management at least four weeks in advance of his intention to taking paternity leave. The exact date of taking paternity leave should be notified to the BoM at the earliest possible date. **(Circular 01/01)**

Q.43. Can a substitute teacher be employed by the BoM for a teacher on paternity leave?

A. An appropriately qualified registered teacher may be employed by the BoM. The substitute **will be** paid by DES. **(Circular 01/01)**

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Post-Natal Care appointments

Q.44. Can a teacher avail of leave to attend post natal care appointments?

A. Yes. A teacher can avail of time off work to attend medical appointments related to post-natal care within 14 weeks of the birth. Evidence of appointment is required by the BoM, a copy of which should be retained by the BoM for audit purposes. **(Circular 0032/2007 & Circular 0009/2013)**

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Religious Profession

Q.45. Can a teacher avail of leave for the profession of immediate family?

A. Yes, a teacher can avail of 1 day's leave for the profession of immediate family if the profession is held on the day when the school is open. Immediate family is defined as spouse*/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

*spouse should be read as spouse or civil partner

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Religious Reception

Q.46. Can a teacher avail of leave for the religious reception of immediate family?

A. Yes, a teacher can avail of 1 day's leave for the religious reception of immediate family if the religious reception is held on the day when the school is open. Immediate family is defined as spouse*/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

*spouse should be read as spouse or civil partner

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Retirement Seminars

Q.47. Can a teacher avail of leave to attend a retirement seminar?

A. A teacher may avail of 1 day's leave to attend a retirement seminar. The prior approval of the BoM must be obtained. Evidence of attendance must be supplied to the BoM. This should be retained by the BoM for audit purposes. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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State Bodies

Q.48. Can a teacher avail of leave to attend meetings as a member of a state body?

- A. Yes a teacher may avail of leave to attend meetings as a member of a state body but only if the meeting is held during school opening hours subject to a maximum of 10 school days in a school year. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Statutory Local Body/ County Council Meetings

Q.49. **Can a teacher avail of leave to attend meetings as a member of a county council or statutory local body?**

- A. Yes a teacher may avail of leave to attend meetings as a member of a county council or statutory local body but only if the meeting is held during school opening hours subject to a maximum of 10 school days in a school year. A substitute may be employed. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Study Leave Prior to Examinations

Q.50. **Can a teacher avail of study leave prior to examinations?**

- A. Yes, a teacher is allowed a maximum of 5 days in respect of recognised third level educational courses. Verification in respect of the exam must be submitted to the BoM. Verification should be retained by the BoM for audit purposes. The DES **will not** pay for substitute cover. **(Circular 0032/2007)**

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Teaching Council Meetings

Q.51. **Can a teacher as a member of the Teaching Council avail of leave to attend teaching council meetings?**

- A. Teacher members of the Teaching Council can avail of leave to attend meetings held on school days subject to a maximum of 10 school days per year. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Transacting Personal Business

Q.52. **Can a teacher absent him/herself from school for the purpose of transacting private or personal business?**

- A. No, teachers are not allowed to 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. **(Circular 0032/2007)**

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Union Executive Committee Meetings

Q.53. **Can a teacher avail of leave to attend union executive committee meetings?**

- A. Yes, a teacher may avail of leave to attend union executive committee meetings subject to a maximum of 2 days per month. A substitute may be employed. The substitute **will be** paid by DES. **(Circular 0032/2007)**

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Unpaid Leave

Q.54. **Can a teacher avail of unpaid leave of absence?**

- A. Yes, a teacher can take a maximum of 10 school days as unpaid leave in a school year. The prior approval of the BoM must be sought. Unpaid leave will only be

considered in exceptional circumstances. A substitute may be employed by the BoM. The substitute **will be** paid by DES (**Circular 0035/2010**)

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Q.55. Can a part-time teacher avail of unpaid leave of absence?

- A. Yes, pro-rata entitlements to unpaid leave apply to part-time teachers. (**Circular 35/2010**)

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Q.56. Does a teacher need to seek prior approval in order to avail of unpaid leave of absence?

- A. Yes, the **prior** approval of the Chairperson of the Board of Management **must be** sought for all absences. (**Circular 0032/2007**)

Unpaid leave must only be considered in the most exceptional 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 for other forms of leave, statutory or otherwise and must not be of a recurring nature. (**Circular 0035/2010**)

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Q.57. What happens if a teacher is absent on unpaid leave without the approval of the Employer?

- A. Any unpaid absence without the approval of the employer will be dealt with under disciplinary procedures. (**Circular 0035/2010**)

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Q.58. Can a teacher on unpaid leave be employed in another recognised primary school?

- A. No, a teacher absent on unpaid leave cannot be employed in another primary or secondary school to undertake teaching in any capacity or undertake the duties of a special needs assistant. (**Circular 0035/2010**)

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Wedding* Leave

Q.59. Can a teacher avail of leave for his/her own wedding*?

- A. Yes, subject to a maximum of 7 consecutive days from the date of the marriage if the wedding takes place on a day when the school is due to be open. These days include weekends and any school closure e.g. bank holiday, vacation days etc. The DES **will not** pay for substitute cover. (**Circular 0032/2007**)

Q.60. Can a teacher avail of leave for the wedding* of a family member?

- A. Yes, a teacher may avail of 1 day's leave for the wedding* of an immediate family/near relative/in-law if the wedding is held on the day when the school is open. The DES **will not** pay for substitute cover. (**Circular 0032/2007**)

Immediate family is defined as spouse*/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter

Near relative is defined as grandparent, uncle, aunt, niece, nephew, grandchild, first cousin.

In-law is defined as father-in-law, mother-in-law, sister-in-law and son-in-law or daughter-in-law

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*marriage should be read as marriage or civil partnership

*spouse should be read as spouse or civil partner
*wedding should be read as wedding/civil ceremony

References:

- 0018/2013 Adoptive leave Entitlements for Registered Teachers in Recognised Primary and Post Primary Schools
- 0009/2013 Maternity Protection Entitlements For Registered Teachers in Recognised Primary and Post Primary Schools
- 0035/2010 Unpaid Leave for Registered Teachers in Recognised Primary and Post-Primary Schools
- 0035/2009 Extra Personal Vacation (EPV)
- 0032/2007 Teacher Absences
- 01/2001 Paternity Leave
- 37/97 Extra Personal Vacation: Rule 58 of The Rules for National Schools

Juries Act 1976

Maternity Protection (Health and Safety Leave Certification) Regulations 1995 (SI No. 19 of 1995)

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