



To: The Managerial Authorities of Recognised Primary, Secondary, Community and Comprehensive Schools and The Chief Executives of Education and Training Boards

**Coronavirus (COVID-19) Delay Phase
Arrangements for Teachers and Special Needs Assistants
employed in recognised primary and post primary schools**

The Minister for Education and Skills directs you to implement the special arrangements to cater for COVID-19 for teachers and special needs assistants (SNAs) employed in approved posts funded by monies provided by the Oireachtas.

These special arrangements are to be implemented by each employer with immediate effect and all teachers and SNAs must adhere to the special arrangements.

The general principles to apply to the management of COVID-19 includes the safety and welfare of employees and the minimisation of the impact on teaching and learning.

The primary focus of employees in the education sector is on continuing to deliver tuition to all pupils during the current school closures. All schools and teachers are required to continue to plan lessons and where possible, provide online resources for pupils or online lessons where schools are equipped to do so. Schools should also take into consideration pupils that may not have access to online facilities. Employers will need to consider how best to utilise employees to facilitate the delivery of educational services.

The Department reserves the right to change these arrangements at any time to reflect updated public health advice from the Health Service Executive.

This Circular supersedes Circular 0020/2020 titled 'Coronavirus (COVID-19): Arrangements for Teachers and Special Needs Assistants employed in recognised primary and post primary schools'.

Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all teachers and SNAs 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

This Circular can be accessed on the Department's website at www.education.gov.ie

Alfie Barrett
Principal Officer
Teacher/SNA Terms & Conditions Section

Padraig Maloney
Principal Officer
Payroll Division

27th March, 2020

Definitions

For the purpose of this Circular the following terms have the meanings assigned to them here unless the context indicates otherwise.

DEASP – means Department of Employment Affairs and Social Protection.

DPER – means Department of Public Expenditure and Reform.

Employee - means a registered teacher or Special Needs Assistant.

Employer means an Education and Training Board (ETB) for vocational schools/community colleges, community national schools and a Board of Management/Manager in the case of primary (excluding community national schools), voluntary secondary, community and comprehensive schools. The Education Training Board or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this Circular.

ETB – means Education and Training Board.

GDPR - means the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

HSE – means Health Service Executive.

On Line Claims System (OLCS) means the system for recording absences and claiming substitution currently operating in primary, voluntary secondary, community and comprehensive schools.

Paymaster – means the person/organisation in charge of paying salaries. The Department of Education and Skills in the case of primary, voluntary secondary, community and comprehensive schools and the Education and Training Boards in the case of vocational schools/community colleges.

Self-isolate – means an employee with COVID-19 symptoms who has been medically/HSE recommended to stay indoors and completely avoid contact with other people. Confirmation will be required in all instances of HSE or medical recommendation.

Restricted movements – means an employee with no COVID-19 symptoms who has been medically/HSE advised to restrict movements to avoid contact with other people and social situations as much as possible. Confirmation will be required in all instances of HSE or medical recommendation.

SNA – means Special Needs Assistant.

The Department means The Department of Education and Skills (DES).

1. Introduction

- 1.1 Coronavirus (COVID-19) is a virus that can cause illness affecting the lungs and airways.
- 1.2 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work.
- 1.3 Employers and employees should follow the guidance set out by the HSE and/or their doctor.

2. Purpose of this Circular

- 2.1 The purpose of this Circular is to advise employers of the arrangements during the delay phase for employees who have:
 - 1) contracted COVID-19
 - 2) symptoms of COVID-19 and have been advised by the HSE/doctor to self-isolate to prevent the spread of the virus
 - 3) no symptoms of COVID-19 but are a close contact of a confirmed COVID-19 case or have returned from another country and have been advised by the HSE/doctor to restrict his/her movements to prevent the spread of the virus
 - 4) high risk of serious illness from COVID-19

3. Special Leave with Pay

- 3.1 Under this Circular, an employer may grant special leave with pay to an employee where appropriate HSE or medical confirmation of COVID-19 diagnosis or recommendation to self-isolate or to restrict his/her movements is provided, in accordance with the HSE Guidelines.
- 3.2 Substitution for such days will be paid by the Paymaster where a substitute is required to provide tuition or care to pupils.
- 3.3 Any special leave with pay granted for the purpose of diagnosis of COVID-19, self-isolation or restricted movements will not be counted as part of the employee's Sick Leave record. The special leave with pay entitlement will apply for the number of days advised by the HSE/doctor.

4. Self-Isolation

- 4.1 The HSE sets out the latest criteria for self-isolation at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>.
An employee cannot voluntarily choose to self-isolate.
- 4.2 Where HSE or medical advice is that the employee must self-isolate then special leave with pay may be granted by the employer.
- 4.3 In the event that written HSE or medical confirmation to self-isolate is unavailable, an employee must complete the Self-Declaration Form at Appendix 1 to record the HSE or medical advice received. The completed Form should be forwarded by the employee to the employer as soon as possible
- 4.4 Where the employee is already on special leave with pay due to self-isolation and subsequently contracts COVID-19, then the special leave with pay may continue for the duration of the illness, subject to medical certification being provided to the employer.

- 4.5 Similar to the general principles applying to the management of Sick Leave, the employee must contact the employer where any of the above circumstances apply. Where circumstances or diagnosis changes, the employee should inform the employer as soon as possible.
- 4.6 There should be appropriate contact between the employer and the employee during the period of special leave with pay.
- 4.7 When the recommended period of self-isolation has passed, medical advice and HSE Guidelines should be followed regarding return to work.
- 4.8 An employee on special leave with pay is not permitted to claim the DEASP COVID-19 Illness Benefit payment.

5. Restricted Movements

- 5.1 The HSE sets out the criteria for restricted movements at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>.
An employee cannot voluntarily choose to restrict his/her movements.
- 5.2 An employee who has been advised to restrict his/her movements is available for work. The employee should be assigned work and the employer must therefore facilitate alternative working arrangements e.g. working from home. Where alternative working arrangements in the employee's current role is not feasible, then he/she may be temporarily assigned to work within the wider Public Service. Further details are available at paragraph 10.

6. At Risk Groups

- 6.1 The HSE advice on at risk groups is at: <https://www2.hse.ie/conditions/coronavirus/at-risk-groups.html>
- 6.2 An employee should self-declare where he/she considers there is a high risk of serious illness from COVID-19. Where the employee is not ill, the employer should prioritise alternative working arrangements e.g. working from home.
- 6.3 Where alternative working arrangements in the employee's current role is not feasible, then he/she may be temporarily assigned to work within the wider Public Service. Further details are available at paragraph 10.

7. Ordinary Sick Leave

- 7.1 Under the terms and conditions of the Sick Leave Scheme, ordinary illness e.g. viral type respiratory illness should be recorded by the employer on the OLCS/relevant ETB system. If the employee is subsequently diagnosed with COVID-19, the special leave with pay can be retrospectively applied in lieu of Sick Leave.

8. Application Procedures for Special Leave with Pay

- 8.1 In order for the approved special leave with pay to be recorded by the Department/ETB, the employer must notify the Department/ETB of the absence as soon as possible. For Department paid employees, the relevant details should be e-mailed to the dedicated e-mail address: covid19@education.gov.ie. Communication to this e-mail address should specifically relate to the approved special leave with pay.

9. Cancellation of Leave

- 9.1 The rules regarding cancellation of leave (e.g. Parental Leave) must be in accordance with the terms and conditions of the relevant Department publications.

10. Temporary Assignment

- 10.1 In accordance with DPER guidance, all public servants who are not medically advised to self-isolate must be available to carry out work either to deliver services within their own sector (as a priority) or for temporary assignment within the wider public service.
- 10.2 Employers will be asked to determine which of their employees will provide educational services to their pupils. Any employee who is not required to be retained in providing educational services will therefore be available to be assigned on a temporary basis to support delivery of other essential public services. This temporary assignment will be managed on a structured, centralised basis through this Department and the Public Appointments Service. Further details on the practical arrangements for this will be advised to employers shortly.

11. Employee Assistance and Wellbeing Programme

- 11.1 The Employee Assistance and Wellbeing Programme is available as a supportive resource for employees. The free phone confidential helpline is 1800 411 057 and is available 24 hours a day, 365 days a year.

12. Data Protection

- 12.1 All documentation relating to special leave with pay and self-declaration must be retained by the employer with the relevant personnel records in a safe and secure manner and in line with the employer's data protection policy and data protection regulations. These records may be selected for inspection by nominated Department officials.
- 12.2 The purpose for which the Department requires the personal data provided, is for the processing of the special leave with pay. Full details of the Department's Data Protection Policy setting out how personal data will be used including information regarding rights as a data subject are available on the Department's website. Details of this policy are also available in hard copy from the Department upon request.
- 12.3 For the purposes of processing the special leave with pay, Article 6(1)(d) in conjunction with Article 9(2)(b) in relation to special category data (including health data) of the GDPR would apply. In addition, Article 9(2) (i), along with section 53 of the Data Protection Act, 2018, permits the processing of special category data (including health data) for reasons of substantial public interest.

13. Compliance

- 13.1 Failure to abide with the special arrangements set out in this Circular may be dealt with under the current disciplinary procedures.

SELF DECLARATION FORM
COVID-19: SPECIAL LEAVE WITH PAY (COVID-19)
FOR SELF-ISOLATION

Part 1 - Employee Details

Employee's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No: _____

Part 2 – Details of Special Leave with Pay

Number of days based on medical advice to self-isolate: _____

Commencing on (DD/MM/YYYY): _____

Ending on (DD/MM/YYYY): _____

Advised to self-isolate by (✓)

GP	<input type="checkbox"/>	HSE	<input type="checkbox"/>
Hospital	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

Medical Advice received via (✓)

Telephone	<input type="checkbox"/>	Letter/email/text (please attach copy to this form)	<input type="checkbox"/>
In Person	<input type="checkbox"/>	Other (please specify) _____	<input type="checkbox"/>

Details of Medical Advice to Self-Isolate

Name of adviser (e.g. name of GP, HSE worker)	
Date and time advice given	
Details provided to the adviser by you (e.g. places and dates of exposure etc.)	

¹ Bona fide in relation to a representation or communication means in good faith and well founded in fact. The employer reserves the right to request further confirmation.

Declaration

I wish to apply for Special Leave with Pay in accordance with Circular X0024/2020 titled 'Coronavirus (COVID-19) Delay Phase: Arrangements for Teacher and Special Needs Assistants employed in Recognised Primary and Post Primary Schools'.

I confirm that the information provided in the Self-Declaration Form is true and accurate.

Signature of Employee: _____ Date: _____

Data Protection Privacy Statement

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Special Leave with Pay to be processed. Your employer will retain your application form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this application form can be found at: <https://www.education.ie/en/The-Department/Data-Protection/gdpr/gdpr.html> Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at <https://www.education.ie/en/The-Department/Data-Protection/>. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions, Department of Education & Skills, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

Part 3 – Employer Approval

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the school/ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.