



Circular 0032/2007

## DEPARTMENT OF EDUCATION AND SCIENCE PRIMARY BRANCH

### TO: BOARDS OF MANAGEMENT, PRINCIPAL TEACHERS AND ALL TEACHING STAFF IN PRIMARY SCHOOLS

#### Teacher Absences

1. The purpose of this circular is to set out for school management authorities, principal teachers and all teaching staff the provisions determining arrangements in relation to absences from school and whether the teachers' absence should be covered by the employment of a Substitute Teacher or a Temporary/Fixed Term Teacher. The issue of the circular is also intended to provide clarity for schools in relation to teacher absences having particular regard to the introduction of the On-Line-Claims System (OLCS) at primary level in April, 2007.
2. The On-Line-Claims System (OLCS) is designed to enable schools to submit online details of **all** teacher absences and to make claims for substitute teachers. The data input by schools, once validated, updates the Department's Payroll and Personnel systems and issues payment directly to the teacher.
3. It should be noted that with the introduction of this system some absences for unpaid leave which have heretofore required the employment of a temporary/fixed term teacher will now be covered by the employment of a substitute (casual/non-casual) teacher. For example, under present arrangements a teacher on paid maternity leave is replaced by a substitute (casual/non-casual) teacher for the duration of paid maternity leave. When on unpaid maternity leave she is replaced by a temporary/fixed term teacher. Henceforth, the full absence, maternity leave, leave-in-lieu, unpaid maternity leave etc., will be covered by the appointment of a substitute (casual/non-casual) teacher.
4. A teacher who is employed in a primary school under a contract which obliges him/her to work for a period in excess of 40 days in the school year but less than a full school year is classified as a non-casual substitute teacher. Such a teacher is paid at his/her appropriate annual salary divided by 183 for each day worked. A teacher who is employed on a casual basis for a period of up to 40 days in a school year is classified as a casual substitute teacher and is paid a fixed daily rate which is inclusive of holiday pay. If such a teacher exceeds 40 days employment in a school year they are paid at the non-casual rate for any day in excess of 40 days.
5. Boards of Management should fulfil existing contractual arrangements with replacement teachers, whether substitute (casual/non-casual) or temporary/fixed term. The revised arrangements should come into effect for contractual arrangements to be entered into from 16 April, 2007 onwards.
6. 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 school day. 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

7. **With effect from 16 April, 2007 all teacher absences which were previously recorded on the quarterly return and the substitute claim form will be submitted on-line by the schools involved in Phase 1 of the roll-out of OLCS. Pending the introduction of OLCS to all other primary schools all leave absences must be entered chronologically on the new substitute claim form which will be issued to all schools, even if the absence is not substitutable. It is important to note that absences should not be recorded on the quarterly return after 16 April, 2007.**
8. The Department will meet the cost of supplying a substitute teacher replacing Principal teachers in one teacher schools who are absent for any reason as set out in Section 1 of this circular and with the permission of the Board of Management. Substitute cover will also be provided for Principals in one teacher schools in respect of Extra Personal Leave (EPV) days.
9. The arrangements for teacher absences have been set out in three sections in this Circular –
  - **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**
10. The terms and conditions applying to teacher absences as outlined in the above Sections can be found in the relevant Department Circulars governing these schemes, e.g., Maternity Leave, Adoptive Leave, Sick Leave etc.. In addition, [Appendix A](#) of this circular sets out the provisions governing other brief absences, e.g., illness and bereavement of a family member.
11. Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in a school, regardless of the duration of the vacancy. Information regarding recognised qualifications can be obtained from the Primary Administration Section of the Department (Tel: 090 6483735/6483736). Under no circumstances should a Board of Management engage an untrained person and commit to retaining that person for the full duration of a teacher's absence on career break, maternity leave, parental leave etc.. It should be noted that a post primary qualified teacher is not fully qualified for the purposes of appointment as a primary teacher. The procedures for the appointment of teachers as outlined in the Constitution of Boards & Rules of Procedures for Boards of Management of National Schools must be adhered to at all times.
12. This Circular may also be accessed on the Department of Education & Science website at [www.education.ie](http://www.education.ie) under Education Personnel/ Primary/ Circulars and Information Booklets. Please note that queries regarding the Circular may be E-Mailed to [primary\\_payments @education.gov.ie](mailto:primary_payments@education.gov.ie)

Johnny Bracken  
Principal Officer.  
March, 2007.

## 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 & Science

<b>Nature of absence</b>	<b>No of days including maximum, if applicable, for which substitute teacher will be paid</b>
<b>SICK LEAVE</b>	
<b>Certified Sick Leave</b> – allowed maximum 365 days certified and uncertified sick leave over four years service	Maximum of 365 days
<b>Uncertified Sick Leave</b> – allowed subject to a maximum of 3 consecutive days per absence.	Maximum of 31 days per school year
<b>Leave in lieu Sick Leave</b> – allowed in respect of Public Holidays which fall during the first 26 weeks absence on sick leave	No of public holidays applicable
<b>Unpaid Sick Leave</b> – allowed up to a maximum of 6 consecutive months. This leave is allowed once in a teaching career	Maximum of 6 consecutive months.
<b>FAMILY LEAVE</b>	
<b>Maternity Leave</b>	
<b>Ante Natal Visits</b> - evidence of appointment required by BOM	All days
<b>Ante Natal Classes</b> – 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
<b>Maternity Leave</b>	Maximum of 26 weeks
<b>Maternity Leave in lieu</b>	Maximum of 30 consecutive school days
<b>Unpaid Statutory Maternity Leave</b> - this leave follows immediately on from maternity leave in lieu	Maximum of 16 consecutive weeks
<b>Unpaid Maternity Leave in Lieu</b> – this leave allowed for public holidays which fall within period of unpaid maternity leave.	No of public holidays applicable
<b>Additional (Extended) Unpaid Maternity Leave</b> – this leave allowed immediately following statutory unpaid maternity leave in lieu & may be taken until the end of the school year (i.e. 31 <sup>st</sup> August)	No of days absence
<b>Additional (Extended) Unpaid Maternity Leave in Lieu</b> – Leave allowed for Public Holidays which fall within the first 13 weeks of additional (extended) maternity leave	No of public holidays applicable
<b>Resumed (Postponed) Paid Maternity Leave</b> – As outlined in Primary Circular 0091/2006	Maximum of 12 consecutive weeks
<b>Resumed (Postponed) Paid Maternity Leave in Lieu</b>	Maximum of 30 consecutive school days (including maternity leave in lieu)
<b>Resumed (Postponed) Unpaid Maternity Leave</b>	Maximum of 16 weeks

<b>Resumed (Postponed) Unpaid Maternity Leave in Lieu –</b> <i>Allowed for public holidays which fall within the period of unpaid maternity leave</i>	No of days applicable
<b>Adoptive Leave</b>	
<b>Adoptive Meetings –</b> <i>Allowed time off to attend pre-adoption meetings/classes with social workers/health board officials. Evidence of appointment required by BOM</i>	No of days required
<b>Adoptive Leave</b>	Maximum of 24 weeks
<b>Adoptive Leave in Lieu</b>	Maximum of 27 days.
<b>Unpaid Statutory Adoptive Leave</b> <i>Allowed maximum of 16 consecutive weeks immediately following adoptive leave in lieu</i>	Maximum 16 weeks
<b>Unpaid Adoptive Leave in Lieu of Public Holidays -</b> <i>Leave allowed for public holidays which fall within the period of statutory unpaid adoptive leave</i>	No of public holidays applicable
<b>Additional (Extended) Unpaid Adoptive Leave -</b> <i>Allowed immediately following the statutory unpaid adoptive leave in lieu &amp; may be taken until the end of the school year (i.e. 31<sup>st</sup> August)</i>	No of days absence
<b>Additional (Extended) Unpaid Adoptive Leave in Lieu -</b> <i>Allowed for public holidays which fall within the first 13 weeks of additional (extended) unpaid adoptive leave in lieu</i>	No of public holidays applicable
<b>Resumed (Postponed) Paid Adoptive Leave –</b> <i>As outlined in Primary Circular 0090/2006</i>	Maximum of 24 weeks
<b>Resumed (Postponed) Paid Adoptive Leave in Lieu</b>	Maximum 27 consecutive school days (including adoptive leave in lieu)
<b>Resumed (Postponed) Unpaid Adoptive Leave</b>	Maximum of 16 weeks
<b>Resumed (Postponed) Unpaid Adoptive Leave in Lieu</b>	Number of public holidays applicable
<b>Paternity Leave</b>	
<b>Paternity Leave -</b> <i>This is paid leave applicable to fathers only</i>	Maximum of 3 school days within 31 days of the birth/placement of the child
<b>Parental Leave</b>	
<b>Parental Leave –</b> <i>Unpaid leave allowed maximum 14 weeks per child</i>	Maximum of 14 weeks per child
<b>Parental Leave in Lieu –</b> <i>Leave allowed for all public holidays which fall during the period of parental leave with the exception of Christmas, Easter &amp; Summer vacations</i>	No of public holidays applicable
<b>Parental Leave in Lieu –</b> <i>Leave allowed for school closures which fall during the period of parental leave with the exception of Christmas, Easter &amp; Summer vacations</i>	No of school closures applicable
<b>Leave for Illness/Bereavement</b>	
<b>Leave in respect of tending to an immediate family member who is ill including accompaniment to hospital</b> <i>– As outlined in <a href="#">Appendix A</a>. Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave.</i>	Maximum of 5 school days in a school year
<b>Leave in respect of tending to a near relative/member</b>	Maximum of 3 school days in a

<b>of religious community who is ill including accompaniment to hospital</b> – As outlined in <a href="#">Appendix A</a> . Please note that the maximum period of leave as outlined includes a teacher's entitlement to Force Majeure leave.	school year
<b>Bereavement of member of immediate family</b> – Allowed 5 consecutive days including a weekend – As outlined in <a href="#">Appendix A</a>	Five consecutive days including a weekend
<b>Bereavement of near Relative/In-law/ member of religious community</b> – Allowed minimum necessary period subject to maximum of 3 consecutive days including a weekend - As outlined in <a href="#">Appendix A</a>	Minimum period necessary subject to a maximum of 3 consecutive days including a weekend
<b>PERSONAL LEAVE</b>	
<b>Unpaid Leave of Absence</b> – Application must be approved by BOM six weeks in advance of absence	Number of days approved
<b>Assault Leave (Paid Leave)</b> - Application with Board of Management approval to be made directly to the Department of Education and Science. Documentary evidence must be supplied	Number of days approved
<b>Health &amp; Safety Leave – paid leave</b> Application with Board of Management approval to be made directly to the Department of Education and Science. Documentary evidence must be supplied	Number of days approved
<b>Retirement Seminar – paid leave:</b> Prior approval of Board of Management and evidence of attendance is required	1 day
<b>Member of Teaching Council of Ireland – paid leave –</b> Allowed leave to attend meetings held on school days	Maximum of 10 school days per year
<b>Career Break – Paid Leave in Lieu of Public Holidays:</b> Allowed for public holidays which fall within the first 13 weeks following commencement of a career break for the first time	1 day allowed
<b>Carers Paid Leave in Lieu of Public Holidays:</b> Allowed for public holidays which fall within the first 13 weeks following commencement of carers leave	Number of days applicable
<b>Leave in Lieu for Job Sharing Teachers –paid leave</b> allowed for teachers not timetabled to work who attend Curriculum days	1 day for each day attended
<b>Leave in Lieu of Public Holidays for Job Sharing Teachers</b> - Allowed paid leave in lieu for 17 March, 1 <sup>st</sup> Monday in May, 1 <sup>st</sup> Monday in June for job-sharing teacher who is not timetabled to work on these days.	Max allowed 3 days.
<b>Representing Ireland at International Sporting Event –</b> 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 Science with the Board of Management approval	Number of days approved
<b>Membership of State Bodies -e.g. National Council for Special Education, State Exams Commission</b> -Absence applies only where meetings are held during school opening hours	Up to ten school days in a school year.
<b>Candidate in a General Election</b> -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

<b>Attending court where a teacher is the defendant or plaintiff in a personal case</b> <i>Unpaid Leave</i>	The number of days deemed necessary by the Court
<b>Jury Service - Paid Leave</b>	The number of days deemed necessary by the Court.
<b>SCHOOL BUSINESS</b>	
<b>Principal Release - Paid leave to allow Principal's to undertake administrative duties</b>	Minimum of 14 days – maximum 22 days subject to number of mainstream posts in the school.
<b>Court Attendance – Attending legal proceedings on behalf of the school</b>	The number of days deemed necessary by the court
<b>In-Service/In-Career Development - Attendance must be approved by Department and Board of Management. Evidence of attendance required.</b>	Number of days approved
<b>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</b>	Number of days applicable
<b>Examiner for State Examinations - Paid leave with prior approval of Board of Management. Documentary evidence required</b>	Number of days approved
<b>Suspension by Board/Administration Leave – paid leave application to be made directly to Department by Board of Management</b>	Number of days applicable
<b>One Teacher Schools - All brief absences approved by the Board of Management are allowed for substitute cover</b>	Number of days required
<b>Union Executive Committee – Paid leave prior approval of Board of Management and documentary evidence required</b>	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 Science**

<b>Nature of absence</b>	<b>Period for which temporary/fixed term teacher will be paid</b>
<b>Career Break</b>	Maximum of 5 years
<b>Carers Leave</b>	Maximum of 104 weeks unpaid
<b>ABSENCE TO OTHER AGENCIES</b>	
<b>Secondment - Maximum of 5 years to outside agencies, 9 years to European Schools &amp; 10 years to Department National Approved Programmes</b>	Maximum 5, 9 or 10 years depending on agency to which teacher has been seconded
<b>Agency for Personal Service Overseas Application with Board of Management approval to be made directly to the Department of Education and Science. Evidence of work to be undertaken must be provided</b>	Maximum of 5 years



### Section 3

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

<b>FAMILY LEAVE ABSENCE (Paid leave)</b>
<p><b>Wedding of immediate family/near relative/in-law</b> - 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 <a href="#">Appendix A</a> for definition of immediate family/near relative (same as for bereavement leave)</p> <p><b>Ordination/profession/religious reception/ garda passing out/ commissioning/ Graduation of *immediate family</b> - 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 <a href="#">Appendix A</a> for definition of immediate family/near relative (same as for bereavement leave)</p>
<b>PERSONAL LEAVE ABSENCE (Paid leave)</b>
<p><b>Study Leave prior to Examinations</b> - 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</p>
<p><b>Exam Leave</b> - 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</p>
<p><b>Teachers' own wedding – this applies only when the wedding takes place on a day when the school is due to be open</b> – allowed 7 consecutive days from the date of marriage. These days include weekends and any school closure e.g. bank holiday, vacation days etc</p>
<p><b>Graduation of teacher</b> - 1 school day if the graduation is held on a day when the school is open.</p>
<p><b>Extra Personal Vacation (EPV)</b> - Allowed a maximum of 5 EPV days per school year in lieu of attendance at approved summer course</p>
<p><b>Membership of public bodies e.g. county councils or statutory local bodies</b> – allowed up to ten school days in a school year. Absence applies only where meetings are held during school opening hours</p>
<p><b>Candidate in a Local Election</b> - allowed 1 day on day of election</p>
<p><b>Legal Separation Proceedings</b> – allowed 1 school day provided the proceedings take place on a day when the school is open</p>
<p><b>Witness in Court (under subpoena or summons)</b> – 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).</p>

### 1.1 Illness of a family member

- (a) 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 ones immediate family or near relative to hospital where alternative domestic arrangements cannot be made.

A substitute teacher may be employed for the school days during the absences as specified in 1.1(c) below.

- (b) For the purposes of this sub-section, family relationships are defined as follows:
- **Immediate family** – spouse/partner, father, mother, step-father, step-mother, son, daughter, step-son and step-daughter.
  - **Near relative** – brother, sister, grandparent, uncle, aunt, niece, nephew, grandchild.
  - Three days leave of absence is also available to teachers who **are members of religious communities** in respect of the serious illness of a member of the teacher’s immediate community.
- (c) The **maximum**, period of absence that shall be granted is:
- 5 school days in a school year in the case of a member of the immediate family.
  - 3 school days in a school year in the case of a near relative and to teachers who are members of religious communities.

**These maximum periods of leave include a teacher’s statutory entitlement under “Force Majeure” leave.**

### 2.1 Bereavement involving a family member

- (a) Special leave with pay is allowed to a teacher in the event of bereavement.

For the purposes of this sub-section, family relationships are defined as follows:

- **Immediate family** – spouse/partner, father, mother, step-father, step-mother, son, daughter, brother, sister, step-son and step-daughter.
  - **Near relative** – grandparent, uncle, aunt, niece, nephew, grandchild, first cousin.
  - **In law** – father-in-law, mother-in-law, brother in law, sister in law and son or daughter in-law.
  - Three days leave of absence is also available to teachers who are members of religious communities in respect of the death of a member of the **teacher’ immediate community**.
- (b) The **maximum**, period of absence that shall be granted is:
- 5 consecutive days in the case of a member of the immediate family.
  - Absence for the minimum period necessary to attend the funeral subject to a maximum of 3 consecutive days in the case of a near relative or in-law.

If the death occurs in the evening (after school hours) five or three consecutive days are allowed, as appropriate, starting from the following day.

If the death occurs at the weekend (Saturday/Sunday) five or three consecutive days are allowed, starting from the following day.



- (c) In the case of immediate family a substitute teacher may be employed for up to five days. In the case of near relative, in-law or members of Religious Communities a substitute teacher may be employed for the minimum period necessary to attend the funeral subject to a maximum of three days, **except** in the case of the death of a first cousin where a substitute teacher may only be employed for one school day.

The absence should be recorded as "Bereavement Leave".