



Circular Letter 0020/2020

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

**Coronavirus (COVID-19)
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 Department reserves the right to change these arrangements at any time to reflect updated public health advice from the Health Service Executive.

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.

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

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Definitions

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

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 – refers to employees who are medically/HSE recommended to restrict their movements. Confirmation will be required in all instances.

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 for employees who have contracted COVID-19 or those who have not contracted the virus but have been advised to self-isolate to prevent the spread of the virus.

3. Special Leave

- 3.1 Under this Circular, an employer may grant special leave with pay to an employee where appropriate medical or HSE confirmation of COVID-19 diagnosis or recommendation to self-isolate is provided, in accordance with the HSE Guidelines.
- 3.2 Substitution for such days will be paid by the Paymaster.
- 3.3 Any special leave with pay granted for the purpose of self-isolation or diagnosis of COVID-19 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 criteria for self-isolation at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>.
- 4.2 The current HSE advice is that it can take 14 days from exposure to COVID-19 for the symptoms to appear.
- 4.3 Where medical advice is that the employee who is not ill should self-isolate, then the employer should consider flexibility for alternative working arrangements, if this enables the employee to continue working e.g. encouraging working from home, where possible. Where alternative working arrangements are not feasible, then special leave with pay may be granted by the employer.
- 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. Also, there should be appropriate contact between the employer and the employee during the period of special leave with pay.
- 4.6 When the recommended period of self-isolation has passed, medical advice and HSE Guidelines should be followed regarding return to work.

5. Ordinary Sick Leave

- 5.1 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.

6. School Closure

- 6.1 If following HSE advice, a school is closed as a result of Covid-19, the Paymaster will continue to pay the employees.

7. Application Procedures

- 7.1 In order for the approved special leave with pay to be recorded by the Department/ETB and the substitute to be paid, the employer must notify the Department 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

8. Data Protection

- 8.1 All documentation relating to special leave with pay 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.
- 8.2 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.
- 8.3 For the purposes of processing the special leave with pay, Article 6(1)(c) 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)(g) of the GDPR permits the processing of special category data (including health data) for reasons of substantial public interest.