

## **SCHOOL LEADERS FAQs – COVID-19**

The below responses are updated based on information available to INTO on 20 April. Members should bear in mind that this is a fast-changing situation. We will update these FAQs as further information becomes available.

### Work and attendance

### What work should principals be prioritising at this time?

Providing continuity of education is extremely important and we need to ensure, far as reasonably possible, that the children in our schools and classes continue to engage with a range of learning activities. Leading continuity of learning is the key role for the principal at this time. However, it is also important that the day to day management of schools is carried out, both to ensure that learning can occur effectively but also that administrative matters are carried out effectively.

The Professional Development Support Service (PDST) Leadership team has put together resources for principals in carrying out their responsibilities at this time including a resource bundle. This guidance is divided into four areas: communication structures, leading continuity of learning, supporting staff, and supporting well-being.

### Who else should be working?

The <u>letter from the Secretary General</u> to teachers and principals on 25 March states "Education continuity is critical, in this crisis, for students at all levels of the education sector. In that respect, all schools are expected to proactively ensure that all of their staff contribute to the continuation of educational provision for their students during this period."

<u>DES Circular 0024/2020</u> states that "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."

All school staff who are not on leave (e.g. sick leave, maternity or parental leave, COVID-19 leave), should be available for work. Work patterns may have to be adjusted to accommodate teachers who have caring responsibilities.

### What work should teachers be carrying out?

On Friday, 3 April the DES issued <u>Guidance on the Continuity of Education in Primary and Post Primary Schools</u>. The guidance states "All schools and teachers, including teachers of students

with special educational needs, should, therefore, be regularly communicating and engaging with students to ensure that there is continuity in their learning. Where possible, primary teachers should make every effort to engage with their students on a daily basis and post-primary teachers should do so on the days that they are normally timetabled for lessons with their students. In engaging with students, there should be a balance between the assignment of independent work, whether written or practical, online learning and other tasks in accordance with the learning needs of students and the resources available."The DES is expected to issue specific supplementary guidance for primary schools.

Class teachers should be expected to support learning at home for the children in their class. SET teachers/EAL teachers should target their support at the children they normally teach, in conjunction with their class teacher. HSCL teachers should work with the principal to support children who may be particularly vulnerable and to ensure that links between home and school are maintained.

Home-learning has posed challenges for many parents and guardians but since the outset of the closure, teachers have provided much assistance in terms of sharing invaluable knowledge online to the benefit of others.

The INTO has compiled a comprehensive list of <u>home learning</u> resources for teachers/schools to share.

The PDST has assembled a list of <u>resources for distance learning</u>.

### What about other school staff?

<u>DES Circular 0027/2020</u> (published 1 April) outlines the arrangements for temporary assignment arrangements for certain staff in the education and training sector to deal with COVID-19. A dedicated process has been established for special needs assistants (SNAs), given the particular skills and experience of these staff in assisting children with additional care needs. All SNAs are to be nominated for a temporary assignment and may be called for assignment subject to the terms of *DES Circular* 0024/2020.

The DES has confirmed that grants for ancillary staff will be paid to schools as normal. Grant-funded staff should be paid as normal for the period up to 19 April 2020. There should be no change to payments to secretaries, caretakers, cleaners, bus escorts or any other employee whose pay is grant-aided until further advice

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issues. A further update from the FSSU will be communicated shortly. <u>FSSU Guideline P14 – 0019/2020</u> outlines some essential tasks which should be carried out by administration/accounts personnel from home, including payroll, returns to Revenue and ongoing maintenance of the accounting system.

## Should principals/other school staff attend in the school building?

The announcements on Friday, 27 March and Friday, 10 April concerning essential work make it clear that principals/other staff should not be travelling to their place of work and should work from home. The DES has advised that effective 6 pm, on Monday, 30 March, school buildings are no longer accessible to school staff until Tuesday, 5 May (at the earliest), except to deal with:

- a. the school meals initiative and
- b. payroll issues.

The INTO has sought further clarification from the DES on this

# Should teachers be put forward to be temporarily assigned to other public service work (as per *DES Circular* 0027/2020)

<u>DES Circular 0027/2020</u> (published 1 April) outlines the arrangements for temporary assignment arrangements for certain staff in the education and training sector to deal with COVID-19.

The circular letter reiterates the importance of the continuity of primary education. The letter states "The clear priority in the education and training sector is to ensure continuity of education for learners and this is being progressed across the sector using new and innovative ways of working".

The INTO advises that primary school principals and teachers are providing an ongoing and important educational service to their pupils throughout the current health crisis, with schools across the country closed until the 19 April. While we appreciate some of our members will wish to support the public effort, during this period, their first duty will remain to their student body. Education is an essential service for our students.

The INTO acknowledges the role of school management in identifying and linking with staff available for temporary assignment is outlined in the circular. However, throughout the course of the last number of weeks, in numerous interactions with the DES, they have made it clear that the primary objective of teachers should be the facilitation of their pupil's learning.

Some teachers on leave of absence (including on career break) have indicated that they would like to be considered for reassignment. The DES has clarified that "A teacher currently on Career Break may not be considered for temporary assignment as he/she is on an unpaid leave of absence from the school. A return to duty in the school/ETB which granted the Career Break or to the school/ETB where the teacher has been redeployed is not permitted other than at the beginning of a succeeding school year."

### I have a substitute who was scheduled to work during the closure. Will the sub be paid?

The information note issued by DES Primary Payroll on 13 March sets out the arrangements for the payment of salary/pension to staff paid by the DES during school closures due to COVID-19. Schools should not input a school closure on the OLCS as they will then be unable to submit substitute claims.

Where a substitute was scheduled to work in the period of the school closure, then the school should continue to record that claim. The substitute will be paid for that scheduled absence.

Substitute teachers should be clear that they are required to work

to ensure continuity of learning for the children, in place of the teacher on leave. Substitute claims cannot be claimed in advance on the OLCS, therefore, it is important that schools key all absences and input claims for substitutes on the OLCS as normal.

Teachers may, in certain circumstances, be entitled to vary or cancel substitutable leave, and if such leave is cancelled or varied then the substitute will not be required and will not be paid. BOMs/principals should take this into account in considering requests to cancel or vary leave. In particular, principals should consider what commitments were made (either in writing or verbally) to substitutes when they were engaged. Section 9 of <u>DES Circular 0024/2020</u> states that "The rules regarding cancellation of leave (e.g. Parental Leave) must be in accordance with the terms and conditions of the relevant Department publications." See section 3 below in relation to those rules.

The DES has advised that it has implemented remote working for DES staff.

This includes the operation of the school staff payroll on a remote basis. If you need to contact the DES you should do so by email at <a href="mailto:primtch\_payroll@education.gov.ie">primtch\_payroll@education.gov.ie</a> or <a href="mailto:OLCSBusinessUnit@education.gov.ie">OLCSBusinessUnit@education.gov.ie</a>.

# There is a scheduled substitutable absence in my school. Should I engage a substitute teacher for the absent teacher?

Yes. Principals should continue to engage substitute teachers to ensure the continuation of educational provision for their students during this period. An exception to this would be where a course/medical appointment/surgery etc., has been cancelled and the substitute is no longer required as the teacher is available for work. Substitute teachers should be clear that they are required to work to ensure continuity of learning for the children, in place of the teacher on leave.

### 2. Administrative matters

The DES issued a <u>note to schools</u> on 1 April outlining arrangements for planning and preparatory work for the coming school year, including the operation of school enrolment processes, teacher allocation and redeployment processes and teacher appointment processes. The INTO advises that this work is important to ensure continuity of education provision and to ensure that schools can reopen quickly when public health advice allows.

### Staffing and redeployment

The DES notified us that the date for the return of forms and documentation related to the Staffing Circular (Main Panel Application Forms, CID Forms, Staffing Appeals Applications) was extended to April 3 (from 27 March). The INTO encouraged principals and teachers to complete and return these forms by this date, to ensure minimum disruption to the redeployment process. The DES informed us that in consideration of the current challenges, schools had the option to email a scanned signed copy of the Main Panel Forms and the Staff Planning Form to the following DES email at <a href="mailto:primaryallocations@education.gov.ie.">primaryallocations@education.gov.ie.</a> A copy of the original should be retained in the school for future reference.

A Staff Planning Form issued to schools by post for return on 24 April. The DES has acknowledged that many principals will not have received this form in advance of the closure of school buildings on Monday 30 March. The date for the return of this form may be extended in line with any extension to school closures. The INTO will keep members updated about any further developments on this matter.

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The DES has advised the INTO that the issuing of the main panels will be delayed due to the fact that schools have not returned panel forms. The INTO requests that all schools who are due to lose a teacher return the Main Panel Application form.

## School admissions policies and enrolments under the Education (Admission to Schools) Act 2018

The DES has advised that admission policies must be in place, in line with the requirements in the <u>2018 Admissions Act</u> and the timelines previously advised. The INTO has published <u>guidance</u> to assist principals in carrying out this task.

### **Board of management meetings**

Owing to the current crisis, principals and schools are being asked to make decisions on matters which they may never have considered previously. Principals are advised to maintain regular contact with the chair of their board of management (BOM), and where necessary to convene a meeting of their BOM to consider significant matters. The DES has advised that section 13.3 (g) of the *Governance Manual for Primary Schools 2019 – 2023* provides for the use of conference calls to facilitate BOM meetings. The DES has clarified that this may include the use of online platforms, once the BOM is satisfied that appropriate security measures are in place to protect confidentiality. Where phones and other online platforms have been used to host the meeting, this should be recorded in the minutes of the meeting. The normal requirements for confidentiality continue to apply. Some management bodies have issued further guidance to schools about this.

### **Child protection matters**

The DES has advised that, for the duration of the COVID-19 emergency measures, the requirement to provide a Child Protection Oversight Report (CPOR) will not apply to BOM meetings held remotely, whether by video conference or teleconference. This is because it is not possible to meet the requirement to provide BOM members with the specified documentation at the BOM meeting.

The principal must continue to maintain the relevant data and records for the CPOR which shall be provided at the next face to face meeting of the BOM. The data in the report must reflect cases arising since the previous CPOR was provided to the BOM.

### 3. Managing leave

## A member of my staff is on sick leave – what should I do as a principal?

Schools/principals and other OLCS inputters should continue to record and amend absences during the current closure, and the administrative aspect of sick leave will be managed as it would be if schools were open.

Sick leave should continue to be recorded, and substitute teachers who have been employed to cover those absences will remain in receipt of salary, for the duration of the medical certificate provided by a teacher.

Where a teacher is absent for a short-term illness, on a medical certificate ending during the current closure, you should follow the dates of the certificate and end the sick leave during the closure. You can accept the teacher's own doctor's confirmation of their fitness to work.

If a teacher has been absent for a longer period – more than 28 days consecutively or cumulatively in the past 12 months – they must be referred to the OHS, Medmark, and be certified as fit to work for the school/principal to end the period of sick leave on the OLCS. Medmark is continuing to operate and will provide

telephone consultations during this time, and will be in contact with affected members. Applications for critical illness should be processed in the normal manner.

In summary, sick leave should be treated as if the school was in operation.

## A teacher in my school is scheduled for surgery and was due to be absent but the surgery has been cancelled. What should I do?

You should cancel the sick leave on the OLCS. If a substitute has been booked they will not be required as there is no substitutable absence.

# A staff member has been diagnosed with COVID-19 or has been advised by the HSE/doctor to self-isolate or restrict their movements. What should I do?

<u>DES Circular 0024/2020</u> sets out that an employer may grant special leave with pay to an employee where appropriate HSE or medical confirmation of a COVID-19 diagnosis or recommendation to self-isolate or to restrict their movements is provided, per the <u>HSE guidelines</u>. Substitution for such days will be paid by the paymaster where a substitute is required to provide tuition or care to pupils.

Any special leave with pay granted for 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.

You must contact your school if any of the above circumstances apply.

### Can leave which a teacher/SNA has booked be changed

Section 9 of <u>DES Circular 0024/2020</u> states that "The rules regarding cancellation of leave (e.g. Parental Leave) must be in accordance with the terms and conditions of the relevant Department publications."

## A teacher is on unpaid leave at present. Can they change the leave to be paid during the closure?

The information note issued by the DES Payroll on 13 March is very clear that leave cannot be changed where an absence has been recorded on the OLCS it cannot be deleted/amended as a result of the government direction to close schools. Where a substitute was scheduled to work in the period of the school closure, then the school should continue to record that claim. The substitute will be paid for that scheduled absence".

### Can teachers withdraw applications for leave?

<u>DES Circular 0024/2020</u> states that "The rules regarding cancellation of leave (e.g. Parental Leave) must be in accordance with the terms and conditions of the relevant Department publications." i.e. <u>DES Circular 0054/2019.</u>

There are various categories of unpaid leave, with various conditions attaching to those schemes. (See below).

Any changes to unpaid leave will be at the discretion of the BOM/ETB and must be per the rules for the leave. In considering requests to vary leave already granted, BOMs/ETBs should take into account whether or not they have engaged a substitute teacher to cover a leave absence.

The information note issued by the DES on 13 March is clear that recorded leaves of absence shouldn't be amended solely based on the current closure. However, BOMs/ETBs may take into account that teacher's circumstances may have changed since the application for leave was made and may wish to accommodate requests on that basis.

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### What are the conditions governing requests for changes to unpaid leave?

### **Unpaid maternity leave**

Per DES Circular 0054/2019, chapter 2, part 17.1:

"Termination of Statutory Additional Unpaid Maternity/Father's Leave. An application to take statutory additional unpaid Maternity Leave or statutory additional unpaid Father's Leave, may be withdrawn in writing, for any reason, up to 4 weeks prior to the proposed commencement date for such leave. If the 4 week cancellation period provided for in the Act has passed, entitlement to withdraw an application has been lost."

### **Statutory Unpaid Adoptive Leave**

Per DES Circular 0054/2019, chapter 3, part 15.1:

"Termination of Statutory Additional Unpaid Adoptive/Father's Leave. An application to take statutory additional unpaid Adoptive Leave, or statutory additional unpaid Father's Leave, may be withdrawn in writing, for any reason, up to 4 weeks prior to the proposed commencement date of such leave. If the 4 week cancellation period provided for in the Act has passed, entitlement to withdraw an application has been lost."

#### **Parental leave**

Per <u>DES Circular 0054/2019</u>, chapter 5, parts 12, 14 and 15:

The parental leave circular makes provision for parental leave to be suspended by the teacher if the teacher becomes too ill to care for their child, or the employer believes the teacher is using the parental leave for a purpose other than child-care.

With requests to change work hours/pattern, S15 states that "Such a request must be made in writing to the employer not later than 6 weeks before the proposed commencement of the change in work pattern specifying the nature of the changes requested, the date of commencement and duration of the change in work pattern".

Otherwise, as per the confirmation document at appendix B of the relevant chapter, "Following signing, no amendment can be made to the confirmation document without the agreement of both parties. A copy of the confirmation document should be retained by the teacher."

### Discretionary unpaid leave

<u>DES Circular 0054/2019</u> chapter 11 is silent on the withdrawal of a request for unpaid leave days, so this may be addressed on a case by case basis by schools.

If the leave has been recorded on the OLCS and a substitute has been engaged to cover the absences, this arrangement will be unaffected by the current school closure and the substitute will be paid. If a substitute has not been employed, a BOM/ETB may allow for the withdrawal of the leave request, subject to Primary Payroll operational deadlines.

### Career break and job share applications for 2020/21

Teachers had up to 14 April to withdraw an application for a career break or job share for next school year. Career break and job share applications after this date may only be withdrawn at the discretion of the BOM and will usually be facilitated if the school have not yet employed a fixed-term teacher for the year ahead.

Please note, this condition is highlighted for the benefit of teachers who may find themselves in changed financial circumstances due to recent events. The INTO has no cause to believe that schools will remain closed into the start of the new school year.

#### Carer's leave

Per paragraph 12.1 of chapter 6 of <u>DES Circular 0054/2019</u>:

"The period of Carer's Leave shall terminate on the date specified on the confirmation document at the time of application, except where the relevant person:

- ceases to require full-time care and attention during the period of Carer's Leave, or
- dies during a period of Carer's Leave.

If the relevant person dies during the period of Carer's Leave, the teacher may return on the date specified in the confirmation document or on a date which occurs 6 weeks after the date of the death whichever is the earlier."

Otherwise, per the confirmation document at appendix B of the relevant chapter, "Following signing, no amendment can be made to the confirmation document without the agreement of both parties. A copy of the confirmation document should be retained by the teacher."

### Can EPV days be taken by teachers during the closure?

Yes, EPV days may be requested and approved subject to normal school procedures. Teachers and principals may wish to avail of their EPV days during the school closure to attend to personal responsibilities or to take a break from supporting their pupils' learning. It should be noted that there is no facility to carry EPV days from one school year to another. Principals are reminded that non casual substitutes are entitled to avail of EPV days, on a pro rata basis.

### **Payroll division contact details:**

Primary primtch\_payroll@education.gov.ie
Post primary PPpayroll@education.gov.ie
Non-teaching staff NTSpayroll@education.gov.ie
Retired RTPS@education.gov.ie

**OLCS IT support** onlineclaims@education.gov.ie