



Circular Letter 0040/2021

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

**Partial Return to Work for Special Needs Assistants employed in
Recognised Primary and Post Primary Schools**

The Minister for Education, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the regulations and procedures, as stated, for special needs assistants (SNAs) employed in approved posts funded by monies provided by the Oireachtas.

All employers and SNAs must adhere to the agreed terms and conditions as stated with effect from the date of this Circular.

This Circular replaces the Department's Information Note TTC/010/2020.

Please ensure that the contents of this Circular are brought to the attention of all members of the Board of Management/Education and Training Boards and all 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 at: <https://www.gov.ie/en/service/e58e52-sick-leave/#special-needs-assistants>

**Clare Butler
Principal Officer
Teacher/SNA Terms and Conditions Section**

**Sinéad Keenaghan
Principal Officer
Payroll Division**

9th August, 2021



1. Introduction

- 1.1 Under the Employment Equality Acts, employers are required to take reasonable steps to accommodate the needs of employees and prospective employees with disabilities (as defined in the Employment Equality Acts).
- 1.2 Details on reasonable accommodation are contained in paragraph 12 of [Circular 60/2019](#) titled '*Sick Leave Scheme for Special Needs Assistants employed in Recognised Primary and Post Primary Schools*'.

2. Partial Return to Work (PRW)

- 2.1 To assist employers in exploring reasonable accommodation requirements, PRW for SNAs was introduced on a pilot basis for the 2020/2021 school year. This Circular advises that PRW arrangements will remain in place on a permanent basis for SNAs as part of the Sick Leave Scheme.
- 2.2 This provision is available to facilitate an SNA recovering from an illness to transition back to full duties over an agreed limited period of time. Access to PRW is not an automatic entitlement and is subject to the recommendation of the OHS (Occupational Health Service) and the approval of the employer.
- 2.3 The approved PRW arrangement will commence on an agreed date. The exact duration of a PRW arrangement will be based on the advice of the OHS and is permitted for a maximum period of one school term. PRW may commence at any time within a school term but shall not extend beyond the end of that term.
- 2.4 At the end of this period, it is expected that the SNA shall have reached sufficient medical fitness to allow him/her to undertake full duties on a whole time basis.
- 2.5 The employer should take all reasonable steps to facilitate the PRW arrangement, but must ensure the welfare and care needs of the pupils take precedence. The employer must provide the SNA with a written notice of their decision to approve/refuse the PRW application. Where an application is refused, the employer must include the grounds for refusal.
- 2.6 An early return to full duties from PRW may take place subject to OHS approval and agreement with the employer on an agreed date.
- 2.7 The SNA availing of the PRW must undertake to carry out their responsibilities in accordance with their contract for a minimum of 2 full school days every week. The SNA will be paid their full rate of pay by the Department/ETB for the school days worked.



- 2.8 The remaining days on which the SNA does not work during the PRW (including weekends) must be recorded as Sick Leave and must be recorded on the OLCS/relevant ETB System. The OHS recommendation for PRW is sufficient evidence for the employer to record these Sick Leave absences. The appropriate rate of sick pay/Temporary Rehabilitation Remuneration (TRR) will be applied in accordance with the terms of the Sick Leave Scheme as outlined in Circular 0060/2019.
- 2.9 An SNA on PRW is advised to contact the Department of Social Protection to establish if they qualify for Partial Capacity Benefit in respect of the days they are not working, as pay adjustments may be required.
- 2.10 The employer has the right to withdraw approval of any PRW arrangement if it is not operating in the best interests of the pupils/school.
- 2.11 The employer may appoint a substitute SNA, paid by the Department/ETB, to cover the days that the SNA, availing of the PRW arrangement, is absent on Sick Leave. This must be recorded by the employer via the OLCS/relevant ETB system. The employer should make clear reference to the fact that the replacement SNA's appointment for the Sick Leave absence may have to be terminated in the event of the SNA returning to duties earlier than expected.

3. Employee Assistance Service

- 3.1 The [Employee Assistance Service](#) which is currently provided by Spectrum. Life, 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.