



## Information Note TC 0001/2022

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

### **COVID-19:**

**Updated Working and Leave Arrangements from January 2022 for Teachers and Special Needs Assistants employed in recognised Primary and Post Primary Schools**

#### **1. Introduction**

- 1.1 This Information Note provides the updated working and leave arrangements during the COVID-19 pandemic, for teachers and special needs assistants (employees) in recognised schools.
- 1.2 The Information Note updates certain sections of [Circular 0042/2021](#), as detailed below, and supersedes Information Note TC 0027/2021. It also includes:
  - o [Appendix A](#): Updated Application Form for Special Leave With Pay
  - o [Appendix B](#): Employer's Guide, which is a summary of the rules that must apply under specific circumstances. The Employer's Guide supersedes the version in [Circular 0042/2021](#)
  - o [Appendix C](#): Frequently Asked Questions
- 1.3 The Department is cognisant that there may be specific circumstances which exist at this time, where more flexibility is required in relation to the Parental Leave Scheme. On this basis, there will be a temporary change in specific terms and conditions of the Parental Leave Scheme for a specified period as detailed at [paragraph 7](#) below.
- 1.4 These updated arrangements are to be implemented by each employer with immediate effect and all employees in each sector must adhere to the arrangements.

#### **2. Special Leave with Pay (COVID-19:Self-Isolation and COVID-19:Diagnosis)**

- 2.1 Paragraph 2 of [Circular 0042/2021](#) caters for Special Leave With Pay.
- 2.2 Subject to the criteria as specified, paragraph 2.1.1 of [Circular 0042/2021](#) states Special Leave With Pay will be granted by the employer, where an employee has been advised by the HSE/GP to self-isolate because they are displaying COVID-19 symptoms or are diagnosed with COVID-19.

- 2.3 Special Leave With Pay commences from the date an employee displays [COVID-19 symptoms](#), or receives a positive COVID-19 antigen test result or a positive COVID-19 PCR test result. The employee cannot attend the workplace and is unavailable for work during this period.
- 2.4 Under this Information Note, paragraph 2.1.1 is amended to state Special Leave With Pay will be granted where there is a requirement for the employee to self-isolate as follows:
- (a) [COVID-19:Self-Isolation](#) (GP referral for self-isolation is not a requirement):
- An employee who displays [COVID-19 symptoms](#).
  - An employee aged 40 years or older who has received a positive COVID-19 antigen test result. The employee must provide their employer with evidence (e.g. photograph) of the [positive antigen test result](#) for the initial period of Special Leave With Pay (self-isolation). Where the employee's antigen test result is positive, they must arrange a [COVID-19 PCR test](#) immediately.
  - For non-ETB schools, this leave is recorded on the OLCS by the employer under 'Personal Leave', sub-category titled '[COVID-19: Self-Isolation](#)' in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.
- or
- (b) [COVID-19:Diagnosis](#)
- An employee who has received a positive COVID-19 PCR test result. The employee must provide their employer with supporting HSE evidence of the positive COVID-19 PCR test result, including test date.
  - An employee who is 39 years of age or under and has received a positive COVID-19 antigen test result. A person in this age group who receives a positive COVID-19 antigen test result is required to report this result on the [HSE portal](#). The employee must immediately provide their employer with confirmation of this HSE record, as supporting evidence (screenshot of relevant HSE text message is acceptable as evidence).
  - For non-ETB schools, this leave is recorded on the OLCS by the employer under 'Personal Leave', sub-category titled '[COVID-19: Diagnosis](#)' in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.
- 2.5 The current criteria for self-isolation, as updated by the HSE, must be followed. Please refer to the HSE link at: <https://www2.hse.ie/conditions/covid19/restricted-movements/how-to-self-isolate/>.
- 2.6 It should be noted that Special Leave With Pay is available to eligible employees, to assist in the prevention of the possible onward spread of COVID-19 in the workplace. The eligibility for Special Leave With Pay only applies to an employee who was rostered or due to be working and it cannot be substituted for other forms of leave.

2.7 Where an employee has been granted Special Leave With Pay, the employer may appoint a substitute, paid by the Department/ETB.

**3. Restricted Movement (COVID-19: Restricted Movement)**

3.1 Paragraph 3 of [Circular 0042/2021](#) caters for restricted movement.

3.2 The current criteria for restricted movement, as updated by the HSE must be followed. Please refer to the HSE link at:

<https://www2.hse.ie/conditions/covid19/restricted-movements/restricted-movements/>

3.3 **Based on the most recent HSE advice, many employees who are close contacts no longer have to restrict their movements.** There are varying periods of restricted movement, dependant on a range of factors that apply to the employee's individual circumstances. The most up to date HSE advice on close contacts is available at link: <https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/>.

3.4 Where an employee with no COVID-19 symptoms is a [close contact](#) and in the limited circumstances where they are required to restrict their movements, based on most recent [HSE advice](#), they must not attend the workplace. The employee remains available for work and must be facilitated by the employer to work from home during this period, as set out in [Circular 0042/2021](#), paragraph 4.6 (Alternative Working Arrangements). The evidence an employer may accept to support an employee's request to work from home, because of their requirement to restrict their movements is as follows:

- a) Copy of the relevant HSE text message notification to the employee stating they are a close contact of a confirmed COVID-19 case (based on positive COVID-19 **PCR** test result).
- b) Copy of the relevant HSE text message notification to the employee stating they are a close contact of a confirmed COVID-19 case (based on positive COVID-19 **antigen** test result).
- c) There may be limited circumstances, where an employee is awaiting HSE notification, and in this case it is the responsibility of the employer to satisfy themselves with the appropriate confirmation provided by the employee, before working from home can be approved.

- 3.5 An employee who has been advised to restrict their movements must complete the Declaration Form at Appendix D of [Circular 0042/2021](#) and return it immediately to the employer accompanied by the appropriate evidence.
- 3.6 The HSE advice with regard to the requirement for antigen testing, during the restricted movement period is at link:  
<https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/>.
- 3.7 Where an employee is on restricted movement, the employer may appoint a substitute, paid by the Department/ETB.
- 3.8 For non-ETB schools, the restricted movement period must be recorded by the employer on the OLCS under ‘Personal Leave’, sub-category titled ‘[COVID-19: Restricted Movement](#)’ in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.

#### **4. OHS Health Risk Categorisation Assessments – 2021/22 School Year**

- 4.1 Where an employee considers they are at very high risk of serious illness from contracting COVID-19, they must follow the process detailed at paragraph 4.1 of [Circular 0042/2021](#). They must complete a [COVID-19 Risk Assessment Questionnaire](#) and submit it to the Occupational Health Service.

#### **5. Travel Overseas**

- 5.1 For information and rules on international travel, refer to [gov.ie at this link](#). For leave arrangements on return from travel overseas, refer to paragraph 3.2 of [Circular 0042/2021](#).

#### **6. Data Protection and GDPR**

- 6.1 The Department requires the personal data provided, for the processing of Special Leave With Pay and substitute claims. 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 at [gov.ie](#). Details of ETB’s Data Protection Policy are available from the relevant ETB.
- 6.2 Article 6(1)(c) in conjunction with Article 9(2)(b) of the GDPR permits the processing of special category personal data (including health data) for reasons of health and safety. In addition, Article 6(1)(e) in conjunction with Articles 9(2)(i), along with section 53 of the Data Protection Act, 2018, permits the processing of special category personal data (including health data) for reasons of public interest in the area of public health. The measures are deemed both necessary and proportionate, and include safeguards such as limitation on access to the data, strict time limits for erasure, and other measures such as adequate staff training to protect employees’ data protection rights. For further information, please visit the [Data Protection Commission](#) website.
- 6.3 In certain circumstances, an employer may ask an employee for information in relation to their COVID-19 special category personal data. For example, an employee who

requests COVID-19 special leave with pay, will be required to provide their COVID-19 (PCR or antigen) test results.

- 6.4 The Data Protection Commission has produced a guidance note on [Processing COVID-19 Vaccination Data in the context of Employment](#). The guidance notes that “*[a]s a general position, the DPC considers that, in the absence of clear advice from public health authorities in Ireland that it is necessary for all employers and managers of workplaces to establish vaccination status of employees and workers, the processing of vaccine data is likely to represent unnecessary and excessive data collection for which no clear legal basis exists*”. However, the note does provide for specific employment contexts where collection of information may be lawful and each sector may issue its own guidance.
- 6.5 An employer will need to determine on a case-by-case basis, the level of special category personal data they require in order to make relevant decisions with regard to the health and safety of staff in the workplace. At all times, the data collection and processing of special category personal data must be necessary, proportionate and safeguarded and in line with the public health advice which pertains at the particular time.
- 6.6 All documentation relating to the processing of applications and declarations 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.

## **7. Parental Leave Scheme**

### **7.1 Application Procedures**

- (a) The Parental Leave Scheme for employees requires the Application Form to be submitted to the employer at least 6 weeks prior to the planned commencement date.
- (b) Employers should, under Section 8(4) of the Parental Leave Act, 1998 waive or reduce the requirement for the 6 week notification for Parental Leave applications, during this temporary period.
- (c) Where this 6 week notification requirement is waived, the deadlines detailed for the employer Confirmation Document referenced in the Parental Leave Scheme and the notification requirement of 4 weeks to the Department/ETB should be adjusted accordingly.
- (d) This temporary change to the Parental Leave Scheme is in place up to and including **23<sup>rd</sup> February, 2022**. The terms and conditions of the Parental Leave Scheme as published in Department Circulars are in place after this date.

### **7.2 Pattern of Parental Leave**

- (a) The Parental Leave Scheme for employees states where Parental Leave is approved, it must be availed of in blocks of at least one week up to a maximum of 26 weeks per child.

- (b) An employer may, having considered the circumstances, approve Parental Leave in blocks of less than one week, where the employee is eligible to apply for Parental Leave. This temporary change only applies to future Parental Leave applications, from the date of this Information Note.
- (c) Prior to the approval of such a Parental Leave arrangement, the employer and the employee must agree in advance, the pattern of workplace attendance, during this period of temporary change to the Parental Leave Scheme.
- (d) For non-ETB schools, where Parental Leave applications for less than blocks of one week, are approved by the employer, the details of this leave should be recorded on the On Line Claims System (OLCS). An employer can record Parental Leave in separate days on the OLCS as Leave Category 'Family Leave' followed by Leave Sub Category 'Special Pattern of Parental Leave in Exceptional Circumstances'. ETB schools must record this leave on their relevant ETB relevant system.
- (e) This temporary change to the Parental Leave Scheme is in place up to and including **23<sup>rd</sup> February, 2022**. The terms and conditions of the Parental Leave Scheme as published in Department Circulars are in place after this date.

## **8. Employee Assistance Service**

- 8.1 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.

## **9. Circulation of Information Note**

- 9.1 Please ensure that this Information Note is circulated 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.
- 9.2 This Information Note can be accessed on the Department's website at [gov.ie](http://gov.ie).

**Clare Butler  
Principal Officer  
Teacher/SNA Terms & Conditions Section  
18 January, 2022**

**Sinéad Keenaghan  
Principal Officer  
Payroll Division**

## **Appendix A**

### **Appendix A – Application for Special Leave with Pay**

#### **(1) COVID-19: Self-Isolation or (2) COVID-19: Diagnosis**

**The Application Form should be fully completed and submitted to the employer as soon as possible. The completed Application Form must be accompanied by supporting evidence i.e. positive antigen or PCR test result, as appropriate including the date of fitness to return to work (where this date is available).**

#### **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**

I wish to apply for Special Leave With Pay, for the reason indicated below (tick relevant box).

I am:

- Displaying COVID-19 symptoms.
- Received a positive COVID-19 antigen test result.
- Received a positive COVID-19 PCR test result.

Start Date (DD/MM/YYYY): \_\_\_\_\_ Estimated End Date (DD/MM/YYYY): \_\_\_\_\_

#### **Declaration**

I wish to apply for Special Leave with Pay in accordance with the terms and conditions of Information Note 0001/2022 titled '*COVID-19: Updated Working and Leave Arrangements from January 2022 for Teachers and Special Needs Assistants employed in Recognised Primary and Post Primary Schools*'.

The completed Application Form is accompanied by supporting evidence.

I confirm that the information provided in the Application Form is true and accurate.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

### **Part 3 – Employer Record**

- (A) COVID-19: Self-Isolation:  
Employee is displaying COVID-19 symptoms
- (B) COVID-19: Self-Isolation:  
Evidence of positive COVID-19 antigen test provided (aged 40 or over)
- (C) COVID-19: Diagnosis:  
Evidence of positive COVID-19 PCR test result (including test date) provided  
(HSE text message screenshot is acceptable)
- (D) COVID-19: Diagnosis:  
For employee aged 39 or under, evidence of positive COVID-19 antigen test  
result (including test date) provided (HSE confirmation of employee's record on  
HSE portal is acceptable)
- (E) Recorded on OLCS/relevant ETB system under 'COVID-19: Self-Isolation'  
or 'COVID-19: Diagnosis' (as appropriate)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

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

#### **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 Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

## Appendix B

### **Employer's Guide (to be read in conjunction with Circular 0042/2021)**

### **COVID-19 Leave and Working Arrangements for Employees in Primary and Post Primary Schools**

**Table 1 – COVID-19: Self-Isolation (refer to Chapter 2 paragraph 2.3 of Circular 0042/2021)**

| No. | Scenario  | Leave Status (subject to supporting evidence)  | Substitute paid by the Department / ETB |
|-----|---|--|---|
| 1.  | Employee with COVID-19 symptoms.  | <p>Special Leave with Pay (COVID-19:Self-Isolation) applies during this period.</p> <p>The employee must carry out antigen test(s) or arrange a PCR test, (as appropriate) as soon as possible. The most recent HSE advice must be followed at link: <a href="https://www2.hse.ie/conditions/covid19/testing/get-tested/">https://www2.hse.ie/conditions/covid19/testing/get-tested/</a></p> | Yes                                     |
| 2   | Employee who is aged 40 years or over has received a positive COVID-19 antigen test result. | <p>Special Leave with Pay (COVID-19:Self-Isolation) applies during this period.</p> <p>The employee must arrange a PCR test as soon as possible.</p>   | Yes                                     |

**Table 2 – COVID-19: Diagnosis (refer to Chapter 2 paragraph 2.4 and 2.5 of Circular 0042/2021)**

| No. | Scenario  | Leave Status (subject to supporting evidence)  | Substitute paid by the Department / ETB |
|-----|---|--|---|
| 1   | Employee who is aged 39 years or younger, has received a positive COVID-19 antigen test result which has been uploaded to the HSE portal. | <p>Special Leave with Pay (COVID-19: Diagnosis) applies during this period, up to a maximum of 28 days.</p> <p>The duration of the self-isolation period varies, depending on a number of factors. The most recent HSE advice must be followed at link: <a href="https://www2.hse.ie/conditions/covid19/testing/positive-result/">https://www2.hse.ie/conditions/covid19/testing/positive-result/</a></p> <p>Where the Special Leave With Pay absence extends beyond 28 days, the employee is recorded as absent on Sick Leave, unless the criteria as detailed at scenario 2 below apply.</p> <p>Similar to the terms and conditions of the Sick Leave Scheme, an employer must refer an employee to the OHS, where they are absent on Special Leave With Pay for a period of 28 days duration.</p> | Yes                                     |

|    |   |   |     |
|----|---|---|-----|
| 2. | Employee has been notified of a positive COVID-19 PCR test result.  | <p>Special Leave with Pay (COVID-19: Diagnosis) applies during this period, up to a maximum of 28 days.</p> <p>The duration of the self-isolation period varies, depending on a number of factors. The most recent HSE advice must be followed at link: <a href="https://www2.hse.ie/conditions/covid19/testing/positive-result/">https://www2.hse.ie/conditions/covid19/testing/positive-result/</a></p> <p>Where the Special Leave With Pay absence extends beyond 28 days, the employee is recorded as absent on Sick Leave, unless the criteria as detailed at scenario 2 below apply.</p> <p>Similar to the terms and conditions of the Sick Leave Scheme, an employer must refer an employee to the OHS, where they are absent on Special Leave With Pay for a period of 28 days duration.</p>  | Yes |
| 3. | Employee has been notified of a positive COVID-19 PCR test result (or a positive COVID-19 antigen test result for those who are 39 years or younger) and remains absent beyond the 28 day period, as described in this table at scenario 1 and 2 above. | <p>From 1<sup>st</sup> January, 2021, Special Leave With Pay may be extended by the employer beyond 28 days where the following criteria are met:-</p> <p>The employer has confirmed the employee was in the workplace (subject to agreement in advance) during any of the 14 calendar days prior to onset of symptoms.</p> <p>The employee has provided the employer with satisfactory medical evidence of the COVID-19 test date and the positive PCR/antigen (as appropriate) test result.</p> <p>The OHS has provided the employer with a report to state:</p> <ul style="list-style-type: none"> <li>i. the employee is medically unfit to resume work</li> <li>ii. the employee's absence relates primarily to ongoing COVID-19 illness</li> <li>iii. the employee is accessing appropriate medical care</li> </ul> <p>Further details are available at Chapter 2, paragraph 2.5 of Circular 42/2021.</p> | Yes |

**Table 3 – COVID-19: Restricted Movement (refer to Chapter 3 of Circular 0042/2021)**

| No | Scenario   | Leave Status (subject to supporting evidence)   | Substitute paid by the Department / ETB |
|----|--|---|---|
| 1. | Employee with no COVID-19 symptoms is a close contact of a confirmed COVID-19 case. <b>Based on current HSE advice, there are limited circumstances where an employee is required to restrict their movements.</b> | <p>(i) Special Leave with Pay does not apply during this period.</p> <p>(ii) In the limited circumstances where an employee is required to restrict their movements, the employee must not attend the workplace and is on Restricted Movement for the specified period. There are varying periods of restricted movement, based on a number of factors. The most recent HSE advice must</p> | Yes                                     |

|    |   |  |                      |
|----|---|--|----------------------|
|    |   | <p>be followed at link: <a href="https://www2.hse.ie/conditions/covid19/restricted-movements/restricted-movements/">https://www2.hse.ie/conditions/covid19/restricted-movements/restricted-movements/</a></p> <p>(iii) Where the employee is medically fit for work, they should be facilitated to work from home for the period (see Chapter 4 paragraph 4.6 titled '<i>Alternative Working Arrangements</i>' of <u><a href="#">Circular 0042/2021</a></u>).</p> <p>(iv) Alternatively, where the employee is not medically fit to work remotely due to a non-COVID-19 illness, they are recorded as absent on Sick Leave during this period.</p> <p>(v) The HSE advice regarding the requirement for antigen testing, during the restricted movement period is at link:<br/> <a href="https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/">https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/</a></p> |                      |
| 2. | Employee with COVID-19 symptoms and has been subsequently notified of a negative COVID-19 PCR test result is advised by the HSE to self-isolate until they are 48 hours symptom free.   | <p>(i) Special Leave with Pay does not apply during this period.</p> <p>(ii) Where the employee is well, symptoms have resolved and is awaiting the end of the 48-hour period, they cannot attend the workplace and should be facilitated to work from home for this period (see Chapter 4 paragraph 4.6 titled '<i>Alternative Working Arrangements</i>' of <u><a href="#">Circular 0042/2021</a></u>). The employee can return to the workplace once they are 48 hours symptom free.</p> <p>(iii) Alternatively, where the employee is not medically fit to work from home, they are recorded as absent on Sick Leave during this period and the terms and conditions of the Sick Leave Scheme will apply.</p>   | Yes                  |
| 3. | <p>Employee has travelled overseas.</p> <p>From 19 July 2021, new advice and rules for international travel came into effect in Ireland. For more information on the new rules, including information on the EU Digital COVID Certificate (DCC) for travel originating within the EU/EEA, refer to <a href="#">gov.ie at this link</a>.</p> | <p>(i) Special Leave with Pay does not apply where a quarantine period is required on return to Ireland.</p> <p>(ii) Employee must make provision by way of an Unpaid Leave application, in line with the terms and conditions, as detailed in the Department's publications. This period of Unpaid Leave is part of the normal entitlement of 10 school days in the school year.</p> <p>(iii) Where no quarantine period is required, the employee may attend the workplace.</p>  | Yes for Unpaid Leave |

**Table 4 – COVID-19: Very High Risk Group (refer to Chapter 4 paragraph 4.1 of Circular 0042/2021)**

| No. | Scenario  | Leave Status (subject to satisfactory medical confirmation)  | Substitute paid by the Department / ETB |
|-----|---|--|---|
| 1.  | Employee has been categorised by the OHS as at a <u><a href="#">very high risk of serious illness</a></u> (extremely vulnerable) from contracting COVID-19. | <p>(i) Special Leave with Pay does not apply during this period.</p> <p>(ii) In accordance with HSE advice, an employee categorised in the 'very high risk' group cannot attend the workplace.</p> | Yes                                     |

|    |   |  |                |
|----|---|--|----------------|
|    |   | (iii) The employee who is medically fit for work, should be facilitated to work from home (see Chapter 4 paragraph 4.6 'Alternative Working Arrangements' of Circular 0042/2021).<br>(iv) In the case of an employee who has been assessed by the OHS as medically unfit for work due to a non-COVID- 19 illness, the terms and conditions of the Sick Leave Scheme will apply.  |                |
| 2. | An employee categorised by the OHS as at a very high risk of serious illness from contracting COVID-19 requests to attend the workplace.  | The employer should contact the Department for further advice by e-mailing: <a href="mailto:teachersna@education.gov.ie">teachersna@education.gov.ie</a> .   | Not applicable |
| 3. | Employee has been medically advised to restrict their movements, prior to certain medical treatments or surgical procedures. The employee must complete the OHS <a href="#">COVID-19 Risk Assessment Questionnaire</a> in order to be provided with a temporary COVID-19 Health Risk Categorisation Report. | (i) Special Leave with Pay does not apply during this period.<br>(ii) Similar to the very high risk group, the employee cannot attend the workplace.<br>(iii) The employee who is medically fit for work, should be facilitated to work from home for the specified period as medically advised, which is typically 2 weeks (see Chapter 4 paragraph 4.6 titled 'Alternative Working Arrangements' of Circular 0042/2021). This temporary period must be recorded by the employer under the OLCS leave sub-category 'Personal Leave', sub-category titled 'COVID-19: Very High Risk Group' or on the relevant ETB system.<br>(iv) Alternatively, where the employee is not medically fit to work from home, they are recorded as absent on Sick Leave during this period and the terms and conditions of the Sick Leave Scheme will apply. | Yes            |

**Table 5 – COVID-19: High Risk Group (refer to Chapter 4 paragraph 4.2 of Circular 0042/2021)**

| No. | Scenario   | Leave Status   | Substitute paid by the Department / ETB |
|-----|--|--|---|
| 1.  | Employee is at <a href="#">high risk of serious illness</a> from contracting COVID-19. | (i) Special Leave with Pay does not apply during this period.<br>(ii) In accordance with HSE advice, an employee in the 'high risk' group who is not ill must attend the workplace. The employee in the 'high risk' group should take extra care to practise social distancing and hand hygiene and the use of personal protective equipment. See Chapter 4 paragraph 4.2 of Circular 0042/2021 regarding the school's COVID-19 Response Plan. | Not applicable                          |

**Table 6 – Employee with caring or childcare responsibilities or living with high risk or very high risk individual (refer to Chapter 4 paragraph 4.7 of Circular 0042/2021)**

| No. | Scenario  | Leave Status   | Substitute paid by the Department / ETB      |
|-----|---|--|--|
| 1.  | Employee is required to provide COVID-19-related care or is living with a high risk or very high risk individual. | (i) Special Leave with Pay does not apply during this period.<br>(ii) An employee who wishes to avail of existing relevant leave entitlements is entitled to have such requests considered by their employer (e.g. Parental Leave/Parent's Leave/Carer's Leave), in line with the terms and conditions of Department publications. | Yes, where personal/family leave is granted. |

**Table 7 – COVID-19 Vaccination (refer to Chapter 1 paragraph 1.7 of Circular 0042/2021)**

| No. | Scenario   | Leave Status   | Substitute paid by the Department / ETB |
|-----|--|--|---|
| 1.  | Employee has COVID-19 vaccination/booster shot appointment during school hours.                                  | (i) Special Leave with Pay does not apply during this period.<br>(ii) Similar to other medical appointments, the absence will be recorded by the employer on the OLCS/relevant ETB system as Sick Leave. | Yes                                     |
| 2.  | Employee has side effects following the COVID-19 vaccination/booster shot and is unable to attend the workplace. | (i) Special Leave with Pay does not apply during this period.<br>(ii) The absence will be recorded by the employers on the OLCS/relevant ETB system as Sick Leave.                                       | Yes                                     |

## Appendix C

### Frequently Asked Questions

Based on changes to HSE advice – 14<sup>th</sup> January 2022

#### 1) I have COVID-19 symptoms. What should I do?

An employee with [COVID-19 symptoms](#) must self-isolate and cannot attend school.

Where an employee is aged:

- (a) 39 years and under, they should use antigen tests. Do not book a PCR test. The employee can [order antigen tests online](#) from the HSE between 8am and 8pm. Anyone with an underlying health condition and symptoms of COVID-19, should contact their GP.
- (b) 40 years or older, [book a COVID-19 PCR test](#).

#### 2) I have a positive antigen test result. What should I do?

An employee with [a positive antigen test](#) result must self-isolate and cannot attend school.

Where an employee is aged:

- (a) 39 years and under, they report this positive COVID-19 antigen test result on the [HSE portal](#). The employee must immediately provide their employer with confirmation of this HSE record, as supporting evidence of Special Leave with Pay. They are not required to book a PCR test. Anyone with an underlying health condition and symptoms of COVID-19, should contact their GP. For non-ETB schools, this leave is recorded on the OLCS under ‘Personal Leave’, sub-category titled ‘[COVID-19: Diagnosis](#)’ in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.
- (b) 40 years or older, the employer may accept a [positive antigen test result](#) (e.g. photograph) as supporting evidence (it is not required to upload this antigen test result to HSE portal), for the initial period of Special Leave With Pay (self-isolation). An employee in this age group with a positive antigen test result, must arrange a COVID-19 PCR test immediately and inform the employer of the PCR test result, including test date. Continuation of Special Leave With Pay for this age group must be supported by evidence of a positive PCR test result. For non-ETB schools, this initial period of leave is recorded on the OLCS under ‘Personal Leave’, sub-category titled ‘[COVID-19: Self-Isolation](#)’ in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.

It is the responsibility of the employer to satisfy themselves with the COVID-19 test result evidence provided by the employee, before Special Leave with Pay can be approved.

### **3) I am a close contact. Do I need to restrict my movements?**

Many employees who are close contacts no longer have to restrict their movements as there are now varying periods of restricted movement, dependant on a range of factors that apply to the employee's individual circumstances. The most up to date HSE advice on close contacts is available at link: <https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/>.

Where an employee with no COVID-19 symptoms is a close contact and in the limited circumstances where they are required to restrict their movements, they must not attend the workplace. The employee remains available for work and must be facilitated by the employer to work from home during this period, as set out in [Circular 0042/2021](#), [paragraph 4.6](#) (Alternative Working Arrangements).

### **4) I am a close contact and I am required to restrict my movements. What evidence must I provide to my employer?**

The evidence an employer may accept to support an employee's request to work from home, because of their requirement to restrict their movements is as follows:

- a) Copy of the relevant HSE text message notification to the employee stating they are a close contact of a confirmed COVID-19 case (based on positive COVID-19 **PCR** test result).
- b) Copy of the relevant HSE text message notification to the employee stating they are a close contact of a confirmed COVID-19 case (based on positive COVID-19 **antigen** test result).
- c) There may be limited circumstances, where an employee is awaiting HSE notification and in this case it is the responsibility of the employer to satisfy themselves with the appropriate confirmation provided by the employee, before working from home can be approved.

### **5) I am 40 years or older and have COVID-19 symptoms but am unable to access a HSE PCR test. What should I do?**

An employee with COVID-19 symptoms must self-isolate and cannot attend school.

For non-ETB schools, this Special Leave With Pay is recorded on the OLCS under 'Personal Leave', sub-category titled 'COVID-19: Self-Isolation' in line with [Circular 0042/2021](#). ETB schools must record this leave on their relevant ETB relevant system.

The employee who is self-isolating will need to make arrangements for a COVID-19 PCR test as soon as possible and must inform the employer of the COVID-19 PCR test result as soon as they receive it.

### **6) I have been notified by the HSE of a positive PCR test result. What is the isolation period?**

An employee who has been notified of a positive PCR test result, must follow the most recent HSE advice regarding self-isolation periods as these vary. For most employees this self-isolation period has decreased from a minimum of 10 days to

a minimum of 7 days, depending on the employee's individual circumstances. See HSE link at: <https://www2.hse.ie/conditions/covid19/testing/positive-result/>

**7) I have received a positive antigen test result. What is the isolation period?**

An employee who has received a positive antigen test result, must follow the most recent [HSE advice regarding self-isolation periods](#) as these vary. For most employees this self-isolation period has decreased from a minimum of 10 days to a minimum of 7 days, depending on the employee's individual circumstances.

**8) I am a close contact of a person who has received a positive antigen test result. What should I do?**

Many employees who are close contacts no longer have to restrict their movements as there are now varying periods of restricted movement, dependant on a range of factors that apply to the employee's individual circumstances. The most up to date HSE advice on close contacts is available at link:

<https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/.>

Where an employee with no COVID-19 symptoms is a [close contact](#) and in the limited circumstances where they are required to restrict their movements, they must not attend the workplace. The employee remains available for work and must be facilitated by the employer to work from home during this period, as set out in [Circular 0042/2021, paragraph 4.6](#) (Alternative Working Arrangements).

See question 4 above for more details on evidence to be provided to the employer.

**9) I was diagnosed with Covid-19 and have completed the self-isolation required by the HSE, but I am still unwell. Can I remain absent on special leave with pay?**

If symptoms persist beyond the HSE self-isolation period, the employee may continue to avail of 'COVID-19: Diagnosis' leave, subject to appropriate medical certification and subject to existing limitations.

Special Leave With Pay, granted by the employer, will not be counted as part of the employee's Sick Leave record.