



Circular 0032/2010

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executive Officers of Vocational Education Committees**

BRIEF ABSENCES FOR SPECIAL NEEDS ASSISTANTS

IN RECOGNISED PRIMARY AND POST-PRIMARY SCHOOLS

The Minister for Education and Skills directs you to implement the regulations and procedures regarding brief absences for special needs assistants whose posts are funded by monies provided by the Oireachtas.

The regulations and procedures are to be implemented by each employer with effect from the 1st September 2010 and all special needs assistants must adhere to the terms of this circular.

This circular supersedes all previous circulars, memoranda, rules and regulations in relation to brief absences for special needs assistants in recognised primary and post-primary schools. Please note the rules regarding attendance as outlined in Paragraphs 11, 12, & 13 of circulars PPT07/04 and SNA18/04 still apply. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all special needs assistants in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie Home – Education Personnel – Special Needs Assistants.

All enquiries regarding this circular should be e-mailed to: teachersna@education.gov.ie

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July 2010

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July 2010

Brief Absences for Special Needs Assistants (SNA's)

Definitions

For the purposes of this scheme the following terms shall have the meanings assigned to them here unless the context indicates otherwise:

The Department – means the Department of Education and Skills.

Employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school.

On Line Claims System (OLCS) - means the system currently operating in primary, voluntary secondary, community and comprehensive schools.

1. General Information

The term “brief absence” is used to describe short-term occasional absences sanctioned by the employer during the school year.

- The prior approval of the employer must be sought and granted for all absences under this circular.
- Each employer shall develop and maintain as part of an overall policy on SNA absences, a policy statement specific to the needs of the school authority, in relation to the approval of brief absences.
- In drawing up this policy, the welfare and educational needs of the pupils shall take precedence over all other considerations and absences should be kept to a minimum to avoid disruption to the SNA duties and to guarantee continuity for all pupils being catered for including ensuring the services of a fully and suitably qualified replacement SNA is available to take up duty if required.
- Pro-rata entitlements to absences under this circular will apply to SNAs employed on a part-time basis.
- Absence for part of a school day constitutes an absence for a full school day.
- Any absence without the approval of the employer will be regarded as unapproved leave, will be dealt with under disciplinary procedures and could lead to the cessation of salary .
- Absences shall not extend beyond the duration of the SNA's contract of employment.

2. Bereavement Leave – Substitution paid by the Department/VEC

Bereavement involving a family member

Special leave with pay is allowed to an SNA in the event of the bereavement of a family member.

- (a) **5 consecutive days (including weekends)** in the case of a spouse, partner, child, or a person to whom the SNA is in loco parentis.
- (b) **3 consecutive days (including weekends)** in the case of a parent, brother, sister, parent-in-law, step-parent, grandparent or a person who resides with the SNA in a relationship of domestic dependency.

Should the death occur after school hours the special leave commences from the following day. Should the death occur at the weekend, for example, a Saturday, the special leave commences from the day directly following the death i.e. Sunday.

3. Force Majeure Leave - Parental Leave Act 1998 - Substitution paid by the Department/VEC

Force Majeure leave allows an SNA leave with pay where for urgent family reasons, owing to an injury or the illness of a family member, the immediate presence of the SNA at the place where the family member is, whether at his/her home or elsewhere, is indispensably required.

Force Majeure leave is limited to a maximum of 3 days in 12 consecutive months, or 5 days in 36 consecutive months. School Authorities must ensure that these limits are not exceeded.

In this context “family member” means the following; child or adoptive child, spouse/partner, a person to whom the SNA is in loco parentis, a brother or sister, a parent or grandparent or a person who resides with the SNA in a relationship of domestic dependency.

4. General Brief Absences

The following tables outline the instances where approval for brief absence may be granted, the maximum numbers of days allowable in respect of each absence and the position regarding substitution. **Please note documentary evidence must be retained by the employer and notification of absence must be submitted to the Department (via the OLCS) or VEC where appropriate.**

- (a) **Paid Leave will be allowed for the following absences. Substitution will be paid by the Department/VEC.**

Reason for Absence	Maximum Number of Days
Jury Service	Number of days as deemed necessary by the court.
Court Attendance related to school	Number of days as deemed necessary by the court.

(b) **Paid Leave will be allowed for the following absences. Substitution will not be paid by the Department/VEC.**

Reason for Absence	Maximum Number of Days
Marriage Leave	7 consecutive days (including weekends) and applicable only if the marriage takes place during the school term. If the marriage occurs during the holidays no leave in lieu is allowable.
Wedding of *immediate family member. *means child or adoptive child, a person to whom the SNA is in loco parentis, a brother or sister, or a parent.	1 day and applicable only if the wedding takes place on a day when the school is open
Witness in Court	The number of days as required by the summons or subpoena.
Examination Leave relevant to SNA Duties.	The days of the examinations only

5. Unpaid Leave – Substitution paid by the Department/VEC

- Absences in excess of the provisions outlined in Paragraphs 2-4 of this circular must only be considered in the most exceptional of circumstances, where the employer is satisfied that there is a compelling obligation involving absence from duty. Absences under this heading must not be used to substitute other forms of leave, statutory or otherwise and must not be of a recurring nature.
- The maximum amount of unpaid leave which may be taken is 10 school days in a school year.
- The employer shall submit notice of all unpaid leave to the Department (via the On Line Claims System)/VEC regardless of whether or not a substitute SNA was employed. Applications for unpaid leave should be entered on the OLCS system as early as possible after they are approved by the employer to ensure that deductions from pay are made at the correct time. It should be noted that an absence for unpaid leave cannot be changed once it is processed on the On Line Claim System.
- Absences under this heading do not impinge on entitlements under Statutory Leave.