



**Circular Letter 0033/2023**

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

## **Carer's Leave Scheme 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 eligible 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 immediate effect.

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 addresses:-

- a) Queries on terms and conditions for Carer's Leave:- [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie)
- b) Queries on recording of leave on OLCS:- [onlineclaims@education.gov.ie](mailto:onlineclaims@education.gov.ie)
- c) Queries on salary:- [ntspayroll@education.gov.ie](mailto:ntspayroll@education.gov.ie)

This Circular can be accessed on the Department's website at [www.gov.ie](http://www.gov.ie).

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**21<sup>st</sup> June 2023**

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## Definitions and Abbreviations

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

**‘Back to Back’ Contract** – means a contract which follows immediately from the previous contract with no break in service: e.g. one contract ends on 31<sup>st</sup> August and a new contract will begin from 1<sup>st</sup> September of the same year.

**DSP** – means the Department of Social Protection.

**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 ETB or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this Circular.

**ETB** – means an Education and Training Board established under and governed according to the Education and Training Boards Act 2013.

**Leave Year** – means the period 1<sup>st</sup> September to 31<sup>st</sup> August inclusive in each year.

**Occupational Health Service (OHS)** – means the providers of independent medical advice on occupational health to the employer. Medmark Occupational Healthcare Ltd. is the current OHS provider.

**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 organisation in charge of paying salaries. This is the Department of Education in the case of primary (including community national schools), voluntary secondary, community and comprehensive SNAs, and the ETBs or Education Shared Business Services (ESBS) in the case of vocational/community college SNAs.

**Recognised School** – means a school which is recognised by the Minister for Education, in accordance with Section 10 of the Education Act 1998.

**School Year** – as defined by the Minister for Education from time to time currently beginning on 1<sup>st</sup> September and ending on 31<sup>st</sup> August.

**SNA** – means special needs assistant.

**The Department** – means [The Department of Education](#).

## **1. Carer's Leave Scheme**

- 1.1 The Carer's Leave Scheme is regulated by Carer's Leave Act, 2001, as amended.
- 1.2 The purpose of Carer's Leave is to allow an SNA a period of unpaid leave from their employment so that they may provide full-time care and attention to a relevant person i.e. a person deemed to be in need of this level of care by the Department of Social Protection (DSP).
- 1.3 Carer's Leave will not be granted to an SNA in relation to a relevant person who is receiving full-time care and attention from another person on Carer's Leave.

## **2. Entitlement to Carer's Leave**

- 2.1 The maximum period of Carer's Leave allowable to care for a relevant person shall be 104 weeks unpaid leave and SNAs will have the option of taking this leave as:
  - one continuous period of 104 weeks, or
  - one or more periods, the total duration of which does not exceed 104 weeks.
- 2.2 Where Carer's Leave is not taken in one continuous period of 104 weeks, there must be a minimum of 6 weeks intervening period between the periods of Carer's Leave in respect of the same person.
- 2.3 A week consists of 7 consecutive days including weekends, school closures and days on which an SNA is not timetabled for attendance within that period.
- 2.4 The minimum statutory Carer's Leave entitlement in one period is 13 weeks. An employer may consider a Carer's Leave application for less than 13 weeks, but where refused, they must specify the grounds for such refusal to the SNA, in writing.

## **3. Eligibility**

- 3.1 An SNA is eligible to apply for Carer's Leave where they have satisfactorily completed one year of continuous employment with their current employer.

## **4. Application Procedures**

- 4.1 Application should be made by the SNA to their employer at least 6 weeks prior to the planned commencement date using the Application Form at Appendix A. A copy of the DSP sanction (where available) must be included with the Application Form.
- 4.2 Where an SNA is employed by an ETB, there may be an online facility to make application for Carer's Leave, rather than completion of the Application Form at Appendix A.
- 4.3 In emergency situations, an employer may process an application and grant Carer's Leave, pending DSP approval. In granting Carer's Leave, the employer should establish that an application has been submitted to the DSP. The DSP approval form must be submitted immediately by the SNA to the school on receipt from the DSP.

- 4.4 The employer in granting Carer's Leave, should 4 weeks prior to the planned commencement date, prepare with the SNA, the Confirmation Document at Appendix B. This document constitutes a legal agreement between the parties.
- 4.5 An SNA can apply to revoke their application for Carer's Leave. The SNA should notify their employer in writing as soon as possible, and prior to signing the Confirmation Document. A late notification to the employer seeking revocation of Carer's Leave may result in delayed salary payment for the SNA.

## **5. Recording of Leave**

- 5.1 The approved Carer's Leave absence must be recorded by the employer on the OLCS/relevant ETB system, not later than 4 weeks prior to the commencement of the leave.
- 5.2 For schools using the Department's OLCS, Carer's Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category 'Carer's Leave'.
- 5.3 As Carer's Leave is unpaid, undue delay in recording of the leave may result in overpayment of salary to the SNA.
- 5.4 The start and end dates of the leave which are recorded on the OLCS/relevant ETB system must correspond with the dates sanctioned by the DSP.

## **6. Pay Arrangements and Carer's Benefit**

- 6.1 Remuneration will not be paid by the Paymaster during the period of Carer's Leave.
- 6.2 An SNA may be entitled to Carer's Benefit from the DSP during Carer's Leave.
- 6.3 In order to apply for Carer's Benefit, the SNA must make an application which is available on the DSP website at link: [gov.ie - Carer's Benefit \(www.gov.ie\)](http://www.gov.ie). This application must be submitted by the SNA to the DSP at least 6 weeks prior to the leave commencement date.
- 6.4 Carer's Benefit payment is a taxable income.

## **7. Status during Carer's Leave**

- 7.1 An SNA on Carer's Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation. Carer's Leave is fully reckonable for seniority and progression on the incremental salary scale.

## **8. Replacement SNA**

- 8.1 The employer may appoint a substitute SNA, paid by the Paymaster, in accordance with the relevant Department publications, while an SNA is absent on Carer's Leave. This appointment must be recorded by the employer on the OLCS/relevant ETB system.
- 8.2 A contract awarded to cover a Carer's Leave absence should make clear reference to the fact that the replacement SNA's appointment may have to be terminated, in the event of the absent SNA returning to duties earlier than initially expected or where the SNA revokes their Carer's Leave application.

8.3 Where a replacement SNA is employed, they will not attain any seniority in the school/ETB.

## **9. Employment, Education or Training while on Carer's Leave**

9.1 An SNA availing of Carer's Leave may engage in substitute SNA work, other work outside SNA work, undertake training or an education course provided:

- a) permission is obtained by the SNA from DSP before they commence employment, undertake training or an education course. This is to satisfy DSP that adequate provision is being made for the care of the relevant person.

- b) the aggregate hours of employment, training or education do not exceed the statutory weekly 18.5 hour limit.

- c) the net earnings from all employment do not exceed the approved weekly limit (DSP Weekly Limit) set by the DSP.

9.2 It is the sole responsibility of the SNA to ensure that the limits set out at 9.1 b) and c) are not breached.

9.3 An SNA may not substitute in their own post, but may substitute in the school where they are currently employed.

9.4 Any substitute hours completed by the SNA, whilst on Carer's Leave must be recorded on the OLCS/relevant ETB system by the employer, where the substitute work is being carried out.

9.5 For schools using the Department's OLCS, it is important to note that at publication stage of this Circular, the recording of substitute hours by the employer on the OLCS is under development in the Department. Pending this development, the following arrangements apply:-

- i) the employer must provide the following information to the Department (via e-mail to [ntspayroll@education.gov.ie](mailto:ntspayroll@education.gov.ie)), so that the substitute hours can be recorded:-

- SNA's Name
- SNA's PPS Number
- Roll No. of school where SNA currently carrying out substitute work
- Start date and end date of substitute hours worked
- Number of substitute hours worked

- ii) employers will be informed via the OLCS, when substitute hours worked by an SNA on Carer's Leave can be recorded at school level.

## **10. Carer's Leave for more than one relevant person**

10.1 An SNA is not permitted to be on Carer's Leave in respect of more than one person at any one time.

10.2 However, on one occasion only, an SNA may commence leave in respect of another person where the two persons reside together and approval has been

received from the DSP for the second person. In such circumstances, an overall total amount of Carer's Leave of 208 weeks can be taken together (104 weeks for each relevant person).

10.3 Where an SNA has availed of Carer's Leave for one person and needs to avail of further leave for another person, in circumstances where those two individuals do not reside together, then a period of 6 months must elapse from the date of the termination of the leave in respect of the first person before a further period of Carer's Leave can commence for the second person. This regulation applies even if the SNA has not taken the maximum period of 104 weeks Carer's Leave for the first person.

## **11. Fitness to commence Carer's Leave**

11.1 An SNA absent on Sick Leave immediately prior to the commencement of Carer's Leave must be deemed fit by the Occupational Health Service (OHS) to resume duty before commencing Carer's Leave.

## **12. Postponement, Curtailment and Variation of Carer's Leave, based on mutual agreement**

12.1 If, after the Confirmation Document has been signed (whether or not the Carer's Leave period to which it relates has commenced), the leave or part of it may be (i) postponed, (ii) curtailed or (iii) varied, subject to agreement between the employer and the SNA taking account of the terms and conditions of the Carer's Leave Scheme.

12.2 Where Carer's Leave is postponed, curtailed or varied, the leave not taken by reason of postponement, curtailment or variation may be taken at such other time, as agreed between the employer and the SNA.

12.3 The contract for the replacement SNA must also be considered prior to agreement on postponement, curtailment or variation of Carer's Leave.

12.4 In such a case, the Confirmation Document should be amended accordingly.

## **13. Termination of Carer's Leave**

13.1 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.

13.2 If the relevant person dies during the period of Carer's Leave, the SNA 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.

13.3 The employer shall notify the DSP if they are of the opinion that:

- a) the person in respect of whom the SNA is applying for Carer's Leave is not or is no longer a relevant person

- b) the person in respect of whom Carer's Leave has been granted, and in respect of whom the SNA is on Carer's Leave is not or is no longer a relevant person
- c) the SNA who is applying for or is currently on Carer's Leave does not satisfy the conditions for providing full-time care and attention to the relevant person
- d) the SNA who is applying for or is currently on Carer's Leave is engaging or has engaged in employment or self-employment other than as provided for in regulations made by the Minister for DSP.

13.4 Where the DSP agrees with the employer's opinion at paragraph 13.3 above, the period of Carer's Leave, if commenced, shall terminate with immediate effect and the SNA shall return to work. Appeals in relation to this requirement should be made to an appeals officer of the DSP.

13.5 Carer's Leave is to terminate on foot of the instruction of a deciding officer/appeals officer of the DSP:

- a) the employer must issue a written notice of return to work to the SNA, indicating a return date that is reasonable and practicable, having regard to all the circumstances
- b) the employer must issue a notice in writing to the DSP, when the SNA returns to employment, that the period of Carer's Leave has terminated, and the date on which the SNA returned
- c) the SNA must retain notice of requirement to return to work
- d) the employer must also retain a copy of the notice given to the SNA.

#### **14. Carer's Leave Entitlement for Fixed Term/Fixed Purpose Appointments**

14.1 An SNA who is on a fixed term/fixed purpose contract of employment shall, during the term of the contract, have full leave entitlements in respect of Carer's Leave. The granting or taking of this leave should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

14.2 An SNA's entitlement to leave shall cease on the expiry of a contract and that contract not having been renewed, unless that contract is followed directly by a 'back to back' contract in an approved SNA post funded by monies provided by the Oireachtas.

#### **15. Statutory Annual Leave/Public Holiday Entitlement**

15.1 An SNA is entitled to Annual Leave and Public Holidays in the first 13 weeks of a period of Carer's Leave, in respect of any one relevant person.

15.2 Any leave entitlements must be taken on existing school closure days that occur during the relevant leave year.



## **16. Voluntary Deductions**

- 16.1 Voluntary deductions from salary cease when an SNA commences Carer's Leave. While an SNA is on Carer's Leave, details of the voluntary deductions will remain on their payroll record.
- 16.2 Any deductions in place prior to the SNA's Carer's Leave will recommence on their return to the payroll, unless it has been end dated at the request of the SNA, via the deduction agency. The Paymaster will not make any deduction in respect of any accumulated unpaid amounts for the period of the unpaid leave.
- 16.3 It is the sole responsibility of an SNA availing of Carer's Leave to ensure that voluntary deductions at source, such as union subscriptions, credit union deductions etc. do not lapse.
- 16.4 No liability rests with the Paymaster for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website at [gov.ie](http://gov.ie). For SNAs employed by ETBs, they should contact their employer in this regard.
- 16.5 Any outstanding balances owed by an SNA participating in the Cycle to Work or the Travel Pass Scheme must be cleared by the last payroll in October of the calendar year in which they commence.

## **17. Contact during Leave**

- 17.1 It is considered good practice in maintaining a positive wellbeing culture in the school, to have appropriate contact between the employer and the SNA during periods of leave. The nature of this contact should focus on the welfare of the SNA and the facilitation of a successful return to work.

## **18. Employee Assistance Service**

- 18.1 The [Employee Assistance Service](#), which is currently provided by Spectrum.Life is available as a supportive resource for employees. The freephone confidential helpline is 1800 411 057 and is available 24 hours a day, 365 days a year.

## **19. Correspondence Address**

- 19.1 The employer will address and send all necessary correspondence to the SNA at the personal email/home address last notified. No fault shall lie with the employer in the event that the SNA does not receive such correspondence.

## **20. Retention of Documentation**

- 20.1 All documentation relating to the SNA's absence 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.
- 20.2 These records may be selected for inspection by nominated Department officials.

## **21. Compliance**

- 21.1 Failure to abide with the regulations and procedures set out in this Circular may be dealt with under the agreed disciplinary procedures for the relevant sector.

## Appendix A - Application Form for Carer's Leave

The Application Form should be fully completed and submitted to the employer at least 6 weeks prior to the planned commencement date.

### PART 1A- SNA APPLICATION

SNA's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

### PART 1B – DETAILS OF PROPOSED CARER'S LEAVE

Application for Carer's Leave in respect of:

Name of relevant person:

\_\_\_\_\_

Proposed pattern of Carer's Leave:

- One continuous block
- Separate periods of weeks as follows (minimum of 6 weeks intervening between the periods):

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

### Declaration

I wish to apply for Carer's Leave in accordance with the Carer's Leave Scheme as set out in Circular 0033/2023 titled '*Carer's Leave for Special Needs Assistants Employed in Recognised Primary and Post Primary Schools*'.

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

Signature of SNA: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix B - Confirmation Document for Carer's Leave

### PART 2: TO BE COMPLETED BY EMPLOYER AND SNA

I confirm that Carer's Leave has been granted to:

Name of SNA: \_\_\_\_\_ PPSN: \_\_\_\_\_

In respect of:

Name of relevant person: \_\_\_\_\_

Carer's Leave has been granted in accordance with the Carer's Leave Scheme as set out in Circular 0033/2023 titled '*Carer's Leave for Special Needs Assistants Employed in Recognised Primary and Post Primary Schools*'.

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

Signature of SNA: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Employer: \_\_\_\_\_ Date: \_\_\_\_\_

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 SNA.

**PART 3 – EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Carer's leave application in accordance with the Carer's Leave Scheme as set out in Circular 0033/2023 titled '*Carer's Leave for Special Needs Assistants Employed in Recognised Primary and Post Primary Schools*'. The following documents will be retained for audit purposes:

- |  |                          |
|--|--------------------------|
| 1) Application for Carer's Leave               | <input type="checkbox"/> |
| 2) Copy of Confirmation statement from the DSP | <input type="checkbox"/> |
| 3) Copy of Confirmation Document issued to SNA | <input type="checkbox"/> |
| 4) Copy of Decision Notice issued to SNA       | <input type="checkbox"/> |

Approved Carer's Leave has been recorded on the OLCS/relevant ETB system

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 Carer's Leave application 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: [gov.ie](http://gov.ie). 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 [gov.ie](http://gov.ie). 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 or [teachersna@education.gov.ie](mailto:teachersna@education.gov.ie), upon request.