



Circular Letter 0039/2021

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

**Extended Breastfeeding Breaks for Special Needs Assistants
employed In Recognised Primary and Post Primary Schools**

The Minister for Education directs you to implement the changes as stated in this Circular in relation to breastfeeding breaks for eligible special needs assistants (SNAs) employed in approved posts funded by monies provided by the Oireachtas.

This Circular supersedes all previous rules and regulations in relation to breastfeeding breaks for SNAs employed in recognised primary and post primary schools.

The regulations and procedures are to be implemented by each employer with immediate effect and all SNAs must adhere to the agreed terms and conditions.

Please ensure this Circular is circulated to all members of the Board of Management/Education and Training Boards 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 at <https://www.education.ie/en/Education-Staff/Services/Breaks-Leave/Maternity-Leave/SNAs.html>.

Clare Butler
Principal Officer
Teacher/SNA Terms & Conditions
6th August, 2021

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Definitions and Abbreviations

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

Employer – means a Board of Management / Manager / ETB. The Board of Management / Manager / ETB may delegate as appropriate, responsibility for matters set out in this Circular.

ETB – means an Education and Training Board.

On Line Claims System (OLCS) – means the system for recording of absences and input of claims for the payment of substitute and non-regular part-time SNAs which is 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 teachers and the ETBs in the case of vocational schools/community college SNAs.

Recognised School – means a post primary 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 1st September and ending on 31st August.

SNA – means special needs assistant.

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

1. Purpose of this Circular

- 1.1 This Circular outlines the extension of provision for breastfeeding breaks from 'within a 26-week period' to 'within a 104-week period' after the birth of the child and includes the procedures that must be followed.
- 1.2 As this extension is a non-statutory entitlement, an employer should, in line with their policy on SNA absences, ensure the welfare and care needs of the pupils take precedence when considering an application for breastfeeding breaks. The employer should consider each application for breastfeeding breaks on a case-by-case basis. In this context, there must be due regard to the capacity of the school to meet its obligations to its pupils.
- 1.3 The employer should take reasonable measures to facilitate an application for breastfeeding breaks. Where it is not possible for the employer to facilitate the breastfeeding breaks pattern, as initially requested by the SNA, alternate patterns may be explored. It may not always be possible to facilitate breastfeeding breaks in the context of paragraph 1.2 of this Circular.
- 1.4 Where it is not possible to facilitate the breastfeeding breaks, the basis for refusal should be made clear to the SNA. The application for breastfeeding breaks may be reviewed by the employer if circumstances change.
- 1.5 Where an employer has already approved breastfeeding breaks, it may not always be possible to take the planned breaks where other school staff are absent on that particular day.

2. Breastfeeding Breaks for SNAs

- 2.1 Paragraph 14 of [Circular 17/2013](#) titled 'Maternity Protection Entitlements for Special Needs Assistants in recognised Primary and Post Primary Schools' is amended as follows:
 - 14.1 *Within a 104 week period after the birth of the child, a special needs assistant who has returned to work may apply for breastfeeding breaks without loss of pay for up to one hour per day, for the purpose of breastfeeding or lactation.*
 - 14.2 *Application for breastfeeding breaks must be made by the special needs assistant at least 4 weeks in advance of the planned commencement date using the Application Form at [Appendix A](#) (or on the relevant ETB system, where applicable), accompanied by a copy of the relevant child's birth certificate. The Application Form must be re-submitted prior to the start of each subsequent school term during which the special needs assistant continues to breastfeed and therefore intends to avail of breastfeeding breaks.*
 - 14.3 *The employer should take reasonable measures to facilitate the pattern of breastfeeding breaks as requested, but must ensure the welfare and care needs of pupils takes precedence.*

- 14.4 Where it is not possible for the employer to facilitate the breastfeeding breaks pattern, as initially requested by the SNA, alternate patterns may be explored.
- 14.5 *Each application for breastfeeding breaks should be considered on a case-by-case basis.*
- 14.6 *The employer must provide the SNA with a written notice of their decision to approve/refuse the breastfeeding breaks application. Where an application is refused, the employer must include the grounds for refusal. The employer may review such an application, if circumstances change.*
- 14.7 *Breastfeeding breaks may be taken in the form of:-*
- a) *one break of 60 minutes, or*
 - b) *two breaks of 30 minutes each, or*
 - c) *three breaks of 20 minutes each*
- 14.8 *The pattern of breastfeeding breaks should be agreed following consultation between the employer and the special needs assistant. Where an employer has already approved breastfeeding breaks, it may not always be possible to take the planned breaks where other school staff are absent on that particular day.*
- 14.9 *A special needs assistant working less than the full school day, may avail of breastfeeding breaks on a pro-rata basis.*
- 14.10 *A special needs assistant availing of breastfeeding breaks who ceases to breastfeed, should notify her employer in writing as soon as possible.*
- 14.11 *Substitution for breastfeeding breaks is not paid by the Department/ETB.*

3. Review of Extended Breastfeeding Breaks

- 3.1 A review of the current arrangements for extended breastfeeding breaks for both SNAs and teachers will be carried out by the Department during the 2021/2022 school year.
- 3.2 The outcome of this review will determine any future policy change to the current arrangements for breastfeeding breaks for SNAs and teachers.

Appendix A

Appendix A: Application Form for Breastfeeding Breaks

This initial Application Form should be fully completed and submitted to the employer at least 4 weeks before return to work following Maternity Leave (or at least 4 weeks before the beginning of the school term in the case of a second or subsequent application). A copy of the relevant child's birth certificate must be submitted with the initial application.

PART 1 – SNA APPLICATION

SNA's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____ PPSN: _____

School Name: _____ Roll No: _____

Date of birth of child: _____

Expected date of return to work (1st application only): _____

PART 2 – BREASTFEEDING BREAKS PATTERN

My two preferred options for taking these breastfeeding breaks are as detailed in the tables (Options 1 and 2) below.

Planned commencement date: _____ Planned end date: _____

Option 1

| Breastfeeding Breaks Pattern | Preferred Time of Breastfeeding Break(s) | Please tick as appropriate |
|---------------------------------|--|----------------------------|
| One break of 60 minutes | From _____ to _____ | |
| Two breaks of 30 minutes each | Break 1: From _____ to _____ Break 2: From _____ to _____ | |
| Three breaks of 20 minutes each | Break 1: From _____ to _____ Break 2: From _____ to _____ Break 2: From _____ to _____ | |

Option 2

| Breastfeeding Breaks Pattern | Preferred Time of Breastfeeding Break(s) | Please tick as appropriate |
|-------------------------------------|--|-----------------------------------|
| One break of 60 minutes | From _____ to _____ | |
| Two breaks of 30 minutes each | Break 1: From _____ to _____ Break 2: From _____ to _____ | |
| Three breaks of 20 minutes each | Break 1: From _____ to _____ Break 2: From _____ to _____ Break 2: From _____ to _____ | |

Note: The breastfeeding breaks set out above are applicable to a full-time SNA and should be adjusted on a pro-rata basis for an SNA working less than the full school day.

Declaration

I wish to apply for breastfeeding breaks for the coming school term in accordance with Circular 0039/2021 titled '*Extended Breastfeeding Breaks for Special Need Assistants employed in Recognised Primary and Post Primary Schools*'.

In availing of the breastfeeding breaks provided for under the Circular, I agree to co-operate with school management in the organisation of cover for the care needs of pupils impacted by my absence, so as to ensure the limitation of any impact of pupils under my care.

I confirm that I am breastfeeding my child and that when I cease to breastfeed my child, I will notify my employer in writing as soon as possible.

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

Signature of SNA: _____ Date: _____

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 Breastfeeding Breaks application to be processed. 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, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 3 - EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) the Breastfeeding Breaks application in accordance with Circular 0039/2021 titled 'Extended Breastfeeding Breaks for Special Needs Assistants employed in Recognised Primary and Post Primary Schools'.

The following documents will be retained for audit purposes:

- | | |
|--|--------------------------|
| 1) Application for Breastfeeding Breaks | <input type="checkbox"/> |
| 2) Copy of Child's Birth Certificate | <input type="checkbox"/> |
| 2) Copy of Decision Notice issued to SNA | <input type="checkbox"/> |

Signature: _____ Date: _____
(Employer)

The Application Form and 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.