



Circular Letter 0051/2023

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

**Unpaid Leave for Medical Care Purposes 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 in this Circular, 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 Unpaid Leave for Medical Care Purposes:- teachersna@education.gov.ie
- b) Queries on recording of leave on OLCS:- onlineclaims@education.gov.ie
- c) Queries on salary:- [Payroll Query Form \(education.gov.ie\)](#)

This Circular can be accessed on the Department's website at www.gov.ie.

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Teacher/SNA Terms and Conditions Section**

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Definitions and Abbreviations

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

Cohabitant - means one of 2 adults (whether of the same or the opposite sex) who live together as a couple in an intimate and committed relationship and who are not related to each other within the prohibited degrees of relationship or married to each other or civil partners of each other.

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.

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 in the case of ETB/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.

SNA – means Special Needs Assistant

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

1. Unpaid Leave for Medical Care Purposes

1.1 Unpaid Leave for Medical Care Purposes is regulated by the Work Life Balance and Miscellaneous Provisions Act 2023, S.I. No. 341/2023 as amended.

1.2 An SNA is entitled to apply for Unpaid Leave for Medical Care Purposes, which is a statutory special leave without pay, to provide care for those listed at paragraph 2.1 below. This is a new statutory leave entitlement. This is in addition to existing statutory entitlements to Carer's Leave and Force Majeure Leave.

2. Eligibility to Unpaid Leave for Medical Care Purposes

2.1 An SNA can apply for Unpaid Leave for Medical Care Purposes to provide personal care or support for a serious medical reason to their:

- Child (including adopted child, step-child and child being cared for on the basis of 'in loco parentis')
- Spouse or civil partner
- Cohabitant
- Parent or grandparent
- Brother or sister
- Housemate (Person who resides in the same house as the SNA, other than those listed above)

3. Entitlement to Unpaid Leave for Medical Care Purposes

3.1 Unpaid Leave for Medical Care Purposes consists of one or more school days, but must not exceed a maximum total of 5 school days in 12 consecutive months.

4. Arrangements whilst on Unpaid Leave for Medical Care Purposes

4.1 An SNA who is absent on another form of statutory or non-statutory leave may not be granted Unpaid Leave for Medical Care Purposes instead of that leave.

4.2 Absence on Unpaid Leave for Medical Care Purposes for part of a school day constitutes an absence for a full school day.

5. Application Procedures

5.1 The approval of the employer must be sought for Unpaid Leave for Medical Care Purposes.

5.2 An SNA who avails of Unpaid Leave for Medical Care Purposes is required to complete the Application Form at [Appendix A](#) of this Circular. The Application Form should be completed and submitted to the employer, as soon as is reasonably practicable prior to or after availing of such leave. An employer may only accept an application for Unpaid Leave for Medical Care Purposes at the time of the illness or injury.

5.3 Where an SNA is employed by an ETB, there may be an online facility to make an application for Unpaid Leave for Medical Care Purposes, rather than completion of the Application Form at Appendix A.

5.4 The employer should satisfy themselves that, in the circumstances, an application for Unpaid Leave for Medical Care Purposes is fully justified and can be granted. An

employer may at their discretion, request supporting documentation, such as a medical letter to support the SNA's application. The medical letter does not need to state the nature of the medical condition. It only needs to be a statement of fact that the person is, or was, in need of significant care or support for a serious medical reason.

- 5.5 The employer must provide the SNA with a written acknowledgement confirming receipt of the leave application and their decision to approve/refuse the request. Where an application is refused, the employer must include the grounds for refusal.

6. Recording of Leave

- 6.1 Following the employer's approval of Unpaid Leave for Medical Care Purposes, the absence must be recorded by the employer in a timely manner, on the OLCS/relevant ETB system.
- 6.2 For schools using the Department's OLCS, Unpaid Leave for Medical Care Purposes is recorded under 'Personal Leave', and then sub-category 'Unpaid Leave for Medical Care Purposes'.
- 6.3 **Interim arrangements for recording of Unpaid Leave for Medical Care Purposes on OLCS**
- a) At publication stage of this circular, "Unpaid Leave for Medical Care Purposes" will be under development in the Department.
- b) Pending the availability of the "Unpaid Leave for Medical Care Purposes" category on the OLCS, the following arrangements apply:-
- i. Email teachersna@education.gov.ie
 - ii. The subject line of the email should read "Unpaid Leave for Medical Care Purposes: Interim Arrangement"
 - iii. In such cases, the employer must provide the following details to the Department, so that the leave can be recorded on OLCS by Department Staff
 - SNA's Name
 - SNA's PPS Number
 - Roll No. of school where SNA currently employed
 - The start and end date of the absence.

7. Status during Unpaid Leave for Medical Care Purposes

- 7.1 An SNA on Unpaid Leave for Medical Care Purposes is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation. Unpaid Leave for Medical Care Purposes 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 for the duration of this leave and this must be recorded by the employer via the OLCS/relevant ETB system.

9. Employment while on Unpaid Leave for Medical Care Purposes

9.1 An SNA on Unpaid Leave for Medical Care Purposes may not engage in any type of other paid employment.

10. Leave Entitlements for Fixed Term/Fixed Purpose Appointments

10.1 An SNA who is on a fixed term/fixed purpose contract of employment shall, during the term of the contract, have full Unpaid Leave for Medical Care Purposes entitlements. The granting or taking of this leave should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

11. Data Protection

11.1 All documentation relating to the SNA's absence on Unpaid Leave for Medical Care Purposes 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.

12. Compliance

12.1 Failure to abide with the regulations and procedures set out in this Circular may be dealt with under the agreed disciplinary procedures and may lead to cessation of salary for an SNA or withdrawal of substitute cover for a school.

13. Employee Assistance Service

13.1. The Employee Assistance Service is available as a supportive resource for school staff and provides advice on a range of issues including wellbeing, legal, financial, bereavement, conflict and mediation. The dedicated Freephone confidential helpline is 1800 411 057 and is available 24 hours a day, 365 days a year. See [Employee Assistance Service for school staff in recognised primary and post-primary schools](#) for more information.

Appendix A - Application for Unpaid Leave for Medical Care Purposes

The Application Form should be fully completed and submitted to the employer as soon as is reasonably practicable after the absence.

PART 1A – SNA APPLICATION

SNA's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No: _____

PART 1B – LEAVE DETAILS

Start date: _____ End date: _____ Duration (Days): _____

No. of days Unpaid Leave for Medical Care Purposes taken in past
12 months: _____

I hereby apply for Unpaid Leave for Medical Care Purposes for the following reason:-

Declaration

I wish to apply for Unpaid Leave for Medical Care Purposes in accordance with Circular 0051/2023. I confirm that the information provided in the application is true and accurate.

I have not exceeded my entitlement to Unpaid Leave for Medical Care Purposes, as detailed in Circular 0051/2023.

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 Unpaid Leave for Medical Care 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 on 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 on 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, upon request.

PART 2– EMPLOYER DECISION

I certify that I have approved/refused the Unpaid Leave for Medical Care Purposes in accordance with Circular 0051/2023. The following documents have been retained on file for audit purposes:

1) Application for Unpaid Leave for Medical Care Purposes under Circular 0051/2023

2) Copy of Decision Notice issued to SNA

Approved Unpaid Leave for Medical Care Purposes 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.