



## **St. Brendan's NS Policy on Staff Leave of Absence**

### **Introduction**

There are many types of leave available to school staff. Some are statutory- based entitlements and others require an application process and Board of Management approval. The leaves schemes are covered by DES circulars which are available on the Department of Education Website <https://www.gov.ie/en/service/56e999-breaksleave/>. Circulars and accompanying information notes can be updated frequently.

The Board of Management identified the need for this policy to ensure school procedures are in accordance with the most up to date Circulars.

### **Aims:**

- To comply with DES leave circulars
- To comply with the rules of the OLCS
- To ensure equal opportunities for all
- To ensure stability of staff provision in St. Brendan's NS
- To balance providing opportunities for staff with ensuring children are reaching their individual potential in St. Brendan's NS
- To ensure timely recruitment of substitutes and prompt substitute payment
- To provide clarity for all stakeholders

The following principles underpin consideration of any leave types. All are required to adhere to these.

### **General Principles**

1. All leave, whether or not a substitute has been employed, must be properly recorded by the school on the OLCS system.
2. Timeframes must be adhered to when requesting leave and all documentation should be submitted at the earliest opportunity and with at least the minimum time required to secure and/or pay a suitably qualified substitute eg two weeks notice is required for ante-natal absences, six week notice for parental leave, six weeks notice for unpaid leave etc
3. It is the responsibility of the teacher/SNA to ensure that the information provided in his/her leave application and accompanying documentation is accurate. Once recorded on the OLCS a leave record cannot be changed unless in the most exceptional of circumstances.
4. Absence for part of a school day (unless on school-approved business) constitutes an absence of a full school day. Any absence without reasonable cause and the prior approval of the Board of Management will involve loss of salary. (see circular 35/2010)
5. The Board of Management has an obligation to recruit fully-registered teachers as substitutes ( see circular 25/2013). The availability of qualified substitutes must be taken into account when assessing leave applications.
6. The Board of Management must pay due regard to the effect of non-statutory leaves on the educational welfare of its pupils and may as a result, limit the number of staff absences permitted during a given year.
7. The Board of Management must take into account the amount of overall leaves, statutory or un-statutory, in the school when considering a leave application and may at any time apply a limit to ensure its obligation to pupils are being met.

8. The Board of Management has an obligation to monitor overall leave to identify patterns of concern for the purposes of supporting teacher/SNA wellbeing.
9. All documentation related to leave must be stored securely under the school's GDPR policy for possible inspection/audit by the Department of Education and Skills. Documentation pertaining to parental leave must be stored for 12 years.
10. It is considered good practice in maintaining a positive wellbeing culture in the school, to have appropriate contact between the school and staff member during periods of leave. The nature of this contact should focus on the welfare of the staff member and the facilitation of a successful return to work.
11. Failure to abide with the regulations and procedures set out in this policy and the leave circulars may be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary in the case of teachers/SNAs and/or withdrawal of substitute cover for schools.
12. In the case of an unapproved absence, the staff member should be informed that such an absence will result in the employer advising the Paymaster to record his/her absence as Unapproved Leave (unpaid) on the OLCS.
13. The BOM and DES will address and send all necessary correspondence to the teacher/SNA at the email/home address last notified. No fault shall lie with the employer in the event that the teacher does not receive such correspondence,
14. Medical fitness for admission to and removal or suspension from the Register of Teachers is a matter for the Teaching Council
15. A teacher/SNA who has been on long-term leave of absence of any kind in excess of two full school years will be required, prior to return, to undergo a medical assessment and be deemed medically fit by the Occupational Health Service (OHS), the providers of independent medical advice on occupational health

**This policy will consider in particular the application process and working arrangements around the non-statutory leave types: job sharing, career break, EPV days.**

#### **Career Break Policy**

A Career Break is a period of special leave without pay. The main objective of the Career Break Scheme is to facilitate applicants where possible, in relation to areas such as:

- Personal Development
- Voluntary Service Overseas
- Accompany spouse/partner on Diplomatic/Military Posting
- Educational purposes
- Public Representation
- Family Reasons
- Self-employment

A teacher may apply for a Career Break where he/she: is registered with the Teaching Council and will have satisfactorily completed at the end of the school year in which they are applying, 12 months of continuous service with the current employer and holds a full time permanent post for the following school year.

A special needs assistant (SNA) may apply for a career break where he/she has satisfactorily completed, at the end of the school year in which they are applying, 12 months of continuous service in the school

The Board of Management will consider favourably requests from permanent /CID members of staff (teachers and SNAs) to enable them to take a career break, subject to the school's Career Break Policy, Chapter Eight of the DES publication Terms and Conditions for Registered Teachers in Recognised Primary and Post Primary schools (Edition 2) and Circular 22/2012 (Career break scheme for Special Needs Assistants in recognised primary and post-primary schools)

This policy aims to:

- Provide information as to how to apply for a career break
- Introduce steps for the BoM to follow to grant career breaks
- While recognising a teacher or SNA's desire to take Leave for whatever reason, it will be recognised that the welfare and educational needs of pupils shall take precedence over all other considerations.

#### **Application for career break**

- An application must be made to the Board of Management by the 1st February of the year in which a teacher and special needs assistants proposes to take the career break.
- If an extension to the career break is required, the staff member must apply to the Board of Management before the 1st February of the year in which a teacher and special needs assistants proposes to continue the career break.
- The staff member must include a personal statement indicating to the Board of Management the reasons for which the career break is required.
- Should a staff member wish, the reason for taking Leave need only be made known to the Principal/DP and/or Chairperson of the BoM. This will be shared amongst BoM members only if the career break is in debate.
- No decision will be made on career breaks until all applications have been submitted.
- Unsuccessful applicants will have a right of appeal.

#### **Length of Career Break**

A career break shall last a minimum period of one school year and may be extended yearly to a maximum of five years at any one time. A teacher can't take another career break until they have served for a period equal to the length of the career break. This requirement will be waived if the teacher wants to take a career break to undertake voluntary service abroad / missionary / diplomatic / military / Oireachtas or study leave.

A teacher may avail of the career break scheme to a maximum of ten years' absence over the course of their career.

A career break ordinarily starts on the first day of the school year and ends on the last day of the school year. In exceptional circumstances, an employer can grant a career break starting during the school year but it must continue to the end of that school year and will be considered a one year career break.

#### **Decision Process**

In reaching a decision regarding applications for career break, the Board will take account of:

- the overall number of temporary posts within the school.
- the overall capacity of the school to recruit and retain temporary teachers.
- the number of teachers on long term sick leave or on other approved leaves.
- the number of teachers in the school who are likely to be on other types of leave such as maternity, adoptive, parental or carer's leave.

The Board reserves the right to interview and evaluate each candidate. The following criteria will be used in reaching decisions:

- Length of service of the applicant in the school
- Number of year's cumulative leave, of any type, already granted to the applicant in St. Brendan's NS
- Each career break application will be judged on its merits. An applicant already on career break will hold no advantage over another who is applying for a career break for the first time.

## **Unsuccessful Applicants**

Any applicant who is unsuccessful in obtaining a career break will be informed by the BoM after the 1st February deadline. This applicant is entitled to appeal the BoM decision in writing. The BoM will consider each appeal on its merits.

## **Withdrawal of Application**

Taking account of the extent of arrangements to be put in place by the BOM to accommodate the Career Break, the applicant is not permitted to withdraw his/her application after 14th April. In exceptional circumstances the employer may consider a later withdrawal of a Career Break application.

## **Special Circumstances**

Notwithstanding the provisions set out above, the Board reserves the right to grant leave to staff experiencing urgent family reasons, subject to the consent of the Minister, and in accordance with Chapter Eight of the DES publication Terms and Conditions for Registered Teachers in Recognised Primary and Post Primary schools (Edition 2) and 22/20112. A late application may be considered by the employer in these exceptional circumstances.

## **Other terms and Conditions**

A teacher on career break will retain eligibility to apply for a Post of Responsibility which occurs in the school and s/he shall be notified of any vacancies by the Board of Management.

A teacher on a Career Break remains an employee of the employer for the duration of the absence

A Career Break absence will not affect a teacher's seniority.

The full details of the Career Break scheme are outlined in Circular 0054/2019

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## **Job Sharing Policy**

The decision to approve a job-sharing scheme rests with the Board of Management of St. Brendan's NS.

Each job-sharing scheme will operate for one school year (i.e. 1<sup>st</sup> September to 31<sup>st</sup> August).

***The policy of the Board in assessing a proposal to job-share is to ensure the welfare and educational needs of the children take precedence at all times over all other considerations.***

### **Eligibility**

Teachers that have, at the end of the year in which they are applying, completed at least twelve months of continuous service with the same school and have a post for the following school year that is greater than 50% of a whole-time teacher (i.e. greater than 14 hours 10 minutes per week for primary teachers) may apply to job share.

Exceptions: Principals, Home School Liaison Co-ordinators and teachers on secondment are not eligible to job share.

A special duties post-holder, AP1 or AP 2 can apply to job share. The Board of Management must be satisfied that the additional special duties assigned by the Board to the post-holder can be fully discharged without loss of tuition time for the pupils concerned. AP1 and AP2 postholders must attend ISM (In School Management) meetings.

A teacher on a career break or other approved leave of absence may apply to job-share on resumption of his/her teaching duties.

Intending applicants should be fully aware of the commitments required in a job-sharing arrangement and the general conditions of service of teachers who participate in a job-sharing scheme.

### **Application process**

Applications to job-share must be submitted in writing to the Board of Management before 1st February of the year in which they propose to job-share.

A teacher seeking to extend an existing job-sharing arrangement must re-apply to the Board of Management before the 1st February.

Each application for a Job-Sharing Arrangement will be considered by the Board on its merits taking into consideration the exigencies and development needs of the school at the time of application with particular regard to :

- the number of teachers in the school who are likely to be on approved leave of absence (e.g. maternity, adoptive or parental leave),
- the overall number of temporary teachers within the school due to teachers availing of, or applying for, special leave of absence (e.g. job-sharing, career break, study leave, secondment etc.), and
- The capacity of the school to recruit and retain suitably qualified temporary replacement teachers.

The Principal will advise the Board of the most appropriate class or special needs area for each job-sharing scheme.

Special consideration would be expected before recommending a job-sharing arrangement for junior infant classes, ASD classes and SEN posts.

In appraising the Board of the details regarding a proposal to job-share, the Principal will be asked to outline the extent to which the proposed job-sharers are compatible, co-operative, flexible and complement each other's skills and professionalism. The Principal will also be asked to indicate the levels of organisational and communication skills displayed by the proposed partners, as well as their attendance records.

In any given year, the number of job-share arrangements will be decided by the Board.

The Board will employ the following criteria to adjudicate which applications are successful:

- Each application will be adjudicated on its own merit and the circumstances of each application will be considered on an individual basis.
- Having considered each application on its own merit, all things being equal and in the absence of particular extenuating circumstances, the Board will consider the length of time existing Job-Sharing teachers have availed of Job-Sharing with a view to facilitating those who wish to avail of the facility and have not had the opportunity heretofore.
- Preference will be given to in-school job-sharing applications involving 2 eligible teachers/SNAs from the permanent staff.

### **Job sharing options**

Teachers may apply to job share in one of the following ways:

- Sharing a whole-time post with another teacher in their own school.
- Sharing a whole-time post with another teacher in a different school (inter-school job share).
- Sharing a whole-time post with a replacement teacher recruited by the employer.
- Reducing hours that are less than whole-time hours to job sharing hours and asking school to recruit a replacement teacher for the remaining hours.
- For each specific application, the Board of Management will decide the job sharing pattern it is willing to endorse, e.g. week on/week off or split week, while facilitating the teacher as far as is practicable.

The Board is reluctant to consider Inter-School Job-Sharing Applications to be based in St. Brendan's NS. However, the Board may consider applications whereby there are extenuating circumstances that merit an exception being made to the above position.

In the event of the above exception, applicants from eligible staff of another school will be required to present for interview and to provide an up-to-date curriculum vitae together with appropriate references and inspector's reports.

Once the Board of Management is satisfied that a proposal to job-share conforms with the Board's stated policy on job-sharing arrangements, it will indicate its approval in principle to the proposed arrangement, subject to the preparation of a detailed Work Plan.

The Board of Management's decision in the matter will be final.

The decision of the Board will be conveyed to each applicant by the 1st March.

### **Operation of the Job-Share Post**

Operation of the job-share at all times is under the supervision and monitoring of the Principal.

Successful candidates will prepare a detailed and comprehensive Work Plan. This Work Plan should reflect the ethos of St. Brendan's NS and should comply with the schools' curricular, SEN and other policies

A job-sharing Work Plan should adequately address the need for continuity and consistency in programme planning, record keeping, classroom organisation, teaching methodologies and the need for an agreed approach to discipline matters and parent-teacher contact. It should also provide for the use of the combined talents of both teachers as well as assigning responsibilities.

Record keeping is highly significant and an essential feature of job-sharing, Job-sharers are required to maintain a diary or pupil profile in which records of progress and important events are noted.

Meetings, telephone calls or virtual contact should take place as regularly as each job-sharing partnership deem necessary in order to discuss their work and to ensure detailed short-term planning occurs and children's progress discussed.

There should be weekly meetings to do a comprehensive handover of the work done and the work to be done. Records of the meetings should be maintained and available to the Principal.

The Board of Management should be satisfied that the Work Plan adequately addresses all the key issues outlined above.

Teachers who are job-sharing are required to participate in and attend relevant staff meetings and relevant parent-teacher meetings, School Development Planning and Inservice training during the course of the school year whether these meetings take place within, or outside of, Croke Pk Hours.

'Croke Park' hours should be completed on a pro rata basis for job sharing teachers. i.e. where two teachers are sharing a whole-time post, each should complete 18 hours.

### **Courses/School planning**

Job-sharing teachers who are required to attend courses/school planning days when they were not timetabled to work are entitled to a day's leave in lieu, including half-days for curriculum planning, except where the course forms part of the additional hours commitment under the Public Service Agreement ('Croke Park' Hours).

### **Informing parents**

Parents should be informed in person, with both teachers and the principal present at an information session for parents. The strategies to be employed to manage, teach and access the class through a job-sharing scheme should be explained in a clear and professional manner.

It is not permissible for a job-sharing teacher to engage in outside employment without the prior consent of The Board of Management and that consent may only be given where it is clear that such outside employment will not affect the teacher's work in school or be in competition with it.

#### **Withdrawal from or termination of a job-share**

A teacher will not be allowed to withdraw from the job-sharing arrangement after 14 April or once the replacement teacher's contract has been signed, whichever happens first. In exceptional circumstances, an application for withdrawal from a job-sharing scheme or and/or an early return to full-time work may be considered by the employer. Such an application cannot be considered beyond 1 November.

The Board of Management of St. Brendan's NS reserves the right to terminate a job-sharing agreement if the arrangement is not operating in the best interests of the pupils. Should such a situation arise during the school year, a job-sharing teacher/SNA must resume full-time duties if directed to do so by the Board of Management. This stipulation will also apply to a teacher on secondment from the staff of another school. The temporary replacement teacher should also be made aware at interview that their appointment may be terminated in such circumstances.

Teachers who propose to job-share should familiarise themselves with Department of Education regulations and conditions of service for approved job-sharing arrangements.

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#### **EPV Days**

Where a teacher has, during the summer break, attended a course approved by DES, personal leave may be taken on presentation of the necessary certificate and subject to Board of Management approval. Teachers seeking to claim EPV days must present this certificate to the school principal at the beginning of the school year. EPV days can be then granted under the terms of Circular 37/97 and Rule 58. Copies of summer course certificates must be retained in the school for audit purposes as per circular 35/2009.

Current guidelines allow for 3 EPV days for 1 week course, 4 EPV days for 2 week course and 5 EPV days for 3 week course.

Substitute teachers cannot be employed for teachers absent on EPV days; therefore pupils from an absent teacher's class will be supervised by the remaining teachers in the school i.e., division of classes.

#### ***Important Note***

***Under normal circumstances, substitute cover is not paid by the Department/ETB for EPV Leave. However, similar to the 2020/21 school year, due to the COVID-19 pandemic, the Department/ ETB will provide substitute cover for the first day of EPV Leave taken by a teacher in the 2021/22 school year. For further information, please refer to Information Note TC 0018/2021***

#### **Rationale**

- To encourage teachers to undertake professional development courses which enhance their teaching and promote a standard of excellence throughout the school
- To assist in the smooth operation of the school
- To minimize disruption to classes
- To ensure that all staff members are clear on their entitlements to days 'in lieu' of courses (EVP days)
- To ensure that no teacher has too many children from other classes in their classroom.

## Procedures

- According to Rule 58, EPV days are subject to the prior approval of the "Manager" i.e. Board of Management. The BOM of St. Brendan's NS has empowered the School Principal, in conjunction with her Deputy, to sanction EPV days. However, if referred to the BOM, the BOM will have the final decision.
- Staff are encouraged to take 1 day per term as far as possible.
- Written/email requests for EVP days are made in the first instance to the Principal on the form below. This request will subsequently be discussed with the Deputy Principal. If granted, the day is noted on the School Calendar which will be displayed in the Principal's Office and on the Staff Room calendar.
- Where possible, prior notice of at least 14 days in advance should be given.
- Across the school, a maximum of 2 EPV days will be sanctioned in any full school week and 1 EPV day in a 3-day week or less.
- To ensure the smooth running of the school, as a general rule, only one class should be split on any particular day. The days will be sanctioned on a 'first come, first served' basis.
- In the event of two or more applications for the same day, the Principal & Deputy Principal will consult with the teachers concerned. Where it is unavoidable that both teachers need/wish to absent themselves on the same day, this will require that a member of the SET team (on a rotational basis) will take one of the classes for the entire day and the other class is divided.
- Teachers should avoid, as far as possible, taking their EPV days on
  - the first 2 weeks of September and/or the last 2 weeks of the school year
  - the week leading up to Christmas and Easter
  - Staff meeting and/or Planning days
  - days when other classes are away on school tours, Sports Day or attending events.
- It is the responsibility of each teacher to arrange for the rescheduling of his/her yard duty and any other pre-planned meetings etc if absent on EPV leave.
- In preparation for leave, teachers should:
  - Divide the children as specifically indicated on the Class Division Sheet (distributed in September annually), giving 4 children to class teachers and 2 to SETs. Children will not be sent to the ASD classrooms. This list should be shared with the Principal on the Google Drive at the start of every year.
  - Children should NOT return to their own classroom during the day.
  - The class teacher should ensure that there is sufficient furniture available in the "adopted" classroom and draw this to the Principal's attention if necessary.



Request for EPV Day Leave

I wish to take an EPV day on \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ 20\_\_\_\_

Please tick:

I have submitted my Course Cert to the school office ☐

I have left work for my class/SEN groups ☐

I have informed colleagues whose schedules may be disrupted ☐

I have checked on the notice-board that others have not pre-booked the same day ☐

I have \_\_\_\_\_ EPV days remaining

Signed: \_\_\_\_\_ Class: \_\_\_\_\_

For office use only:

Date/time request submitted: \_\_\_\_\_ Number of EPV days taken year to date: \_\_\_\_\_

Permission granted/not granted by: \_\_\_\_\_

Reason: \_\_\_\_\_

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**Review:**

This policy shall be subject to review every two years or sooner as the needs of the school require.

**Communication:**

This policy is available for download via the school website at [www.stbrendanscartron.com](http://www.stbrendanscartron.com)

**Policy ratified:**

Noel Rooney

Chairperson on behalf of the Board of Management

25/02/2022

Date