



Information Note TC 0027/2021

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

**COVID-19:
Updated Working and Leave Arrangements for
Teachers and Special Needs Assistants employed in recognised
Primary and Post Primary Schools – 2021/22 school year**

1. Introduction

- 1.1 This Information Note provides the updated working and leave arrangements during the COVID-19 pandemic, for teachers and special needs assistants (employees) in recognised schools.
- 1.2 The Information Note updates certain sections of [Circular 0042/2021](#), as detailed below. It also includes an Employer's Guide, at [Appendix A](#), which is a summary of the rules that must apply under specific circumstances.
- 1.3 These updated arrangements are to be implemented by each employer with immediate effect and all employees in each sector must adhere to the arrangements.

2. Special Leave with Pay

- 2.1 Paragraph 2 of Circular 0042/2021 caters for special leave with pay.
- 2.2 Subject to the criteria as specified, paragraph 2.1.1 of Circular 0042/2021 states special leave with pay will be granted by the employer, where an employee has been advised by the HSE/GP to self-isolate because they are displaying COVID-19 symptoms or are diagnosed with COVID-19.
- 2.3 Under this Information Note, paragraph 2.1.1 is amended to state special leave with pay will be granted where there is a requirement for the employee to self-isolate because they:-

- (a) display COVID-19 symptoms (GP referral for COVID-19 PCR test not a requirement)
or
- (b) have received a positive PCR test result for COVID-19

2.4 It should be noted that special leave with pay is available to eligible employees, to assist in the prevention of the possible onward spread of COVID-19 in the workplace. The eligibility for special leave with pay only applies to an employee who was rostered or due to be working and it cannot be substituted for other forms of leave.

2.5 The current criteria for self-isolation, as updated by the HSE, must be followed. Please refer to the HSE link at: <https://www2.hse.ie/conditions/covid19/restricted-movements/how-to-self-isolate/>.

3. Restricted Movement

3.1 The current criteria for restricted movement, as updated by the HSE must be followed. Please refer to the HSE link at: <https://www2.hse.ie/conditions/covid19/restricted-movements/restricted-movements/>

3.2 Paragraph 3 of Circular 0042/2021 caters for restricted movement.

3.3 Based on the most up to date HSE advice, an employee with no COVID-19 symptoms, who has significant COVID-19 vaccine protection, or has had a positive PCR test result for COVID-19 in the last 9 months:

- (a) is required to restrict their movements where they have been contacted by the HSE Contact Tracing Team, to say they are a household close contact of a confirmed COVID-19 case. The employee must restrict their movements for 5 days from date of HSE contact. The employee should carry out 3 antigen tests, in line with the HSE advice.

- (b) is not required to restrict their movements where they have been contacted by the HSE Contact Tracing Team to state they are a close contact of a confirmed COVID-19 case, who is not a household member.

3.4 The HSE advice with regard to the requirement for antigen testing, during the restricted movement period is at link: <https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/>.

3.5 Where an employee's antigen test is positive under paragraph 3.3 (a), they must arrange a PCR test immediately. The employee remains on, or commences restricted movement, whilst awaiting the PCR test result.

3.6 An employee with no COVID-19 symptoms, who does not have significant vaccine protection and has been identified as a close contact must restrict their movements, as required, and arrange a PCR test, in line with HSE advice. The employee is facilitated to work from home during this period.

3.7 An employee who is required to restrict their movements must be facilitated by their employer to work from home, in accordance with paragraph 3 of Circular 0042/2021. The employer may appoint a substitute, paid by the Department, during the restricted movement period.

4. OHS Health Risk Categorisation Assessments – 2021/22 School Year

- 4.1 Where an employee considers they are at very high risk of serious illness from contracting COVID-19, they must follow the process detailed at paragraph 4.1 of Circular 0042/2021.
- 4.2 Where the [Occupational Health Service](#) (OHS) categorised an employee as 'Very High Risk' immediately prior to, or during the 2021/22 school year, the COVID-19 Health Risk Categorisation Report is due to expire on 31st December, 2021.
- 4.3 The OHS provider (Medmark) will contact each "Very High Risk" employee by e-mail shortly, to advise them, depending on their individual medical circumstances, whether:
 - (a) a new [COVID-19 Risk Assessment Questionnaire](#) is to be completed by the employee or
 - (b) the expiry date on their current COVID-19 Health Risk Categorisation Report will be extended beyond 31st December, 2021
- 4.4 The [HSE guidelines](#) for people listed in the very high risk group (extremely vulnerable) may change over time, which may require an OHS review of the employee's health risk categorisation.
- 4.5 For non-ETB schools, the employer may need to record a new end date on the individual On Line Claims System (OLCS) leave record under 'COVID-19: Very High Risk Group' for the 'Very High Risk' employee, who has an existing COVID-19 Health Risk Categorisation Report, depending on the OHS advice. For ETB schools, a similar recording process should be carried out, in line with IT system requirements.

5. Leave Arrangements on return from Travel Overseas

- 5.1 Advice and rules for international travel are evolving. For more information on the current rules, including information on the EU Digital COVID Certificate (DCC) for travel originating within the EU/EEA, refer to [gov.ie at this link](#).
- 5.2 An employee should be aware of any testing and quarantine requirements in place at the time of travel, and pertaining to their own circumstances, both for their intended destination and on return to Ireland. Responsibility to provide for the period of restricted movement (quarantine) arising from travel overseas is a matter for each individual employee.
- 5.3 Where there is an intention to undertake travel overseas to any country which requires a restricted movement period on return to Ireland, an employee (regardless of whether they are working from home) must make provision by way of an Unpaid Leave application, in advance, for that period of restricted movement, where it falls on their return to work due date. This application should be in line with the terms and conditions, as detailed in the Department's publications. This period of Unpaid Leave is part of the normal entitlement of 10 school days in the school year. An employee is required to inform his/her employer when they are available to return to work, following the restricted movement period, where this applies. Where an employee is absent on approved Unpaid Leave, the employer may appoint a substitute, paid by the Department/ETB.

5.4 The Government may at any time, apply an emergency brake system to countries where a variant of concern or interest arises. An employee should be aware that whatever restricted movement (quarantine) requirements are in place and applicable to them on their date of return to Ireland will apply. An employee should notify their employer if they become aware of the requirement to take additional Unpaid Leave, in order to satisfy any restricted movement (quarantine) requirement.

6. Data Protection and GDPR

6.1 The Department requires the personal data provided, for the processing of special leave with pay and substitute claims. Full details of the Department's Data Protection Policy setting out how personal data will be used including information regarding rights as a data subject are available on the Department's website at gov.ie. Details of ETB's Data Protection Policy are available from the relevant ETB.

6.2 Article 6(1)(c) in conjunction with Article 9(2)(b) of the GDPR permits the processing of special category personal data (including health data) for reasons of health and safety. In addition, Article 6(1)(e) in conjunction with Articles 9(2)(i), along with section 53 of the Data Protection Act, 2018, permits the processing of special category personal data (including health data) for reasons of public interest in the area of public health. The measures are deemed both necessary and proportionate, and include safeguards such as limitation on access to the data, strict time limits for erasure, and other measures such as adequate staff training to protect employees' data protection rights. For further information, please visit the [Data Protection Commission](http://www.data-protection.commission.ie) website.

6.3 In certain circumstances, an employer may ask an employee for information in relation to their COVID-19 special category personal data. For example, an employee who requests COVID-19 special leave with pay, will be required to provide their COVID-19 test results.

6.4 The Data Protection Commission has produced a guidance note on [Processing COVID-19 Vaccination Data in the context of Employment](#). The guidance notes that *"[a]s a general position, the DPC considers that, in the absence of clear advice from public health authorities in Ireland that it is necessary for all employers and managers of workplaces to establish vaccination status of employees and workers, the processing of vaccine data is likely to represent unnecessary and excessive data collection for which no clear legal basis exists"*. However, the note does provide for specific employment contexts where collection of information may be lawful and each sector may issue its own guidance.

6.5 An employer will need to determine on a case-by-case basis, the level of special category personal data they require in order to make relevant decisions with regard to the health and safety of staff in the workplace. At all times, the data collection and processing of special category personal data must be necessary, proportionate and safeguarded and in line with the public health advice which pertains at the particular time.

6.6 All documentation relating to the processing of applications and declarations 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.

7. Circulation of Information Note

- 7.1 Please ensure that this Information Note is circulated to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all teachers and SNAs in your employment, including those on leave of absence.
- 7.2 This Information Note can be accessed on the Department's website at gov.ie.

Clare Butler
Principal Officer
Teacher/SNA Terms & Conditions Section
6th December 2021

Sinéad Keenaghan
Principal Officer
Payroll Division

Appendix A

Employer's Guide (to be read in conjunction with [Circular 0042/2021](#))

COVID-19 Leave and Working Arrangements for Employees in Primary and Post Primary Schools

Table 1 – COVID-19: Self-Isolation (refer to Chapter 2 paragraph 2.3 of Circular 0042/2021)

No.	Scenario	Leave Status (subject to satisfactory HSE/medical certification or confirmation)	Substitute paid by the Paymaster
1.	Employee with COVID-19 symptoms is awaiting a COVID-19 PCR test and test result.	Special Leave with Pay (COVID-19:Self-Isolation) applies during this period.	Yes
2.	Employee with COVID-19 symptoms has been notified of a negative COVID-19 PCR test result and is advised by the HSE to attend for a second PCR test.	Special Leave with Pay (COVID-19:Self-Isolation) applies during this period.	Yes

Table 2 – COVID-19: Diagnosis (refer to Chapter 2 paragraph 2.4 and 2.5 of Circular 0042/2021)

No.	Scenario	Leave Status (subject to satisfactory HSE/medical certification or confirmation)	Substitute paid by the Paymaster
1.	<p>Employee with COVID-19 symptoms has been notified of a positive COVID-19 PCR test result.</p> <p>Employee must self-isolate for 10 days from onset of symptoms and be 5 days fever free (which may run concurrently) before return to the workplace. The 10 day period of self-isolation is from the onset of symptoms and not the date of receiving a positive COVID-19 test result.</p>	<p>Special Leave with Pay (COVID-19: Diagnosis) applies during this period, up to maximum of 28 days.</p> <p>Where the absence extends beyond 28 days, the employee is recorded as absent on Sick Leave, unless the criteria as detailed at scenario 2 below apply.</p> <p>Similar to the terms and conditions of the Sick Leave Scheme, an employer must refer an employee to the OHS, where they are absent on special leave with pay for a period of 28 days duration.</p>	Yes
2.	Employee with COVID-19 symptoms has been notified of a positive COVID-19 PCR test result and remains absent beyond the 28 day period, as described in this table at scenario 1 above.	<p>From 1st January, 2021, Special Leave with Pay may be extended by the employer beyond 28 days where the following criteria are met:-</p> <p>The employer has confirmed the employee was in the workplace (subject to agreement in advance) during any of the 14 calendar days prior to onset of symptoms.</p> <p>The employee has provided the employer with satisfactory medical evidence of the COVID-19 test date and the positive PCR test result.</p> <p>The OHS has provided the employer with a report to state:</p> <p style="padding-left: 40px;">i. the employee is medically unfit to resume work</p>	Yes

		<p>ii. the employee's absence relates primarily to ongoing COVID-19 illness</p> <p>iii. the employee is accessing appropriate medical care</p> <p>Further details are available at Chapter 2, paragraph 2.5 of Circular 42/2021.</p>	
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Table 3 – COVID-19: Restricted Movement (refer to Chapter 3 of Circular 0042/2021)

No	Scenario	Leave Status (subject to HSE/medical certification or confirmation, where appropriate)	Substitute paid by the Paymaster
1.	<p>Employee with no COVID-19 symptoms and has significant vaccine protection, lives with a person who has tested positive for COVID-19. The HSE Contact Tracing Team has advised the employee they are a household close contact. Employee must restrict their movements for 5 days, from date of HSE contact. They should carry out 3 antigen tests, in line with HSE advice at link: https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/. An employee in this scenario, who has had a positive PCR test result in last 9 months is not required to restrict their movements or carry out antigen tests.</p> <p>Where an employee with no COVID-19 symptoms, does not have significant vaccine protection and has been identified as a close contact, they must restrict their movements, as required, and arrange a PCR test, in line with HSE advice at link: https://www2.hse.ie/conditions/covid19/restricted-movements/restricted-movements/</p>	<p>i) Special Leave with Pay does not apply during this period.</p> <p>(ii) Employee is on restricted movement for the 5 day period, Where the employee is medically fit for work, they should be facilitated to work from home for the period (see Chapter 4 paragraph 4.6 titled 'Alternative Working Arrangements' of Circular 0042/2021).</p> <p>(iii) Alternatively, where the employee is not medically fit to work remotely due to a non-COVID-19 illness, they are recorded as absent on Sick Leave during this period.</p> <p>(iv) Where the employee's antigen test is positive for COVID-19, they must arrange a PCR test immediately. The employee remains on, or commences restricted movement whilst awaiting the results of the PCR test.</p>	Yes
2.	<p>Employee with no COVID-19 symptoms and has significant vaccine protection (or had positive PCR test result in the last 9 months) has been advised by the HSE Contact Tracing Team, they are a close contact (i.e. not a household member) of a confirmed COVID-19 case. In certain circumstances, a weakened immune system, may mean this HSE advice changes for the individual employee.</p>	<p>The employee can attend the workplace, as normal, provided they meet the HSE criteria as detailed at link: https://www2.hse.ie/conditions/covid19/contact-tracing/close-contact/</p>	Yes
3.	<p>Employee with no COVID-19 symptoms and does not have significant vaccine protection, has been advised by the HSE Contact Tracing Team they are a close contact</p>	<p>(i) Special Leave with Pay does not apply during this period.</p> <p>(ii) Employee is on restricted movement for 14 days, pending PCR test result. Where the employee is medically fit for work, they should be facilitated to work</p>	Yes

	of a confirmed COVID-19 case. The employee must arrange a COVID-19 PCR test.	from home for the period (see Chapter 4 paragraph 4.6 titled ' <i>Alternative Working Arrangements</i> ' of Circular 0042/2021). (iii) Alternatively, where the employee is not medically fit to work from home due to a non-COVID-19 illness, they are recorded as absent on Sick Leave during this period.	
4.	Employee is concerned they have COVID-19 symptoms but GP advises they do not meet the criteria for a COVID-19 test. The employee may be advised by the GP to restrict their movements until they are 48 hours symptom free.	(i) Special Leave with Pay does not apply during this period (ii) Where the employee is medically unfit to work, they are recorded as absent on Sick Leave during this period and the terms and conditions of the Sick Leave Scheme will apply. (iii) Where the employee is fit to work at any time during this period, they should be facilitated to work from home (see Chapter 4 paragraph 4.6 titled ' <i>Alternative Working Arrangements</i> ' of Circular 0042/2021).	Yes
5.	Employee with COVID-19 symptoms has been notified of a negative COVID-19 PCR test result and is advised by the HSE to self-isolate (and subsequent negative PCR test result) until they are 48 hours symptom free.	(i) Special Leave with Pay does not apply during this period. (ii) Where the employee is well, symptoms have resolved and is awaiting the end of the 48-hour period, they can be facilitated to work from home for this period (see Chapter 4 paragraph 4.6 titled ' <i>Alternative Working Arrangements</i> ' of Circular 0042/2021). The employee can return to the workplace once they are 48 hours symptom free. (iii) Alternatively, where the employee is not medically fit to work from home, they are recorded as absent on Sick Leave during this period and the terms and conditions of the Sick Leave Scheme will apply.	Yes
6.	Employee with no COVID-19 symptoms and has significant vaccine protection, providing care to a 'person' (e.g. young child) who is a confirmed COVID-19 case.	(i) Special Leave with Pay does not apply during this period. (ii) The employee must restrict their movements for 5 days, as they are a household close contact. (For further details, see scenario 1 in Table 3). (iii) For leave required beyond the 5 days, the employee can consider availing of existing relevant leave entitlements and is entitled to have such requests considered by their employer (e.g. Parental Leave/Parent's Leave) in line with the terms and conditions of Department publications.	Yes, where personal/family leave is granted
7.	Employee has expressed concern to their employer they may be a close or casual contact of a confirmed COVID-19 case.	(i) Special Leave with Pay does not apply during this period. (ii) Employee is not required to restrict their movements, unless advised by the HSE Contact Tracing Team that they are a close contact of a confirmed COVID-19 case. In instances where the employee is a casual contact, they should attend the workplace as normal and be aware of COVID-19 symptoms.	Not applicable
8.	Employee with no COVID-19 symptoms lives with a 'person' who is a close contact of a confirmed case. The 'person' feels well so therefore the other household members do not need to restrict their movements.	(i) Special Leave with Pay does not apply during this period. (ii) The employee should attend the workplace, as normal and be aware of COVID-19 symptoms.	Not applicable
9.	Employee who feels well and lives with a 'person' who has respiratory symptoms but the GP has	(i) Special Leave with Pay does not apply during this period. (ii) The employee should attend the workplace, as normal and be aware of COVID-19 symptoms.	Not applicable

	advised the 'person' that a COVID-19 PCR test is not required.		
10.	Employee has travelled overseas. From 19 July 2021, new advice and rules for international travel came into effect in Ireland. For more information on the new rules, including information on the EU Digital COVID Certificate (DCC) for travel originating within the EU/EEA, refer to gov.ie at this link .	(i) Special Leave with Pay does not apply where a quarantine period is required on return to Ireland. Employee must make provision by way of an Unpaid Leave application, in line with the terms and conditions, as detailed in the Department's publications, This period of Unpaid Leave is part of the normal entitlement of 10 school days in the school year. (ii) Where no quarantine period is required, the employee may attend the workplace.	Yes for Unpaid Leave

Table 4 – COVID-19: Very High Risk Group (refer to Chapter 4 paragraph 4.1 of Circular 0042/2021)

No.	Scenario	Leave Status (subject to OHS Report provided)	Substitute paid by the Paymaster
1.	Employee has been categorised by the OHS as at a very high risk of serious illness (extremely vulnerable) from contracting COVID-19.	(i) Special Leave with Pay does not apply during this period. (ii) In accordance with HSE advice, an employee categorised in the 'very high risk' group cannot attend the workplace. (iii) The employee who is medically fit for work, should be facilitated to work from home (see Chapter 4 paragraph 4.6 ' <i>Alternative Working Arrangements</i> ' of Circular 0042/2021). (iv) In the case of an employee who has been assessed by the OHS as medically unfit for work due to a non-COVID-19 illness, the terms and conditions of the Sick Leave Scheme will apply.	Yes
2.	An employee categorised by the OHS as at a very high risk of serious illness from contracting COVID-19 requests to attend the workplace.	The employer should contact the Department for further advice by e-mailing: teachersna@education.gov.ie .	Not applicable
3.	Employee has been medically advised to restrict their movements, prior to certain medical treatments or surgical procedures. The employee must complete the OHS COVID-19 Risk Assessment Questionnaire in order to be provided with a temporary COVID-19 Health Risk Categorisation Report.	(i) Special Leave with Pay does not apply during this period. (ii) Similar to the very high risk group, the employee cannot attend the workplace. (iii) The employee who is medically fit for work, should be facilitated to work from home for the specified period as medically advised, which is typically 2 weeks (see Chapter 4 paragraph 4.6 titled ' <i>Alternative Working Arrangements</i> ' of Circular 0042/2021). This temporary period must be recorded by the employer under the OLCS leave sub-category 'Personal Leave', sub-category titled 'COVID-19: Very High Risk Group' or on the relevant ETB system. (iv) Alternatively, where the employee is not medically fit to work from home, they are recorded as absent on Sick Leave during this period and the terms and conditions of the Sick Leave Scheme will apply.	Yes

Table 5 – COVID-19: High Risk Group (refer to Chapter 4 paragraph 4.2 of Circular 0042/2021)

No.	Scenario	Leave Status	Substitute paid by the Paymaster
1.	Employee is at high risk of serious illness from contracting COVID-19.	(i) Special Leave with Pay does not apply during this period. (ii) In accordance with HSE advice, an employee in the 'high risk' group who is not ill must attend the workplace. The employee in the 'high risk' group should take extra care to practise social distancing and hand hygiene and the use of personal protective equipment. See Chapter 4 paragraph 4.2 of Circular 0042/2021 regarding the school's COVID-19 Response Plan.	Not applicable

Table 6 – Employee with caring or childcare responsibilities or living with high risk or very high risk individual (refer to Chapter 4 paragraph 4.7 of Circular 0042/2021)

No.	Scenario	Leave Status	Substitute paid by the Paymaster
1.	Employee is required to provide COVID-19-related care or is living with a high risk or very high risk individual.	(i) Special Leave with Pay does not apply during this period. (ii) An employee who wishes to avail of existing relevant leave entitlements is entitled to have such requests considered by their employer (e.g. Parental Leave/Carer's Leave), in line with the terms and conditions of Department publications.	Yes, where personal/family leave is granted.
2.	Employee is required to care for a 'person' (e.g. child) who:- (a) does not meet the criteria for a COVID-19 PCR test but is advised by the GP to self-isolate until 48 hours symptom free. (b) has been notified of a negative COVID-19 PCR test result and is advised by the HSE to self-isolate until they are 48 hours symptom free.	(i) Special Leave with Pay does not apply during this period. (ii) An employee who wishes to avail of existing relevant leave entitlements is entitled to have such requests considered by their employer (e.g. Parental Leave/Parent's Leave), in line with the terms and conditions of Department publications.	Yes, where personal/family leave is granted

Table 7 – COVID-19 Vaccination (refer to Chapter 1 paragraph 1.7 of Circular 0042/2021)

No.	Scenario	Leave Status	Substitute paid by the Paymaster
1.	Employee has COVID-19 vaccination/booster shot appointment during school hours.	(i) Special Leave with Pay does not apply during this period.	Yes

		(ii) Similar to other medical appointments, the absence will be recorded by the employer on the OLCS/ETB system as Sick Leave.	
2.	Employee has side effects following the COVID-19 vaccination/booster shot and is unable to attend the workplace.	(i) Special Leave with Pay does not apply during this period. (ii) The absence will be recorded by the employers on the OLCS/ETB system as Sick Leave.	Yes