



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

**COVID-19:
Extension of COVID-19 Diagnosis Special Leave with Pay
for Registered Teachers and Special Needs Assistants diagnosed with COVID-19
who are employed in recognised Primary and Post Primary Schools**

1. Introduction

- 1.1 When special leave with pay for COVID-19 diagnosis was introduced in March 2020, it was understood, based on public health advice at the time, the period of self-isolation/illness would be for approximately 14 days.
- 1.2 As the COVID-19 pandemic has evolved, it is now understood that in some cases the recovery time for people who contract COVID-19 can last longer.
- 1.3 In this regard, from 1st January, 2021, where a teacher/SNA has been diagnosed with COVID-19 and remains absent, special leave with pay may be granted by the employer for up to a maximum of 28 calendar days, subject to the teacher/SNA providing satisfactory and ongoing medical certification to the employer.
- 1.4 Similar to the terms and conditions of the Sick Leave Scheme, an employer must refer a teacher/SNA to the Occupational Health Service (OHS), where he/she is absent or expected to be absent on special leave with pay for a period of 28 days duration.

2. Extended Special Leave with Pay beyond 28 days

- 2.1 From 1st January, 2021 special leave with pay may be extended by the employer beyond 28 days, subject to the provision of satisfactory and regular medical certification and provided the criteria, as described below are met.

(a) Workplace Attendance - the teacher/SNA was in the workplace¹ (outside the home) during any of the 14 calendar days, prior to commencing the self-isolation period for COVID-19 diagnosis. Therefore, a teacher/SNA who was not in the workplace during any of the 14 calendar days, prior to commencing the self-isolation period for COVID-19 diagnosis, does not meet the criteria for extended special leave with pay beyond 28 days. Any workplace attendance must have been known to and agreed by the employer in advance. In this regard, employers are advised to keep an updated record of all teachers/SNAs in attendance in the workplace.

¹ The workplace includes any location, outside the home, an employer requires a teacher/SNA to attend as part of the role.

(b) COVID-19 Test Result – the teacher/SNA must provide the employer with satisfactory medical evidence of the COVID-19 test date and the positive test result. A copy of the relevant HSE text message notification to the teacher/SNA is acceptable. It is recognised that at the start of the pandemic, universal COVID-19 testing was unavailable. Thus, on a case-by-case basis, medical evidence that the clinical presentation indicated a high probability of COVID-19 may suffice.

(c) OHS Health Assessment Report – the OHS must provide the employer with a report to state:

- i. the teacher/SNA is medically unfit to resume work
- ii. the teacher/SNA's absence relates primarily to ongoing COVID-19 illness
- iii. the teacher/SNA is accessing appropriate medical care

2.2 For example, on 14th February, 2021 a teacher/SNA commenced special leave with pay following a COVID-19 diagnosis. Where satisfactory medical certification is provided, the teacher/SNA will be recorded as absent on special leave with pay, up to a maximum of 28 days under paragraph 1.3 above, unless the criteria at paragraph 2.1 are met in which case the special leave with pay may be further extended.

2.3 Where a teacher/SNA commenced special leave with pay following a COVID-19 diagnosis in 2020 and remains absent on 1st January, 2021, the new arrangements for extended special leave with pay, as detailed in this Information Note will apply from the initial date of absence, where the criteria at paragraph 2.1 above are met. The teacher/SNA must be referred to the OHS, if not already done so.

3. OHS Referral Procedure

3.1 Where the teacher/SNA is absent on special leave with pay for 28 days, the employer must make a non-discretionary referral to the OHS.

3.2 The employer must, as part of the referral process:

- a) inform the teacher/SNA of the decision to refer him/her to the OHS.
- b) complete a secure on-line referral form through the dedicated online OHS portal. The referral should be titled "COVID-19 Diagnosis Special Leave with Pay Extension".
- c) send to the OHS (quoting the referral number provided by the OHS) a copy of the medical evidence of the positive COVID-19 test, including the test date.
- d) provide the teacher/SNA with a copy of the referral.

3.3 The OHS will provide the employer with a referral number immediately after submitting the on-line referral.

3.4 The OHS will arrange an appointment for the teacher/SNA with an Occupational Health Physician.

3.5 Following the medical assessment, the OHS will provide a Health Assessment Report to the employer to indicate the following:

- a) Whether the teacher/SNA is fit or unfit for work.
- b) If unfit for work whether the absence relates primarily to ongoing COVID-19 illness.
- c) If unfit for work whether the teacher/SNA is accessing appropriate medical care.
- d) If unfit for work the likely duration of absence, or, if it is not possible to establish a return to work date, the date for review.
- e) Any other relevant information in keeping with medical confidentiality.

3.6 Where a teacher/SNA was recorded on the OLCS/ETB system as absent on leave due to COVID-19 diagnosis in 2020 and absent on 1st January, 2021, an employer must also refer him/her to the OHS.

4. Recording of Leave Beyond 28 Days

4.1 For non-ETB schools, the following process must be followed for the recording of special leave with pay:

4.1.1 Where a teacher/SNA is absent in excess of 28 days and pending the employer's receipt of the OHS Health Assessment Report, the Employer Declaration Form at Appendix A must be completed and sent to the Department, where the leave period will be recorded on the On Line Claims System (OLCS) under leave category 'COVID-19: Diagnosis'.

4.1.2 The employer must complete the attached Employer Approval Form at Appendix B, where the OHS Health Assessment Report states the following:-

- (a) the teacher/SNA is medically unfit to resume work
- (b) the teacher/SNA's absence relates primarily to ongoing COVID-19 illness
- (c) the teacher/SNA is accessing appropriate medical care

4.1.3 The completed Employer Approval Form must be e-mailed to the Department (teachersna@education.gov.ie) where the leave will be recorded on the On Line Claims System (OLCS) under leave category 'COVID-19: Diagnosis'.

4.2 Where the criteria at paragraph 2.1 are not met, the absence in excess of 28 days must be recorded by the employer as Sick Leave on the OLCS/relevant ETB System and the terms and conditions of the Sick Leave Scheme will apply. In this regard, for non-ETB schools, in order for the leave category 'COVID-19: Diagnosis' period in excess of 28 days to be cancelled on the OLCS, the employer must notify the Department using the 'Cancel Staff Member on Leave' form available on the landing page of the OLCS.

5. Appeal of OHS Advice

5.1 A teacher/SNA may appeal the OHS decision in accordance with the procedures detailed below. The medical review appeal is only to determine if the absence relates primarily to COVID-19 illness. Only a teacher/SNA who has already been assessed by the OHS as medically unfit for work due to a non-COVID-19 related illness has the option to appeal.

- a) The teacher/SNA informs the employer of his/her intention to appeal the OHS decision.
- b) The teacher/SNA sends a request for the appeal to the OHS (by post/e-mail) within 14 days from the date of the OHS decision.
- c) The OHS provides a list of appeal doctors (specialists in occupational medicine) to the teacher/SNA.
- d) The teacher/SNA subsequently informs the OHS of his/her choice of appeal doctor.
- e) It is the responsibility of the teacher/SNA to arrange the appointment with the appeal doctor.
- f) The OHS forwards the medical reports that were submitted by the teacher/SNA to the OHS at the time of the initial assessment to the chosen appeal doctor.
- g) Only medical information that was available at the time of the initial OHS assessment can be submitted to the appeal doctor by the OHS and the teacher/SNA is not permitted to submit any additional information to the appeal doctor.
- h) The appeal doctor sends a report to the OHS with an opinion regarding the COVID-19 relatedness of the absence.
- i) The OHS subsequently notifies the employer with regard to the outcome of the appeal.
- j) The cost of the appeal is €350 payable by the teacher/SNA to the appeal doctor. If the appeal is successful, the cost of the assessment will be refunded by the OHS.
- k) The employer informs the teacher/SNA of the appeal outcome.

6. Review of extended COVID-19 Special Leave with Pay

- 6.1 The new arrangements for extended COVID-19 special leave with pay are temporary and will be monitored by the Department of Public Expenditure and Reform (DPER). A review will be carried out by DPER not later than 31st March, 2021.

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 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 address: teachersna@education.gov.ie

Clare Butler
Principal Officer
Teacher/SNA Terms & Conditions Section

Padraig Maloney
Principal Officer
Payroll Division

26 February, 2021

Appendix A

Employer Declaration Form (for non-ETB schools)

COVID-19 Diagnosis: Absence beyond 28 days

This Employer Declaration Form must be completed where a teacher/SNA is absent in excess of 28 days, so that the absence can be recorded by the Department on the On Line Claims System (OLCS). The completed form should be e-mailed by the employer as soon as possible to: teachersna@education.gov.ie

Part 1 – Teacher/SNA Details

Teacher/SNA's Name: _____ Contact No.: _____

Home Address: _____

E-mail Address: _____ PPSN: _____

School Name: _____ Roll No.: _____

Part 2 – Employer Declaration

1. The above named teacher/SNA is currently absent from work for the period, as detailed below.

Commencement date of 'COVID-19: Diagnosis' leave: _____ (recorded on OLCS)

Last date of 'COVID-19: Diagnosis' leave (day 28): _____ (recorded on OLCS)

2. The teacher/SNA was referred to the OHS on: _____ (insert date)

3. I hereby instruct the Department to record the period below on the OLCS, whilst the OHS Health Assessment Report is awaited.

Date (day 29 of absence) _____

Estimated End Date: _____ (pending OHS assessment outcome)

Signature: _____ Date: _____
(Employer)

Supporting Documentation should NOT be submitted to the Department of Education. They should be retained in the school 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 the personal data provided by the employer is to record the leave category 'COVID-19: Diagnosis' on the OLCS. 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 personal data as well as information regarding the rights of the 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 & Skills, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

Appendix B

Employer Approval Form (for non-ETB schools)

Extension of COVID-19 Special Leave with Pay

This Employer Approval Form must be completed where an employer has approved the leave category 'COVID-19: Diagnosis Extension' in respect of a teacher/SNA, upon receipt of the OHS Health Assessment Report so that the absence can be recorded by the Department's on the On Line Claims System (OLCS). The completed form should be e-mailed by the employer as soon as possible to: teachersna@education.gov.ie

Part 1 – Teacher/SNA Details

Teacher/SNA's Name: _____ Contact No.: _____

Home Address: _____

E-mail Address: _____ PPSN: _____

School Name: _____ Roll No.: _____

Part 2 – Employer Approval

1. The teacher/SNA was in the workplace¹ (outside the home) during any of the 14 calendar days, prior to commencing self-isolation for COVID-19 diagnosis. The workplace attendance was agreed by me in advance.

2. The teacher/SNA has provided me with satisfactory medical evidence of the COVID-19 test date and the positive test result.

3. I have received the OHS Health Assessment Report in respect of this teacher/SNA which states the following:

(a) the teacher/SNA is medically unfit to resume work

(b) the teacher/SNA's absence relates primarily to ongoing COVID-19 illness

(c) the teacher/SNA is accessing appropriate medical care

I have approved the extension of leave category 'COVID-19: Diagnosis' for the period, as detailed below.

Date From: _____

Estimated End Date (as provided in the OHS Health Assessment Report): _____

I hereby instruct the Department to record this period of leave on the OLCS.

Signature: _____ Date: _____

(Employer)

Supporting Documentation should NOT be submitted to the Department of Education. They should be retained in the school with any other relevant documentation for record and audit purposes with the relevant personnel records.

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