



Circular Letter 0035/2010

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executive Officers of Vocational Education Committees**

**UNPAID LEAVE FOR REGISTERED TEACHERS IN RECOGNISED
PRIMARY AND POST-PRIMARY SCHOOLS**

The Minister for Education and Skills directs you to implement the regulations and procedures regarding unpaid leave (i.e. short term occasional absences) for registered teachers whose posts are funded by monies provided by the Oireachtas. These procedures apply to teachers who are in receipt of incremental salary under a permanent contract, contract of indefinite duration (CID), temporary whole-time (TWT), regular part-time (RPT) or Fixed-term contract as defined in the Protection of Employees (Fixed-Term Work) Act 2003.

The regulations and procedures are to be implemented by each employer from 1st September 2010 and all teachers must adhere to the terms of this circular.

This circular supersedes the following procedure outlined in primary circular letter 0032/2007

PERSONAL LEAVE

Unpaid Leave of Absence – Application must be approved by BOM six weeks in advance of absence

and all other previous circulars, memoranda, rules and regulations in relation to unpaid leave for short term occasional absences in respect of teachers in recognised primary and post-primary schools. Please ensure that copies of this circular are provided to all members of the Board of Management/Vocational Education Committee and its contents are brought to the attention of all teachers in your employment including those on leave of absence.

This Circular can be accessed on the Department's website under www.education.ie Home – Education Personnel – Post-Primary/Primary – Circulars and Information Booklets – Leave of Absence.

All enquiries regarding this circular should be e-mailed to teachersna@education.gov.ie

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May 2010

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May 2010

UNPAID LEAVE FOR REGISTERED TEACHERS

1 Definitions

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

The Department – means the Department of Education and Skills.

Employer – means a Vocational Education Committee (VEC) for vocational schools/community colleges and a Board of Management/Manager in the case of primary, voluntary secondary, community and comprehensive schools. The Vocational Education Committee or Board of Management/Manager may delegate responsibility for matters set out in this circular to the Principal of the school.

Teacher – means a person registered with the Teaching Council.

On Line Claims System (OLCS) – means the system currently operating in primary, voluntary secondary, community and comprehensive schools.

School Year – as defined by the Minister for Education and Skills from time to time, currently 1st September to the following 31st August.

2 School Policy

- 2.1 Each employer shall develop and maintain as part of an overall policy on teacher absences, a policy statement specific to the needs of the school authority, in relation to the approval of unpaid leave.
- 2.2 In drawing up this policy, the welfare and educational needs of the pupils shall take precedence over all other considerations and absences should be kept to a minimum to avoid disruption to the teaching duties and to guarantee continuity for all pupils being catered for including ensuring the services of a suitably qualified registered replacement teacher is available to take up duty if required.
- 2.3 Unpaid leave must only be considered in the most exceptional circumstances, where the employer is satisfied that there is a compelling obligation involving absence from duty. Absences under this heading must not be used to substitute other forms of leave, statutory or otherwise and must not be of a recurring nature.

3 Duration of Unpaid Leave

- 3.1 The maximum amount of unpaid leave which may be taken is 10 school days in a school year. Substitution will be paid by the Department.

4 Other

- 4.1 Absence for part of a school day constitutes an absence for a full school day.
- 4.2 Pro-rata entitlements to absences under this circular will apply to teachers employed on a part-time basis.
- 4.3 Any unpaid absence without the approval of the employer will be dealt with under disciplinary procedures.
- 4.4 The employer shall submit notice of all unpaid leave to the Department (via the On Line Claims System)/VEC regardless of whether or not a substitute teacher was employed. Applications for unpaid leave should be entered on the OLCS system as early as possible after they are approved by the employer to ensure that deductions from pay are made at the correct time. It should be noted that an absence for unpaid leave cannot be changed once it is processed on the OLCS.
- 4.5 Absences under this heading do not impinge on entitlements under Statutory Leave.
- 4.6 A teacher absent on unpaid leave cannot be employed in another recognised primary or second level school to undertake teaching in any capacity or undertake the duties of a special needs assistant.