



Circular Letter 0010/2011

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

CAREER BREAK SCHEME 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 career breaks for eligible registered teachers employed in an approved teaching post wholly 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), or fixed-term contract, (e.g. temporary whole-time (TWT) regular part-time (RPT)) as defined in the Protection of Employees (Fixed-Term Work) Act 2003.

The regulations and procedures are to be implemented by each employer with immediate effect and all teachers must adhere to the terms of the attached career break scheme.

This circular supersedes all previous circulars memoranda, rules and regulations in relation to career breaks/voluntary service abroad /missionary/diplomatic /military/oireachtas and study leave for 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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February 2011

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February 2011

Career Break Scheme for Teachers

Definitions

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

Career Break – means Special Leave without pay.

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.

Occupational Health Service (OHS) Providers – means the providers of independent medical advice on occupational health.

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

Teacher – means a person registered with the Teaching Council.

The Department – means The Department of Education and Skills

1 Scope and Objectives of Scheme

- 1.1 The scope of this scheme is limited to registered teachers in approved teaching posts wholly funded out of monies provided by the Oireachtas.
- 1.2 The main objectives of this scheme below, which are not exhaustive, is for employers, wherever possible to facilitate applicants in the areas of:
 - Personal Development
 - Voluntary Service Overseas
 - Accompany spouse/partner on Diplomatic/Military Posting
 - Education
 - Public Representation
 - Childcare/Dependent care
 - Self-employment

2 School Policy

- 2.1 Each employer, in consultation with the appropriate teaching staff, shall develop and maintain a policy statement specific to the needs of the school in relation to the approval of career breaks.
- 2.2 In drawing up this policy, the welfare and educational needs of the pupils shall take precedence over all other considerations.
- 2.3 This policy, while taking account of the objectives of this scheme, shall have due regard to the capacity of the school to meet its obligations to its pupils and shall therefore apply a reasonable limit to the number of its teaching staff that may be absent on career break at any one time and also take into account the likely availability of a suitably qualified replacement teacher to take up duty on the applicant's departure.
- 2.4 Where an application for a career break is refused the employer must inform the applicant in writing setting out the grounds for such a refusal.

3 Correspondence Address

- 3.1 The employer/Department will address all necessary correspondence to the teacher on career break at the address last notified by the teacher and no fault shall lie with the employer/Department in the event that the teacher does not receive such correspondence.

4 Duration of Career Break

- 4.1 A teacher may engage in this scheme subject to an overall maximum absence of 10 years in the course of his/her professional career.
- 4.2 A career break shall be a period of not less than 1 school year and may be extended on an annual basis provided the total period of the career break does not exceed 5 years at any one time.
- 4.3 A subsequent career break may not be taken until the teacher has served for a period equal to the duration of the previous career break. In the case of a teacher wishing to avail of a career break to undertake voluntary service abroad /missionary/diplomatic/military/oireachtas/or study leave this requirement will be waived.
- 4.4 A career break shall commence on the start of a school year and a return to duty in the school/VEC which granted the career break shall not be permitted other than on the start of a succeeding school year. In exceptional circumstances, an employer may authorise a teacher to commence a career break during the course of a school year and terminate not earlier than the end of that school year. This is deemed to be a one year career break.

- 4.5 The duration of a career break may not extend beyond
- a) the date of termination of a fixed term contract where the applicant is employed under such a contract or
 - b) the date of compulsory retirement age

5 Eligibility

- 5.1 A teacher may apply for a career break where s/he:
- a) is registered with the Teaching Council and
 - b) 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.

6 Operation of the Scheme

- 6.1 A teacher seeking a career break must submit a written application to the employer not later than the 1st March of each school year prior to that in which s/he proposes to commence/continue the career break. The application must provide clear details of the exact purpose of the career break. A late application may be considered by the employer in exceptional circumstances.
- 6.2 A teacher who wishes to extend his/her career break must apply for this extension on an annual basis.
- 6.3 Each application for or extension of a career break shall be considered on its own merits by the employer within the context of the school's policy statement. The decision of the employer shall be final.
- 6.4 The employer shall issue a written notice of approval or refusal to the teacher by 1st April at the latest and submit notice of the career break absence to the Department (via the On Line Claims System)/VEC on or before 1st May. The employer must also list the names of all teachers availing of a career break on the annual change of staff form.
- 6.5 Taking account of the extent of arrangements to be put in place by the employer to cater for the career break, the applicant shall not be permitted to withdraw his/her application after the 14th April. In exceptional circumstances the employer in its sole discretion may consider a later withdrawal of a career break application.

7 Teaching whilst on Career Break

- 7.1 A teacher on a career break is precluded from taking up an appointment in any capacity in any school within the State. Schools must give priority to qualified teachers when making appointments for periods of substitution. In exceptional circumstances a teacher on a career break may be employed on the following basis:

- in Post Primary – for a maximum of 150 hours in a school year
- in Primary - for a maximum of 40 days in a school year

8 Appointment of a Replacement Teacher

- 8.1 Where a replacement teacher is to be employed he/she shall be offered a fixed term contract for the duration of the career break to be terminable on the return or resignation/retirement of the teacher on career break.

9 Posts of Responsibility

- 9.1 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 employer.

10 Resumption of Duty following a Career Break

- 10.1 A teacher must notify the employer by the 1st March of his/her intention to return to teaching from a career break at the beginning of the next school year. Failure to do so may result in the return being deferred for a further school year (e.g. in the event that the late notification resulted in contractual difficulties for the employer).
- 10.2 It is the responsibility of the teacher returning from a career break to ensure that s/he is registered with the Teaching Council on the intended date of resumption.
- 10.3 A teacher returning from a career break in excess of two school years shall be screened by the Occupational Health Service (OHS). It is a pre-requisite for the restoration of salary that the teacher is deemed medically fit for teaching duties by the OHS before s/he is permitted to resume his/her teaching post.
- 10.4 A teacher returning from career break must comply with the vetting regulations in operation at the time of return.
- 10.5 The terms and conditions of teachers in general including the terms of any redeployment scheme existing at time of return shall apply to a teacher resuming duty after a career break.

11 Resignation while on Career Break

- 11.1 A teacher on a career break who wishes to resign from his/her teaching post must notify the employer in writing in accordance with the teacher's terms of employment. If a teacher resigns from the career break during the course of the school year, that year will be deemed to be a full school year for the purposes of Section 4 should the teacher re-enter teaching service at a later date.

- 11.2 In the event that a teacher fails to resume duty at the end of an approved period of career break, the employer shall immediately notify the Department/VEC so that incremental salary will not issue. The employer shall also take timely action to establish the position and may if appropriate initiate agreed disciplinary procedures.

12 Social Welfare Entitlements

- 12.1 The teacher on a career break remains an employee of the employer for the duration of the absence and the absence does not constitute a break in service for PRSI purposes.
- 12.2 Teachers seeking to maintain their Social Welfare entitlements during a career break should, therefore, contact the Department of Social Protection for advice prior to taking a career break.

13 Pension

- 13.1 A period of unpaid leave of absence does not reckon for pension purposes. However, pension contributions at full actuarial cost in accordance with the relevant pension scheme may be paid, either during the career break (by making arrangements with the Pension Section of the Department/VEC prior to the commencement of the career break) or following a return to teaching. Further information on the purchase of notional service for a career break is available from the Pensions Section of the Department/VEC.
- 13.2 Where a pension scheme member is granted approved unpaid leave of absence to work as a Volunteer Development Worker (VDW), in a developing country, under the auspices of APSO/Comhlamh, it is open to that agency to pay the full actuarial cost to the public service pension provider subject to conditions in place from time to time. Further information is available from the Pensions Section of the Department/VEC.

14 Voluntary Deductions at Source

- 14.1 Voluntary deductions from salary cease when a teacher goes on career break. While a teacher is on career break, details of the voluntary deductions will remain on his/her payroll record and therefore, any deductions in place prior to the teacher's career break will recommence on his/her return to the payroll unless it has been end dated at the request of the teacher involved via the deduction agency. This Department will not make any deduction in respect of any accumulated unpaid amounts for the period of the career break.
- 14.2 It is the sole responsibility of a teacher availing of a career break to ensure that medical insurance policies, income continuance insurance, union subscriptions, credit union payments do not lapse. No liability rests with this Department/VEC for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website

under Education Personnel – Payroll – General Payroll Information – Voluntary Deductions at Source Policy.

- 14.3 Any outstanding balances owed by a teacher participating in the Cycle to Work or the Travel Pass Scheme must be cleared before commencing a career break.

15 Public Holiday Entitlements - Organisation of Working Time Act, 1997

- 15.1 A teacher on career break retains an entitlement to salary payment for Public Holidays solely in respect of those occurring in the initial 13 weeks of the absence. As a career break must commence on 1st September, a salary payment is due in respect of the October Public Holiday in the first year only.
- 15.2 In the unusual event of a career break following immediately on another absence, the absence will be deemed to be one continuous absence and no entitlement additional to that gained by virtue of the initial absence will accrue to the teacher in the first 13 weeks of the career break.
- 15.3 Where there is a leave in lieu entitlement at the start of a school year that leave shall be exhausted prior to commencement of career break however the leave in lieu together with the career break will count as one year for the purpose of the career break scheme.

16 Audit/Verification

- 16.1 The Department intends to carry out regular examinations of career break records. All documentation relating to career breaks must be retained by the employer with the relevant personnel records.