



**ST. PATRICK'S NATIONAL SCHOOL**

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# **NON-STATUTORY LEAVE OF ABSENCE**



**career break, job sharing,  
parental leave, unpaid leave,  
and EPV**

## **School Policy**

**2020**

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## **1. Introduction**

While maternity, adoptive and parental leave are statutory entitlements with clearly defined periods of absence and commencement dates and some flexibility is attached to parental leave, other types of leave (non-statutory), eg career break, job-share and secondment are at the discretion of the Board of Management. A teacher may be on leave from the school on non-statutory leave for a maximum of five years at any one time.

## **2. Rationale**

This policy was developed in conjunction with *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, DES 2016. This publication addresses the consolidated terms and conditions of employment for registered teachers, and supersedes existing circulars in relation to such leave, being:

- *Sick Leave Scheme*
- *Maternity Protection Entitlements*
- *Adoptive Leave Entitlements*
- *Career Break Scheme*
- *Job Sharing Scheme*
- *Parental Leave Entitlements*
- *Unpaid Leave*

(ref <http://www.education.ie/en/Education-Staff/Services/Breaks-Leave/#sthash.XDEOH2zl.dpuf>)

The Board of Management notes that

‘In drawing up this policy, the welfare and educational needs of the pupils shall take precedence over all other considerations. This policy shall have due regard to the capacity of the school to meet its obligations to its pupils and may therefore apply a limit to the number of teaching staff that may avail of non-statutory leave schemes at any one time. Employers must consider applications in the context of other non-statutory leave and statutory leave and also take into account the availability of an appropriately qualified replacement teacher’,

*Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, 1.1.2 – 1.1.3.

## **3. Aims**

This policy aims to address the requirement for special arrangements for non-statutory leave, etc. within the school. The Board of Management will consider all applications fairly, using reasonable flexibility where appropriate, while noting that the needs of the school and its pupils must be given priority at all times.

## **4. Practice and procedures**

### **4.1 Number of places available**

The Board of Management has set a limit on the number of teachers who may avail of non-statutory leave at any one time. No more than two classes should be affected by non-statutory leave during the same academic year. The number of non-statutory leave places available may be affected by the number of teachers in the school who are likely to be on other approved leave of absence, such as maternity, adoptive and parental leave in the school year for which an application is received. Disappointed applicants will be given special consideration the following year. A maximum ratio of permanent teachers to temporary teachers of 4:1 is considered desirable in the context of the school.

The Board will deal with all applications at their discretion, using reasonable flexibility where appropriate.

### **4.2 Criteria**

The Board will consider applications for non-statutory leave under the following criteria, in no particular order of priority (ref section 2.1)

- previous applications that were refused
- continuing existing leave
- educational merit of the enterprise for which leave has been sought
- seniority
- length of teaching service
- special circumstances
- other.

### **4.3 Temporary teachers**

The Board is aware that there is no consistent availability of suitably qualified temporary teachers. The Board may decide to terminate an arrangement for non-statutory leave if it proves impossible to appoint a suitable temporary teacher to replace him/her. The Chairperson of the Board will make this clear to the teacher in advance of leave.

### **4.4 Career break**

(ref *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 4).

#### **4.4.1 Duration**

'A teacher may engage in this scheme subject to an overall maximum absence of 10 years in the course of his/her professional career. 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. 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'.  
(ref 4.2.1 – 4.2.3)

#### **4.4.2 Eligibility**

A teacher may apply for a career break where he/she 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 at the school. (ref 4.3.1)

#### **4.4.3 Operation of scheme**

A teacher seeking a career break must submit a written application to the Board of Management not later than the 1<sup>st</sup> February 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. (ref 4.4.1)

The Board shall issue a written notice of approval or refusal to the teacher by 1<sup>st</sup> March at the latest, and submit notice of the career break absence to the Department of Education and Skills (via the OLCS) on or before 1<sup>st</sup> April. (ref 4.4.4)

A teacher must notify the Board by 1<sup>st</sup> February of his/her intention to return to teaching from a career break at the beginning of the next school year. It is the responsibility of the teacher to ensure that he/she is registered with the Teaching Council on the date of resumption. (ref 4.8.1 – 4.8.2)

#### **4.5 Job-share**

(ref *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 5).

The Board considers the option of job-share between two permanent teachers based in St Patrick's NS to be best practice. While accepting the principle of inter-school job-share, and agreeable to a teacher in the school applying to job-share elsewhere, the Board is not in favour of the appointment of an external applicant to job-share in the school.

##### **4.5.1 Duration**

The minimum period for which a job-sharing arrangement may occur is one school year. However, in exceptional circumstances, an employer may authorise a job-sharing arrangement to start during a school year and terminate not earlier than the end of that same school year. (ref 4.3.1 – 4.3.2)

##### **4.5.2 Operation of the scheme**

A teacher seeking to job share must submit the prescribed application form to the Board of Management not later than 1<sup>st</sup> February prior to the school year in which he/she proposes to commence/continue job sharing. A teacher who wishes to extend his/her job-sharing arrangement

must apply for this extension on an annual basis. Each application to job share shall be considered on its own merits within the context of the school's policy statement. The Board shall issue a written notice of approval or refusal, which will set out the basis of the refusal, to the teacher by 1<sup>st</sup> March at the latest. Teachers who wish to apply for job-share must do so on an annual basis, before 1<sup>st</sup> March of the year in which the proposed arrangement is to begin, using the formal application form. (ref 5.5.1 – 5.5.4)

#### **4.5.3 Planning**

A *Plean Oibre* for the year should accompany the application. The *Plean Oibre* must address the need for continuity, planning for an agreed methodology, and an agreed approach to disciplinary matters. It should also provide for the use of the combined talents of both teachers as well as assigned responsibilities.

#### **4.5.4 Duties**

A job-sharing teacher must be available for relevant staff and parent meetings in accordance with school policy and agreements. The obligation to provide additional hours under the existing Public Service Agreements is pro rata for teachers who are job-sharing. (ref 5.6.2 – 5.6.3)

#### **4.5.5 Class allocation**

The class levels to be taught by the job-sharing teachers will be decided by the Principal, as with all teacher/class allocations. Special consideration is taken regarding children with additional educational needs. Therefore, job-sharing is not preferred for Junior Infants or Additional Educational Needs (AEN) Support responsibilities.

#### **4.5.6 Home/school communication**

When classes are allocated for the coming year, parents of the class will be informed of the planned job-share arrangements as soon as possible. Parents will be invited to attend a special meeting to meet the Principal and job-share teachers, where arrangements will be outlined and queries addressed.

#### **4.5.7 Post of responsibility**

Special Duties post of responsibility issues will be considered with reference to *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 5.10.1.

#### **4.5.8 Termination of arrangements**

The Board reserves the right to terminate a job-share arrangement if the arrangement is not operating in the best interests of the pupils. The temporary teacher is made aware that his/her appointment may be terminated.

#### **4.5.9 Communication**

The Principal informs all teachers on approved leave about developments in the school such as vacancies for in-school management posts, important Teaching Council matters, etc. Informal contact is made during the term prior to the teacher's return to her/his post.

#### **4.6 Parental leave**

(ref *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 6).

##### **4.6.1 Duration**

A teacher is entitled to 18 weeks parental leave in respect of each child up to the age of 13 years or the age of 16 years in the case of a child with a disability and/or long-term illness. There is no obligation however to take the full 18 weeks leave. Applicants who have taken 14 weeks previously may now apply for an additional 4 weeks provided they still meet the entitlement criteria.

##### **4.6.2 Eligibility**

Parental leave is a period of unpaid leave available to teachers for the purpose of the care of children. It is provided for under the *Parental Leave Acts 1998 and 2006* and the *European Union (Parental Leave) Regulations 2013 (S.I. No. 81 of 2013)*, (ref 6.1.1).

##### **4.6.3 Operation of the scheme**

For operational details of the Parental Leave scheme, refer to *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 6).

#### **4.7 Unpaid leave**

(ref *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 7).

##### **4.7.1 Duration**

The maximum amount of unpaid leave which may be taken is 10 school days in a school year. Substitution will be paid by the DES (ref 7.2.1).

##### **4.7.2 Eligibility**

Unpaid leave will only be considered in exceptional circumstances, where the Board of Management 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. Applications for unpaid leave must be approved by the Board of Management 6 weeks in advance of the absence. (ref 7.1.1 – 7.1.2)

##### **4.7.3 Operation of the scheme**

For operational details of the Unpaid Leave scheme, refer to *Terms & Conditions of Employment for Registered Teachers in Recognised Primary and Post Primary Schools*, Chapter 7).

## **4.8 Extra Personal Vacation (EPV)**

Under Rule 58 of the *Rules for National Schools*, teachers are entitled to Extra Personal Vacation (EPV) on foot of attending approved summer courses, (ref <http://www.education.ie/en/Education-Staff/Services/Breaks-Leave/Extra-Personal-Vacation-Days/#sthash.8jMis5N1.dpuf>).

### **4.8.1 Duration**

It is noted that no EPV entitlement arises where attendance at any specific course amounts to 3 days or less, and that 5 days EPV is the maximum which may be awarded during a school year (ref DES *Circular 37/97*).

### **4.8.2 Eligibility**

Teachers claiming EPV days must present this certificate to the Principal at the beginning of the school year, as evidence of completion of an approved summer course and entitlement to EPV leave (ref DES *Circular 35/2009*). On receipt of this certificate, the Principal may approve EPV leave for the teacher in accordance with the terms of *Circular 37/97*. The Principal must retain copies of the certificates within the school for future audit purposes.

EPV leave taken should be entered on the On-Line Claims System (OLCS) in line with current practice.

### **4.8.3 Operation of the scheme**

It is the policy of St Patrick's NS that applications for EPV days should be made to the Principal who, in consultation with the Deputy Principal, will consider such applications. EPV days are subject to the prior approval of the Board of Management. Any appeals will be referred to the Board of Management, who will have the final decision.

Applications should be made as early as possible in the school year (during Term 1), noting the dates for the requested EPV(s). In order to minimise disruption, teachers are encouraged to take 1 day per term, if possible. Requests for deferral will be addressed on a case-by-case basis.

Matters to be considered include the welfare and educational needs of the pupils, and the capacity of the school to meet its obligations to its pupils, such as there being a limit to the number of teaching staff that may avail of leave at any one time (ref Section 2 above). It is noted that, while every effort is made, facilitation of EPV requests may not always be possible, particularly in cases of an excess of 3 EPV during one academic year or an excess of applications over a particular period of time.

In order to ensure the smooth running of the school and to minimise disruption, a number of guidelines have been put in place. A maximum of 2 EPV days will be sanctioned in any full school week, and 1 EPV day within a 3-day week period. As a general rule, only 1 class should be split on any particular day. The days will be sanctioned on a 'first come, first served' basis, except in



exceptional circumstances. In the event of two or more applications for the same day, the 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 AEN Support team (on a rotational basis) will take one of the classes for the entire day and the other class is divided. Teachers in the Infant Classes, 1<sup>st</sup> Class and other classes, at the discretion of the Principal and Deputy Principal, will have a substitute teacher employed privately by the Board of Management, subject to availability and funding. In the absence of a substitute being available, a member of the AEN Support team will be requested to take the class.

Teachers should avoid, as far as possible, applying for EVP days on

- the first 2 weeks of a new school year and/or the last 2 weeks of the school year
- the week prior to Christmas and Easter holidays
- SDP, CPD or Staff meeting days
- days when other classes are away on school tours, Fun Day or attending events.

Teachers should have work prepared for EPV days, and a copy should be given to the Principal. In preparation for EPV leave, teachers should:

- Divide the class, giving c3 children to Class Teachers and AEN Support Teachers, avoiding the larger classes; and more challenging situations (eg teachers who are doing their Diploma who may not receive additional pupils). This list should be prepared at the beginning of each year, and it may be amended as changes arise. It should be stored in each classroom, for ease of access if needed.
- Prepare work and photocopy (*if necessary*) for the day. This work should be given to each child, their host teacher and the Principal. In the case of a member of the AEN Support team being absent, appropriate work should be left for each of their groups and arrangements made for children who will require 1:1 attention.
- Inform the children in advance of the arrangements for the day. Arrange for a designated member of the AEN Support team to greet the children in their classroom, and to divide the class and guide them to their designated classroom. This teacher will also supervise safe dismissal from school at the end of the day. Children should NOT return to their own classroom during the day.

## **5. Success criteria**

It is hoped that this policy will assist in the smooth organisation of teacher leave, and minimised disruption to the school, its pupils and staff.

## **6. Ratification**

This policy was ratified by the Board of Management.

## **7. Communication**

School personnel and members of the school community were informed of the policy's ratification and it was published on the school website. The policy is available in hard copy from the school office. This policy will be made available to the DES and the school's Patron, on request.

## **8. Review**

This policy is scheduled for a full review in 2025. It is noted that the Board of Management will review and revise the policy as and when such a requirement is identified.

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

Canon David Mungavin  
Chairperson  
Board of Management

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

Rachel Harper  
Principal

Date: \_\_\_\_\_

Date: \_\_\_\_\_