



Circular Letter 0029/2023

To: The Chief Executives of Education and Training Boards

**BRIEF ABSENCES FOR STAFF OTHER THAN PERSONS
EMPLOYED AS TEACHERS AND SPECIAL NEEDS ASSISTANTS
EMPLOYED
IN EDUCATION AND TRAINING BOARDS**

The Minister for Education directs you to implement the arrangements and procedures set out in this circular regarding brief absences for all eligible staff other than persons employed as Teachers/Special Needs Assistants (SNAs) whose posts are wholly funded by monies provided by the Oireachtas.

The arrangements and procedures outlined in this circular are to be implemented by each employer with immediate effect and all staff other than persons employed as Teachers/SNAs and must adhere to the terms of this circular.

This circular comes into effect from this day and supersedes all previous circulars, memoranda, rules regulations and arrangements in relation to brief absences for all staff other than persons employed as Teachers/SNAs in ETBs.

Please ensure that copies of this circular are brought to the attention of all staff other than those employed as Teachers/SNAs in your employment including those on leave of absence.

Queries should be sent in the first instance to hr@etbi.ie for response and for collation and forwarding to Department of Education where appropriate.

This Circular can be accessed on the Department's website under www.education.ie

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30 May 2023

Brief Absences for staff other than persons employed as Teachers/SNAs

Definitions:

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

Employer – means an Education and Training Board (ETB).

Employee – means a member of staff of an ETB other than persons employed as a Teacher or SNA, who is in receipt of salary under a permanent contract, contract of indefinite duration (CID), or fixed-term contract as defined in the Protection of Employees (Fixed Term Work) Act 2003.

Immediate Family (For Family Illness Leave)– means:

- spouse (including a cohabiting partner)
- child or adopted child
- person to whom the employee is in loco parentis
- parent
- person in a relationship of domestic dependency, including same sex partner.

Near Relative (For Family Illness Leave)– means:

- brother of the employee
- sister of the employee
- grandparent of the employee
- grandchild
- aunt of the employee
- uncle of the employee
- parent-in-law of the employee.

Person (for Force Majeure Leave) – means:

- child or adopted child of the employee
- spouse including a partner with whom the employee is co-habiting but is not the person's legal spouse
- a person to whom the employee is in loco parentis
- brother or sister of the employee
- parent of the employee
- grandparent of the employee
- persons in a relationship of domestic dependency, including same sex partner.

1. General Information

1.1 Purpose of this Circular

The term “brief absence” is used to describe short-term occasional absences sanctioned by the employer. The purpose of this Circular is to set out the terms and conditions for awarding leave in respect of the brief absences to employees.

1.2 Scope of the Circular

The Brief Absence Leave covered in this Circular is as follows:

- *Force Majeure* Leave
- Illness in Family Leave
- Special Leave for Sporting Purposes
- Paid Leave for attendance at Training with the Reserve Defence Forces
- Jury Service/State Witness
- Marriage Leave
- Witness in Court
- Bereavement Leave
- Special Leave for Marriage Breakdown, Marriage Separation or Divorce Proceedings

1.3 Application for Brief Absences

The approval of the employer must be sought and granted for all absences under this circular. Applications for leave (excluding Bereavement Leave or legal summons which should be applied for as soon as is practicably reasonable) should be made at least 6 weeks prior to the planned commencement date, accompanied by documentary evidence.

Force Majeure or Illness in Family Leave should be notified to the employer immediately and applied for as soon as is reasonably practicable after the absence.

Employees should apply to their Employer for *Force Majeure* Leave and Illness in Family Leave using the application form in Appendix 1 of this circular. All other applications should use the Forms at Appendices 2 & 3 of this circular or by using the ETB’s electronic application forms if applicable. An ETB’s electronic application procedure shall apply, where applicable, for relevant leave types.

The Employer must approve the leave application (indicating where applicable with pay) where it is considered the absence is justified, or alternatively provide a written/electronic notice of refusal. The employer may seek supporting evidence from the employee (e.g. jury summons)

when considering the granting of leave in accordance with the terms of this circular.

Any absence without the approval of the employer will be regarded as unapproved leave (unpaid), and will be dealt with under agreed disciplinary procedures and could lead to the cessation of salary, following due process.

Approved absences shall not extend beyond the duration of the employee's contract of employment.

Deductions for a day of unpaid absence should be calculated at the appropriate daily rate of their weekly multiplier.

1.4 **Employer's Brief Absences Policy**

Each employer shall develop and maintain as part of an overall absence policy on staff absences, procedures in line with this circular, specific to the needs of the organisation in relation to the approval of brief absences. Where the absence relates to an event that can be rescheduled, the operational needs of the employer should be respected and flexibility applied by both parties in accommodating the absence.

1.5 **Status During Leave**

An employee on paid or unpaid leave is deemed for all purposes to be in employment at that time. However, unpaid leave is not reckonable for incremental credit or superannuation purposes except in circumstances where the leave type specifically allows for same.

2. **Force Majeure Leave**

2.1 Under the [Parental Leave Act 1998](#) and the [Parental Leave \(Amendment\) Act 2006](#), an employee shall be entitled to Force Majeure Leave which is leave with pay for urgent family reasons.

2.2 Eligibility to *Force Majeure* Leave

In determining the entitlement to Force Majeure Leave, the circumstances must be:-

- a) considered urgent owing to an illness/injury of a 'person', and
- b) the immediate presence of the employee is indispensable at the place where the ill or injured 'person' is located.

The circumstances for *force majeure* leave as detailed above must apply on each individual day for which *force majeure* leave is requested, not just the first day. The employer must satisfy themselves that an application for *force majeure* leave is fully justified. If not, the employee should apply for alternative available leave.

2.3 *Force Majeure* Leave Entitlement

Force Majeure Leave consists of one or more days but shall not exceed a maximum of:-

- 3 days in 12 consecutive months or
- 5 days in 36 consecutive months

An absence for part of a day is counted as one day for *force majeure* leave.

2.4 During an absence on *force majeure* leave an employee is deemed for all purposes to be in employment. *Force majeure* leave is paid leave. It cannot be treated as part of any other leave such as sick leave, maternity leave, adoptive leave, annual leave or parental leave to which the employee is entitled.

3. **Illness in Family Leave**

3.1 In the event of the serious and unforeseen illness of or injury to an employee's immediate relative and in any case where *force majeure* leave has been exhausted or does not apply, an employer may at their discretion grant Illness in Family Leave with pay where they are satisfied special circumstances exist, up to the following limits:-

- 5 working days in 12 consecutive months in the case of immediate family, or
- 3 working days in 12 consecutive months in the case of a near relative

3.2 *Force majeure* must be claimed where applicable, before the granting of Illness in Family Leave.

3.3 Illness in Family Leave may be granted only at the time of the illness or injury. An employee who is absent on another form of statutory or non-

statutory leave may not be granted special leave at the end of, or instead of that leave.

4. Special Leave for Sporting Purposes:

4.1 Special leave **with pay** may be granted to employees to participate in events as an international athlete at:

- (1) The Olympic Games
- (2) World Championship Events
- (3) European Championship Events
- (4) Pre-Olympic Qualifying Competitions

The term Pre-Olympic at (4) above applies to those sports in which there are specific pre-Olympic qualifying events.

4.2 Employees seeking special leave with pay for sporting purposes must compete in the events.

4.3 In each case confirmation of participation in the competition, competition dates and other relevant particulars i.e. travel arrangements, invitation to participate or letter from the organising body must be submitted with the application (Appendix 3) or through procedures as determined by the ETB.

5. Paid Leave for attendance at Training with the Reserve Defence Forces:

5.1 The employee should forward his/her call-up notice to his/her immediate Manager, for approval by the Employer (with the form at Appendix 2) or in accordance with procedures as determined by the ETB.

5.2 Entitlement:

The following tables outline the brief absence allowance provided applicants attend for the full period of the training course:

Training	Duration of training	Leave allowance
Annual	7 days	3 working days
	14 days	7 working days
	21 days	10 working days
Basic	14 to 30 days	5 working days

- 5.3 In addition to Basic and Annual Training Courses, employees may receive release for special training courses as follows:

Training	Duration of training	Leave allowance
Special	7 days	3 working days
	14 days	6 working days
	21 days	9 working days

- 5.4 The balance of time for full attendance may be taken as part of annual leave or as **leave without pay**. This type of leave without pay is reckonable for increment and superannuation purposes. In all such cases a suitable note should be made on the employee's personnel file that this leave is so reckonable and the authority of this circular should be quoted.
- 5.5 Employees will be eligible for the concessions granted for attendance at training once only in any leave year. Special leave for a course of basic training will, of course, arise only once for any officer; an officer may if the necessity arises, be allowed special leave in respect of an annual training course and a basic training course in the one leave year.

6 Bereavement Leave:

- 6.1 Bereavement Leave must be availed of at the time of the bereavement. In exceptional circumstances, where the funeral is held at a later date (e.g. funeral abroad), Bereavement Leave may be granted at that time, at the discretion of the employer.
- 6.2 Bereavement Leave must be taken over a consecutive period. The Bereavement Leave entitlement is calculated based on the working days and public/bank holidays and weekends excluded.
- 6.3 With regard to a staff member who is currently job-sharing, the amount of Bereavement Leave granted will depend on whether the individual was scheduled to work during the period of leave.
- 6.4 Where a staff member is already absent on other approved leave (e.g. Sick Leave, Maternity Leave, Carer's Leave, Parental Leave, Marriage Leave) when the bereavement occurs, it cannot be replaced with Bereavement Leave.
- 6.5 There is no requirement to avail of the full amount of Bereavement Leave entitlement. In certain situations, a staff member may wish to return to work sooner.
- 6.6 The following table outlines the maximum numbers of days **with pay** allowable in respect of bereavement leave.

Relative	Bereavement Leave entitlement
<p>Immediate Family:</p> <ul style="list-style-type: none"> • Spouse (including a cohabiting partner) • Child (including adopted child, step-child and child being cared for on the basis of 'in loco parentis') • Any person in a relationship of domestic dependency (meaning the deceased person shared accommodation with the staff member and also relied on them for their care) 	<p>Maximum of 20 working days</p>
<p>Immediate Relative:</p> <ul style="list-style-type: none"> • Father • Mother • Step-father • Step-mother • Brother • Step-brother • Half-brother • Brother-in-law • Sister • Step-sister • Half-sister • Sister-in-law • Father-in-law • Mother-in-law • Son-in-law • Daughter-in-law • Grandfather • Grandmother • Grandchild <p>Note: Entitlement for a co-habiting partner (the staff member concerned) is treated same as for a spouse i.e. entitlement for mother-in-law, father-in-law, sister-in-law, brother-in-law.</p>	<p>Maximum of 5 working days</p> <p>Where a staff member has to travel abroad to make funeral arrangements in respect of an immediate relative, Bereavement Leave in excess of 5 working days may be granted at the discretion of their employer.</p>
<p>Other Immediate Relative</p> <ul style="list-style-type: none"> • Aunt • Uncle • Niece • Nephew 	<p>Maximum of 1 working day</p> <p>In exceptional circumstances, (e.g. where the staff member concerned has lived with the deceased at the time of their death, or has to take charge of funeral arrangements), this limit may be extended up to 5 working days.</p>
<p>Stillbirth or prenatal death after 24 weeks of pregnancy (refers to Bereavement Leave only, and does not affect Paternity Leave entitlement)</p>	<p>Maximum of 10 working days available to -</p> <ul style="list-style-type: none"> • Father of the child Spouse, Civil Partner or Cohabiting Partner of the child's mother • Parent of the child under Section 5 of the Children and Family Relationships Act 2015, where the child is a donor-conceived child within the meaning of Part 2 of that Act.

7 Other Brief Absences:

- 7.1 The following table outlines the maximum numbers of days allowable in respect of each absence in instances where approval for brief absence may be granted.
- 7.2 Notification of absence must be submitted to the Employer where appropriate. Please note documentary evidence must be submitted by the employee and must be retained by the employer.

Paid Leave will be allowed for the following absences Reason for Absence	Maximum Number of Days
Jury Service/State Witness	Number of days as deemed necessary by the court.
Marriage Leave	5 working days leave with pay at time of marriage/civil partnership.
Witness in Court	The number of days as required by the summons or subpoena.
Special Leave for Marriage Breakdown, Marriage Separation or Divorce Proceedings	Staff will be entitled to a maximum of 1.5 days' special leave, with pay, to attend court proceedings, consult with solicitors, or attend appointments with the family mediation service. Part time staff will have their entitlement calculated on a pro rata basis.

8. Further Information

- 8.1 In accordance with the introductory paragraph, the arrangements in this circular are to be implemented by the employer. Therefore all queries should be initially brought to the attention of the HR Unit of the employee's local ETB.

Application for Force Majeure Leave/Illness in Family Leave

Application Forms/Supporting Documentation should be submitted to the HR Department of the ETB. The Application Form should be fully completed and retained in the ETB with any other relevant documentation for record and audit purposes in accordance with the ETB's Data Retention Policy.

PART 1 – APPLICATION

Name:	Contact No:
Email:	PPSN:
Work Location:	

Leave Type applied for (please tick relevant box)

Force Majeure Leave Illness in Family Leave

Start date: _____ End date: _____ Duration (Days) _____

No. of days Annual Leave entitlement (excluding carry-over days):

No. of Force Majeure days taken in past 12 months:

No. of Force Majeure days taken in the past 36 months:

Number of Illness in Family Leave days taken in past 12months:

Number of Illness in Family Leave days taken in past 36 months:

I hereby apply for Force Majeure Leave/Illness in Family Leave for the following reason:-

For Illness in Family Leave please tick relevant box to indicate relationship:

Immediate Relative: Near Relative: -

Declaration

I wish to apply for Force Majeure Leave/Illness in Family Leave in accordance with Circular XXXX/2021. I confirm that the information provided in the application is true and accurate.

I have not exceeded my entitlement to Force Majeure Leave/Illness in Family Leave as detailed in Circular XXXX/2021.

Signature of Employee: _____ Date: _____

Data Protection Privacy Statement
ETBs should insert a link to their Privacy Statement here when making the form available for use

PART 2– EMPLOYER APPROVAL

<p><u>Approval and Verification by Employer</u></p> <p>I certify that I have approved the above leave in accordance with Circular XXXX/2021 and that leave has been recorded on the relevant ETB system</p> <p>or</p> <p>I certify that the requested leave has not been granted (in full or in part) for the following reason/s and that the employee has been so notified:</p> <p>Signature: _____ Date: _____ (Employer)</p>
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Application for Brief Absence

Application Forms/Supporting Documentation should be submitted to the HR Department of the ETB. The Application Form should be fully completed and retained in the ETB with any other relevant documentation for record and audit purposes in accordance with the ETB's Data Retention Policy.

PART 1 –EMPLOYEE APPLICATION

Name:	Contact No:
Email:	PPSN:
Work Location:	

Leave Absence Type applied for (please complete relevant section)

Leave Type	From	To (inclusive)
Paid Leave for attendance at Training with the Reserve Defence Forces		
Witness in Court		
Jury Service/State Witness		
Marriage/Civil Partnership		
Special Leave for Marriage Breakdown, Marriage Separation or Divorce Proceedings		

Declaration

I wish to apply for Brief Absence in accordance with Circular XXXX/2021. I confirm that the information provided in the application is true and accurate.

Signature of Employee: _____ Date: _____

Data Protection Privacy Statement
ETBs should insert a link to their Privacy Statement here when making the form available for use

PART 2– EMPLOYER APPROVAL

Approval and Verification by Employer

I certify that I have approved the above leave in accordance with Circular XXXX/2021 and leave has been recorded on the relevant ETB system :

- Paid Leave for attendance at Training with the Reserve Defence Forces – Number of Days
- Witness in Court – Number of Days
- Jury Service/State Witness – Number of Days
- Marriage – Number of days

or

I certify that the requested leave has not been granted (in full or in part) for the following reason/s and that the employee has been so notified.

Signature: _____ Date: _____
(Employer)

Appendix 3

Application for leave to Represent Ireland as a competitor at an International Sporting Event

Application Forms/Supporting Documentation should be submitted to the HR Department of the ETB. The Application Form should be fully completed and retained in the ETB with any other relevant documentation for record and audit purposes in accordance with the ETB's Data Retention Policy.

Section 1 and Section 2 must be completed by the employee. The employer must complete Section 3.

Note: For the purpose of this application, the sport must be governed by a National Governing Body. The employee must submit with this application, a signed letter from the National Governing Body to verify the details below as indicated in this application.

- i) Status of the competition
- ii) Confirmation of employees qualification/selection for the event
- iii) Confirmation of competition dates, including travel dates

PART 1 – EMPLOYEE APPLICATION

Name:	Contact No:
Email:	PPSN:
Work Location:	

No. of days leave required _____ From _____ To _____ (inclusive of travel dates)

Name and address of National Governing Body of the Sport (of which employee is a Member)

PART 2 – COMPETITION DETAILS

Title of Competition _____ Location of Competition _____

Organising Body's Name _____

Date from _____ Date to _____

Date you are travelling if held abroad: _____ Date you are returning: _____

Status of Competition (please tick relevant box)

Pre-Olympic Qualifying Competition Olympic

Other International Sporting Event

1. Are you competing as:-

An Individual? Yes/No

Team Member? Yes/No

2. Is the competition under the auspices of the International Body of the Sport?
Yes/No

If "Yes", provide the name of the International Body _____

Declaration

I wish to apply for leave to represent Ireland as a competitor at International Sporting Event in accordance with Circular XXXX/2021. I confirm that the information provided in the application is true and accurate.

Signature of Employee _____

Date _____

Data Protection Privacy Statement
ETBs should insert a link to their Privacy Statement here when making the form available for use

PART 3 – EMPLOYER APPROVAL

Approval and Verification by Employer

I certify that I have approved the above leave in accordance with Circular XXXX/2021 and leave has been recorded on the relevant ETB system :

- Paid Leave for attendance at Training with the Reserve Defence Forces – Number of Days
- Witness in Court – Number of Days
- Jury Service/State Witness – Number of Days
- Marriage/Civil Partnership – Number of days

or

I certify that the requested leave has not been granted (in full or in part) for the following reason/s and that the employee has been so notified.

Signature: _____ Date: _____
(Employer)