



**To: The Managerial Authorities of Recognised Primary  
and Voluntary Secondary and Community and Comprehensive Schools**

**Circular Letter 0007/2024**

**Leave Entitlements for School Secretaries employed  
in Recognised Primary and Voluntary Secondary and  
Community and Comprehensive Schools**

The Minister for Education, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the regulations and procedures, as stated in this Circular, for school secretaries employed in approved posts funded by monies provided by the Oireachtas and who are covered by the terms of the 2022 Workplace Relation Commission (WRC) agreement and the terms of Circular 0036/2022.

All employers and school secretaries must adhere to the agreed terms and conditions as stated, with effect from the date of this Circular.

This Circular supersedes all previous Circulars, memoranda, rules and regulations in the areas covered.

Please ensure that the contents of this Circular are brought to the attention of all members of the Board of Management and all school secretaries in your employment, including those on leave of absence.

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 addresses:

- a) Queries on Leave terms and conditions:- [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie)
- b) Queries on recording of leave on OLCS:- [onlineclaims@education.gov.ie](mailto:onlineclaims@education.gov.ie)
- c) Queries on salary:- [Payroll Query Form \(education.gov.ie\)](#)

This Circular can be accessed on the Department's website at: [gov.ie](http://gov.ie).

Additional information, as well as the details of Circular 0036/2022, are available at: [gov.ie](http://gov.ie) - [Revision of Salaries and Annual Leave arrangements for School Secretaries employed in recognised primary and post primary schools \(www.gov.ie\)](#)

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## Definitions and Abbreviations

For the purpose of this Circular, the following terms shall have the meanings assigned to them, unless the context indicates otherwise:

**Adopting Parent** - means a qualifying adopter or a surviving parent within the meaning of the definitions of 'qualifying adopter' and 'surviving parent' in section 2(1) (as amended by section 5 of the Family Leave and Miscellaneous Provisions Act 2021) of the Adoptive Leave Act 1995 but as if, in both of those definitions, 'or is to be placed' were omitted in each place where it occurs.

**Civil Partner** – as defined in section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

**Cohabitant** – as defined in section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

**Couple** - in relation to the definition of 'qualifying adopter', means a married couple, a couple who are civil partners of each other or a cohabiting couple.

**Day of Placement** - means the day on which a child who is, or is to be, adopted is placed physically in the care of the relevant parent with a view to the adoption of the child or, in the case of an intercountry adoption effected outside the State where the child has not previously been placed in the care of the relevant adopting parent, the day on which the child has been so placed following the adoption.

**DSP** – means the Department of Social Protection.

**Employer** – means a Board of Management/Manager in the case of primary (excluding community national schools) and voluntary secondary and community and comprehensive schools.

**Leave Year** – means the period 1<sup>st</sup> September to 31<sup>st</sup> August inclusive in each year.

**On Line Claims System (OLCS)** – means the system for recording of absences and input of claims for the payment of replacement secretaries which is currently operating in primary and voluntary secondary schools.

**Paymaster** – means the organisation in charge of paying salaries. This is the Department of Education in the case of secretaries employed in primary and voluntary secondary schools.

**PRSI** – means Pay Related Social Insurance.

**Qualifying Adopter** - in relation to a child who is, or is to be adopted, means the qualifying adopter, within the meaning of the Act of 1995 (as amended by the Family Leave and Miscellaneous Provisions Act 2021), of the child and includes, for the purposes of this Circular, a person who would be a qualifying adopter but for the fact that he or she is not an employee.

**Recognised School** – means a school which is recognised by the Minister for Education in accordance with Section 10 of the Education Act 1998.

**School Closure Period** – means the period of the school year when a school secretary is not due to work e.g. during Mid-term, Christmas, Easter, Summer etc.

**School Secretary** - means a secretary employed in a recognised primary or voluntary secondary school or community and comprehensive school paid through grant funding who has opted to accept specific terms and conditions encompassed in the 2022 WRC Agreement. There are two categories of school secretary as follows:-

- **Annualised Secretary** – means a school secretary:-
  - (a) employed prior to 1<sup>st</sup> September 2023, who has opted to be paid by the Paymaster for 52 weeks in each calendar year (from 1<sup>st</sup> September 2023).
  - or
  - (b) newly employed from 1<sup>st</sup> September 2023 and onwards, who is automatically paid by the Paymaster for 52 weeks in each calendar year (from 1<sup>st</sup> September 2022).
- **Non-Annualised Secretary** – means a school secretary employed prior to 1<sup>st</sup> September 2023, who has opted not to be paid by the Paymaster for 52 weeks in each calendar year as follows:
  - (a) a secretary who is paid by the Paymaster for the school term and the school closure periods of Mid-Term, Christmas, and Easter.
  - or
  - (b) a secretary who is paid by the Paymaster for the school term.

**School Term** - means the period during the school year when a school secretary is due to work.

**School Year** – as defined by the Minister for Education from time to time, currently beginning on 1<sup>st</sup> September and ending on 31<sup>st</sup> August.

**Sole Male Adopter** - means a male secretary who is not an adopting father and in whose sole care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption.

**Surviving Parent** – means a parent within the meaning of the Parent's Leave and Benefit Act 2019 and as defined in Section 2(1) of the Adoptive Leave Act, (both Principal Acts as amended by the Family Leave and Miscellaneous Provisions Act 2021).

**The Department** – means [The Department of Education](#).

**Unapproved Leave (unpaid)** – means leave taken by a secretary that has not been approved by the employer.

## GENERAL PROVISIONS

### 1. Employer Decision on Leave Application

- 1.1 The employer must provide the secretary with a written notice of their decision to approve/refuse a leave application. Where an application is refused, the employer must include the grounds for refusal.

### 2. Recording of Leave

- 2.1 All approved paid and unpaid leave, regardless of whether or not a replacement is employed, must be recorded in a timely manner on the OLCS, or where relevant, as failure to do so may lead to salary overpayments.
- 2.2 Where an overpayment of salary arises, the overpayment will be recovered in full from a secretary's future salary payment, in line with the relevant Department publications.
- 2.3 Where Department of Social Protection (DSP) Benefit is paid to a secretary availing of statutory leave, the Benefit may be classed as a taxable source of income. In this regard, it is the responsibility of the secretary to familiarise themselves with the most up to date information on the DSP website at link: [www.welfare.ie](http://www.welfare.ie).
- 2.4 It is the ultimate responsibility of the secretary to be familiar with the terms and conditions of each Leave Scheme, prior to their application for leave and must provide accurate information in their leave application.
- 2.5 It is the responsibility of the employer to be familiar with the terms and conditions of each Leave Scheme, and to ensure leave that is approved, meets the specific eligibility criteria, as detailed in this Circular. It is also the employer's responsibility to ensure the approved leave recorded on the OLCS corresponds with the secretary's leave record.
- 2.6 Leave recorded on the OLCS may not be altered by the Department at a later date, except in the most exceptional circumstances.
- 2.7 Where a secretary is absent on approved leave at the publication date of this Circular, any queries should be directed to :- [onlineclaims@education.gov.ie](mailto:onlineclaims@education.gov.ie).

### 3. Compliance

- 3.1 Failure to abide with the regulations and procedures set out in this Circular may be dealt with under the agreed disciplinary procedures, and may lead to the cessation of salary in the case of a secretary and/or withdrawal of replacement cover for schools, where applicable.
- 3.2 In the case of an unapproved absence, the secretary should be informed that such an absence will result in the employer advising the Department to record their absence as Unapproved Leave (unpaid) on the OLCS.

**4. Correspondence Address**

4.1 The employer will address and send all necessary correspondence to the secretary at the personal email/home address last notified. No fault shall lie with the employer in the event that the secretary does not receive such correspondence.

**5. Retention of Documentation**

5.1 All documentation relating to secretary absences must be retained by the employer with the relevant personnel records, in a safe and secure manner and in line with the employer's data protection policy and data protection regulations. These records may be selected for inspection by nominated Department officials.

5.2 In the case of Parental Leave there is a statutory obligation under the Parental Leave (Amendment) Act 2019 for the employer to retain these records for a minimum of 12 years.

## **CHAPTER 1 – SICK LEAVE**

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### **1. Sick Leave Provisions**

- 1.1 From 1<sup>st</sup> January 2023, an employee has entitlement under the [Sick Leave Act 2022](#) to paid Sick Leave.
- 1.2 A secretary has an entitlement to paid Sick Leave, where the following criteria are met:-
  - a) they are employed with their current employer for at least 13 continuous weeks, immediately prior to their Sick Leave absence. This requirement is waived where a secretary ceases employment with their current employer during the summer school closure period, and returns to this same employment, at the commencement of the following school year.
  - b) they are certified as medically unfit for work by a registered general practitioner. The secretary must provide a medical certificate to their employer, signed by a registered medical practitioner, to cover their absence. The medical certificate must be provided from the first day of their Sick Leave absence.
- 1.3 The Sick Leave provisions for a secretary in each school year, are as detailed below. Where the Sick Leave entitlement below is exceeded, the Paymaster will cease remuneration for any further Sick Leave taken in that school year.
  - a) 2023/24 school year:-  
Paid Sick Leave for up to a maximum of 5 days in the school year.
  - b) 2024/25 school year:-  
Paid Sick Leave for up to a maximum of 7 days in the school year.
  - c) 2025/26 school year:-  
Paid Sick Leave for up to a maximum of 10 days in the school year.

Where a school secretary has reached the maximum number of paid sick leave days as set out above, a school secretary cannot avail of additional paid sick leave days during the same absence.

### **2. Contractual Sick Leave Provisions**

- 2.1 An annualised secretary employed with their current employer, prior to 1<sup>st</sup> September 2023, may have retained their pre-existing Sick Leave entitlement, provided for in their current contract of employment, i.e. contractual Sick Leave provisions, where it is more advantageous than the Sick Leave provisions, as detailed at section 1 above.
- 2.2 Similar to the requirements for the Sick Leave provisions set out at section 1 above, this secretary must provide a medical certificate to their employer, signed by a registered medical practitioner from the first date of their absence.

- 2.3 A secretary who exceeds the Sick Leave provisions set out at section 1 above, the employer must contact the Department immediately at: [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie) to provide documentary evidence of the secretary's contractual Sick Leave provisions, so that remuneration can be determined for their Sick Leave absence.
- 2.4 On examination of the documentary evidence provided, the Department will provide confirmation in writing to the employer indicating the secretary's entitlement to paid Sick Leave.

### 3. Recording of Sick Leave

- 3.1 **Sick Leave provisions as set out at 1 above:** The approved Sick Leave absence must be recorded by the employer on the OLCS, as soon as possible, under the OLCS leave category 'Sick Leave', and then sub-category 'Certified Illness'.
- 3.2 **Sick Leave provision exceeded in the school year:** Where a secretary is absent on Sick Leave and has exceeded the Sick Leave entitlement set out at 1.3 above in the relevant school year (e.g. the secretary is absent for a 6<sup>th</sup> day in the 2023/24 school year) the approved Sick Leave absence must be recorded by the employer on the OLCS, under leave category 'Sick Leave' and then sub-category 'Certified Unpaid Sick Leave (Secretary)'.
- 3.3 It is important to note a secretary must provide a medical certificate to their employer, including for absences where the Sick Leave entitlements set out above are exceeded. Paragraph 3.5 caters for the recording of Sick Leave, where a medical certificate is not provided by the secretary for a Sick Leave absence.
- 3.4 **Contractual Sick Leave:**
- (a) Where a secretary has retained their pre-existing Sick Leave entitlement provided for in their current contract of employment, for any approved Sick Leave absence in excess of the Sick Leave provisions set out at 1.3 above (e.g. the secretary is absent for a 6<sup>th</sup> day in the 2023/24 school year), the employer must contact the School Secretaries Leave Administration Section immediately ([secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie)) to provide documentary evidence of the secretary's contractual Sick Leave provisions.(as outlined in section 2.3).
  - (b) On examination of the documentary evidence provided, where it has been determined there is an entitlement to paid Sick Leave, the School Secretaries Leave Administration Section will then record the absence on the OLCS so that the appropriate remuneration can be provided.
  - (c) Where the secretary has reached their maximum entitlement under their contractual Sick Leave provision for the school year, the Sick Leave absence can be recorded as 'Certified Unpaid Sick Leave (Secretary)' on the OLCS by the employer.

(d) It is important to note a secretary must provide a medical certificate to their employer, including for absences where the Sick Leave entitlements set out at 1.3 above are exceeded. Paragraph 3.5 caters for the recording of Sick Leave, where a medical certificate is not provided by the secretary for a Sick Leave absence.

3.5 **Unpaid Sick Leave (Self-Certified):** Where a medical certificate is not submitted by the secretary to their employer on the first day of their Sick Leave absence, this absence must be recorded by the employer under the OLCS leave category 'Sick Leave', and then sub-category 'Self-Certified Unpaid Sick Leave (Secretary)'.

3.6 For a non-annualised secretary whose Sick Leave spans the summer school closure period, the leave record must be end-dated on the OLCS by the employer, on the last date of the school term.

#### 4. **Salary Adjustment**

4.1 Any action which necessitates an adjustment to a secretary's salary should be notified to the Paymaster immediately.

#### 5. **Replacement Secretary**

5.1 The employer may not appoint a replacement secretary for the Sick Leave periods referenced at paragraph 1.3 a), b) and c) above, as it is not paid by the Paymaster.

5.2 However, for any Sick Leave instances, in excess of the entitlement specified at paragraph 1.3 a), b) and c) above, the employer may appoint a replacement secretary, paid by the Paymaster.

#### 6. **Employment while on Sick Leave**

6.1 A secretary availing of Sick Leave may not engage in any type of paid employment.

#### 7. **Pay Arrangements and Illness Benefit**

7.1 From the 1st January 2024, a secretary with accumulated sick leave in excess of 5 days in a calendar year, may be entitled to claim Illness Benefit from the DSP. This will increase to 7 days in 2025 and 10 days in 2026. For any subsequent instance(s) of sick leave, a secretary absent on Sick Leave in excess of 3 consecutive days may be entitled to claim Illness Benefit from the DSP, depending on their PRSI contributions.

7.2 Secretaries who pay Class A PRSI contributions must submit the DSP's Illness/Injury Benefit Application Form (IB1) and Certificate of Incapacity for Work (MED1) to the DSP and must provide their payment details on the DSP documentation. [Illness Benefit](#) payment will issue directly from the DSP to the secretary. For further information, please refer to the Department's [Information Note](#).

## Sick Leave

- 7.3 Where appropriate, the Paymaster may apply a salary deduction, equivalent to their Illness Benefit rate for the period of Sick Leave. It is the responsibility of the secretary to ensure they have claimed the Illness Benefit directly from DSP to compensate for this deduction
- 7.4 Illness Benefit payment is a taxable income.
- 7.5 Where a secretary has a period of Sick Leave followed by another period, within 3 days of the first absence, both periods of Sick Leave, excluding the intervening period will be counted by the DSP for Illness Benefit payment. The Paymaster will apply a salary deduction, equivalent to their Illness Benefit rate to reflect this same period.
- 7.6 Where Sick Leave is not recorded by the employer on the OLCS, at the time of the absence, the Paymaster will at a later date, apply a salary deduction as appropriate, equivalent to the Illness Benefit rate of payment. It is the responsibility of the secretary to ensure they have claimed the Illness Benefit directly from DSP to compensate for this deduction.
- 7.7 Further information on Illness Benefit is available on the DSP website at: [www.welfare.ie](http://www.welfare.ie)

## CHAPTER 2 – MATERNITY LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Entitlement to Maternity Leave

- 1.1 Entitlement to Maternity Leave is regulated by the Maternity Protection Act, 1994, as amended.
- 1.2 A pregnant secretary who gives birth to a living child is entitled to 26 consecutive weeks statutory paid Maternity Leave and 16 consecutive weeks statutory additional unpaid Maternity Leave. The secretary may also be entitled to Extended Maternity Leave for Premature Birth (where applicable).
- 1.3 In the event of a stillbirth, or miscarriage, any time after the 24<sup>th</sup> week of pregnancy or where the child has a birth weight of at least 500 grams, full Maternity Leave entitlements apply.
- 1.4 Maternity Leave will ordinarily begin on such day as the pregnant secretary selects, unless medically certified that the leave should commence on a particular date. However, the commencement date must not be later than 2 weeks before the end of the week of the child's expected birth and a minimum of 4 weeks must be taken after the end of the week of the child's birth. For these purposes, Saturday is regarded as the end of a week.
- 1.5 Secretaries should also take cognisance of the Department of Social Protection (DSP) rules which state that a secretary will only become eligible for Maternity Benefit from the 24<sup>th</sup> week of pregnancy and/or where the child has a birth weight of at least 500 grams until the end of the Statutory paid Maternity Leave or extended Maternity Leave for Premature Birth (where applicable). Further details on the DSP regulations are available directly from [gov.ie](http://gov.ie).
- 1.6 If the birth occurs prior to the planned commencement date, the Maternity Leave must commence immediately following the birth and the employer must be informed.
- 1.7 If the birth occurs after the expected date, and there are less than 4 weeks of Maternity Leave remaining, the employer and the DSP must be informed, and the Maternity Leave will be extended to ensure that 4 weeks Maternity Leave are taken following the birth.

### 2. Extended Maternity Leave and Benefit for Premature Birth

- 2.1 The Maternity Protection Acts, as amended, provide for extended Maternity Leave in the case of a premature birth. This extended leave is in addition to the 26 consecutive weeks paid statutory Maternity Leave.

## Maternity Leave

- 2.2 Extended Maternity Leave for Premature Birth is the period between the actual date of birth of the premature baby and 2 weeks before the end of the week in which the baby was due.
- 2.3 The extended Maternity Leave for Premature Birth will commence at the end of the standard 26 consecutive weeks paid statutory Maternity Leave.
- 2.4 A secretary should contact the Maternity Benefit Section of the DSP at the earliest opportunity but no later than the end of the 26<sup>th</sup> week of statutory Maternity Leave, in order to make a claim for any additional Benefit due to the premature birth.
- 2.5 The DSP will require the secretary to provide a letter (or a birth certificate) from the hospital confirming the child's actual date of birth and the number of weeks' gestation at which the child was born. Once the required information is provided by the secretary, the DSP will assess the claim to determine if there is any additional entitlement to Maternity Benefit due to the premature birth. Where appropriate, DSP will confirm in writing to the secretary the additional Maternity Benefit to be paid.
- 2.6 The secretary will be required to provide the employer with a copy of the DSP confirmation letter. The employer must then contact the Department with details of the premature birth. Based on this information, the Paymaster will calculate any entitlement to extended Maternity Leave due to Premature Birth, which will be recorded on the OLCS.

### **3. Statutory Additional Unpaid Maternity Leave**

- 3.1 A secretary may take up to a maximum of 16 consecutive weeks statutory additional unpaid Maternity Leave commencing on the day following statutory Maternity Leave or extended Maternity Leave for Premature Birth.
- 3.2 A secretary who avails of statutory additional unpaid Maternity Leave may be entitled to receive PRSI credits. The Application SW1 for Maternity Leave credits, which is available from the DSP, must be completed by the secretary and employer and returned to the DSP. It is the secretary's responsibility to apply for these credits.

### **4. Sequence in which Maternity Leave must be taken**

- 4.1 Maternity Leave entitlements must be taken in the following sequence:
- a) Statutory Maternity Leave (up to a maximum of 26 consecutive weeks)
  - b) Extended Statutory Maternity Leave for premature birth, where applicable (the number of weeks from the child's actual date of birth to the date when the Maternity Leave was expected to commence)

## Maternity Leave

- c) Statutory additional unpaid Maternity Leave (up to a maximum of 16 consecutive weeks)

4.2 When all Maternity Leave types have been exhausted, as appropriate to each individual, the next working day becomes the date of resumption of duties for the secretary.

### **5. Time off for attendance at appointment and classes**

5.1 Pregnant secretaries are entitled to time off work, without loss of pay, to:

- a) attend medical appointments related to ante-natal care,
- b) attend one set of ante-natal classes in a working career, other than the last 3 classes in such a set, and
- c) attend medical appointments related to post-natal care within 14 weeks of the birth.

5.2 If a pregnant secretary misses particular ante-natal classes in a set then it is permitted that during a subsequent pregnancy, or pregnancies, she may attend classes equivalent to those missed.

5.3 An expectant father is entitled to time off work, without loss of pay, to attend the last 2 ante-natal classes in a set attended by the pregnant mother immediately prior to the birth.

5.4 Two weeks' notice should be given for each absence referred to in this paragraph and appropriate documentary evidence must be provided to the employer.

### **6. Application Procedures**

6.1 Application for all types of Maternity Leave, both paid and unpaid, should be made by the secretary to her employer at least 6 weeks prior to the planned commencement date, using the Application Form at [Appendix A](#) of this Chapter.

6.2 The application procedures for Maternity Benefit is contained in [paragraph 8](#) of this Chapter.

### **7. Recording of Leave**

7.1 The approved Maternity Leave absence must be recorded by the employer on the OLCS, not later than 6 weeks prior to the commencement of the leave.

7.2 The approved Maternity Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category as follows:-

- 'Maternity Leave' for Statutory Maternity Leave
- 'Statutory Additional Unpaid Maternity Leave' for Statutory additional unpaid Maternity Leave

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- ‘Ante-Natal Classes’ for Ante-Natal Classes
- ‘Ante-Natal Visits’ for Ante-Natal Visits

7.3 Appendix B of this Circular provides examples of the OLCS recording requirements for a non-annualised secretary absent on a) statutory paid Maternity Leave and b) statutory unpaid Maternity Leave, during the summer school closure period.

### **8. Pay Arrangements and Maternity Benefit**

- 8.1 A secretary absent on Maternity Leave may be entitled to claim Maternity Benefit from the DSP, depending on their PRSI contributions.
- 8.2 The secretary who pays Class A PRSI contributions must complete the DSP’s [MB1 Form](#). The employer must complete the employer’s portion of the MB1 Form. The completed form must be forwarded directly to the DSP by the secretary at least 6 weeks prior to the Maternity Leave commencement date. The MB1 Form should not be sent to the Department.
- 8.3 Alternatively, the secretary may make an online application for Maternity Benefit by logging on to: <https://services.mywelfare.ie/>. In order to complete an online application, the secretary should ensure their employer has completed the DSP’s [MB2 Form](#).
- 8.4 Maternity Benefit payment is a taxable income.
- 8.5 Under the DSP regulations, any Maternity Benefit payable by the DSP will issue directly to the secretary and a deduction from salary equivalent to the maximum weekly rate of Maternity Benefit will be applied by the Paymaster.
- 8.6 If the amount of Maternity Benefit payable to the secretary is less than the maximum, or if a secretary is not entitled to any Maternity Benefit, they should notify the Paymaster immediately to ensure that they can remain on the appropriate salary.
- 8.7 Continuation of salary during Maternity Leave is not a statutory entitlement and any action which necessitates an adjustment to a secretary’s pay should be notified to the Paymaster immediately.
- 8.8 Changes to the automatic deduction can be made, provided a copy of the DSP’s written notice of the actual Maternity Benefit rate applicable, if any, is furnished by the secretary to the Paymaster. Deductions, where appropriate, will be made fortnightly during the period of statutory paid Maternity Leave up to a maximum of 26 consecutive weeks.
- 8.9 If the Maternity Leave absences are recorded late on the OLCS, any arrears will have to be deducted by the Paymaster from the secretary’s salary.

8.10 Further information on Maternity Benefit is available on the DSP website at: [www.welfare.ie](http://www.welfare.ie).

## **9. Status during Maternity Leave**

9.1 A secretary absent on any of the Maternity Leave types referred to below is deemed to have been in employment at that time.

- a) Paid Maternity Leave (including extended Maternity Leave for premature birth) is reckonable for seniority and progression on the incremental salary scale.
- b) Statutory additional unpaid Maternity Leave is reckonable for all purposes, with the exception of remuneration and superannuation.

9.2 In the case of a secretary who is on probation at the start of Maternity Leave, the period of probation will stand suspended during the absence and will be completed by the secretary on return to work.

## **10. Health and Safety**

10.1 The [Safety, Health, and Welfare at Work Act 2005](#) and the [Safety, Health and Welfare at Work \(General Application\) Regulations 2007](#) (S.I. No. 299/2007) place an obligation on the employer, as soon as it is notified by the secretary that she is pregnant, to assess any specific risk in the workplace to that secretary and to ensure that the pregnant, post-natal, or breastfeeding secretary (within a 26 week period after the birth of the child) is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant secretary and/or that of the developing child.

10.2 The secretary should be informed of the results of the risk assessment and the measures to be taken. The detailed arrangement regarding the respective responsibilities of the employer and the secretary in relation to Health and Safety Leave are contained in Sections 17 – 20 of the [Maternity Protection Act, 1994](#).

10.3 Where a risk has been identified and it is not possible to remove it, protective and preventive measures should be taken by the employer to safeguard the health and safety of any secretary to whom the provisions apply, such as:

- a) a temporary adjustment in the working environment of the secretary concerned, so that exposure to the risk is avoided, or
- b) moving the secretary to suitable alternative work which does not involve the risk in the event that such adjustment is not possible

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- 10.4 Where a temporary adjustment in the working environment or a move to suitable alternative work is not an option, the employer may approve Maternity Health and Safety Leave.
- 10.5 Where Maternity Health and Safety Leave is approved, the employer must inform the Department so the leave can be recorded on the OLCS. The communication to the Department should indicate whether the secretary is annualised or non-annualised. Such a request should be forwarded to:- [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie).
- 10.6 The secretary is entitled to receive, on request, a Certificate of Risk from their employer, stating the reasons they have been granted Maternity Health and Safety Leave. The Certificate of Risk must also state the start date and expected end date of the leave.
- 10.7 A sample Certificate of Risk form is supplied in the schedule to the [Maternity Protection \(Health and Safety Leave Certification\) Regulations 1995 \(S.I. No. 19/1995\)](#).
- 10.8 Maternity Health and Safety Leave can be granted in respect of more than one period, provided the conditions outlined in paragraphs [10.1](#) and [10.2](#) above are fulfilled, for each such period concerned.
- 10.9 Health and Safety Leave will cease when:
- a) the secretary concerned commences Maternity Leave, or
  - b) the secretary is no longer an employee to whom Part III of the [Maternity Protection Act, 1994](#) applies (i.e. she notifies the employer that she is not pregnant, has not given birth within the last 14 weeks or is not within 26 weeks of the birth and breastfeeding, as defined in the Act); or
  - c) the risk ceases.
- 10.10 A secretary will be paid full salary by the Paymaster for the first 21 days while on Health and Safety Leave. Where the Health and Safety Leave absence exceeds 21 days, a secretary who pays PRSI contributions at the full rate (Class A) may be entitled to Maternity Health and Safety Benefit from the DSP.

## 11. Employment while on Maternity Leave

- 11.1 A secretary availing of Maternity Leave may not engage in any type of paid employment.
- 11.2 Under the DSP regulations, Maternity Benefit may be terminated if a secretary engages in paid employment while on Maternity Leave.

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- 11.3 Salary payment will be reviewed by the Paymaster in the event of termination of Maternity Benefit arising from non-compliance with the terms of the Maternity Benefit Scheme.

## 12. Postponement of Maternity Leave

- 12.1 In the event of the hospitalisation of the child, a request may be made to the employer for postponement of:
- a) Statutory Maternity Leave
  - b) Statutory additional unpaid Maternity Leave
  - c) Statutory Father's Leave
  - d) Statutory additional unpaid Father's Leave
- 12.2 Maternity Leave can only be postponed after at least 14 weeks of the leave has expired, 4 weeks of which must have been taken after the week of the child's birth. Postponement of Maternity Leave will require the absent secretary to resume duties in the school during the period of postponement.
- 12.3 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is hospitalised. The employer must notify the secretary in writing as soon as possible of its decision. If the leave is postponed, the employer and the secretary must agree the date of return to work.
- 12.4 The Paymaster and the DSP must be notified immediately if the secretary is to return to work, to facilitate pay adjustment and cease any DSP Benefit, and the finalisation of pay to the replacement secretary.
- 12.5 The postponed leave must be taken in one continuous period, commencing not later than 7 days after the discharge of the child from hospital. The maximum period for postponement of the leave is 6 months.
- 12.6 The secretary must provide the employer with a letter or other appropriate document from the hospital, or the child's doctor, confirming the child's discharge date.
- 12.7 If the secretary becomes ill having returned to work and before they have taken the postponed leave, they will be considered to have started the postponed leave on the first day of absence due to illness unless the secretary notifies the employer that they do not wish to begin the postponed leave. If this happens they will forfeit the postponed leave and the absence will be treated as Sick Leave.

## Maternity Leave

12.8 The normal procedures in relation to Sick Leave should then be followed, including the furnishing of a medical certificate where appropriate.

### 13. Father's Leave

13.1 In the event of the death of the mother within 40 weeks of the birth of a living child, a male secretary who is the father of the child is entitled to leave as follows:

- a) if the mother dies before the end of the 24<sup>th</sup> week following the week of the birth of her child, the father is entitled to paid leave up to the 24<sup>th</sup> week. At the end of this period he is entitled to apply for a further 16 consecutive weeks additional unpaid leave commencing immediately, or
- b) if the mother dies after the 24<sup>th</sup> week following the week of the birth of her child, the father is entitled to unpaid leave up to the 40<sup>th</sup> week following the week of the birth of the child.

13.2 The sequencing arrangement outlined in [paragraph 4](#) will also apply to the Father's Leave:

- a) Father's Leave (the transfer to the father of any balance remaining of the mother's Maternity Leave entitlement up to the 24<sup>th</sup> week following the week of birth)
- b) Statutory additional unpaid Father's Leave (the transfer to the father of any balance remaining of the mother's 16 consecutive weeks of statutory additional unpaid Maternity Leave up to the 40<sup>th</sup> week following the week of birth)

13.3 The leave should normally commence within 7 days of the event which has created the father's entitlement to the leave but the employer should exercise discretion appropriate to the individual circumstances. To avail of his leave entitlement, the father in this circumstance may simply apply in writing to his employer. As soon as is reasonably practicable, the employer should be provided with a copy of the death certificate of the mother and a copy of the birth certificate of the child.

13.4 The above arrangements will take into account any extended Maternity Leave entitlement in the event of a premature birth.

### 14. Termination of Statutory Additional Unpaid Maternity/Father's Leave

14.1 An application to take statutory additional unpaid Maternity Leave or statutory additional unpaid Father's Leave, may be withdrawn in writing, for any reason, up to 4 weeks prior to the proposed commencement date for such leave. If the 4

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week cancellation period has passed, entitlement to withdraw an application has been lost.

- 14.2 However, in the event of illness, a formal request can still be made to the employer, even after a period of such leave has commenced, to terminate the leave in favour of a certified Sick Leave absence. Approval of a request to terminate the Maternity/Father's Leave is at the discretion of the employer. If approved, the employer and the secretary must agree the date for any such termination of the leave. The date agreed cannot be earlier than the first day of certified illness and not later than when the terminated Maternity/Father's Leave would otherwise have ended. The normal procedures in relation to Sick Leave will then apply. The secretary will not be entitled subsequently to take the statutory additional unpaid Maternity/Father's Leave or any part of it.
- 14.3 To facilitate necessary pay adjustment the employer must notify the Paymaster that the secretary is now on Sick Leave.

## 15. Breastfeeding Breaks

- 15.1 The statutory entitlement for breastfeeding breaks is regulated by Section 9 of the Maternity Protection (Amendment) Act 2004, as amended by the Work Life Balance and Miscellaneous Provisions Act 2023.
- 15.2 Within a 104 week period after the birth of the child, a secretary who has returned to work may apply for breastfeeding breaks without loss of pay for up to one hour per day, for the purpose of breastfeeding or lactation.
- 15.3 Application for breastfeeding breaks must be made by the secretary to their employer, at least 4 weeks in advance of the planned commencement date using the Application Form at [Appendix C](#) of this Chapter, accompanied by a copy of the relevant child's birth certificate. The Application Form must be re-submitted prior to the start of each subsequent school term during which the secretary continues to breastfeed and therefore intends to avail of breastfeeding breaks.
- 15.4 The employer should take reasonable measures to facilitate the pattern of breastfeeding breaks as requested.
- 15.5 Where it is not possible for the employer to facilitate the breastfeeding breaks pattern, as initially requested by the school secretary, alternate patterns must be explored and agreed upon.
- 15.6 Each application for breastfeeding breaks should be considered on a case-by-case basis.
- 15.7 Breastfeeding breaks may be taken in the form of:-
- a) one break of 60 minutes, or
  - b) two breaks of 30 minutes each, or

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- c) three breaks of 20 minutes each

15.8 A secretary working less than the full school day, may avail of breastfeeding breaks on a pro-rata basis.

15.9 A secretary availing of breastfeeding breaks who ceases to breastfeed, should notify her employer in writing as soon as possible.

## **16. Replacement Secretary**

16.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of the following absences, which arise during the school term, or that arise during periods of school closure where the secretary is rostered to work.

- a) Statutory paid Maternity Leave
- b) Statutory unpaid Maternity Leave
- c) Maternity Health and Safety Leave

16.2 The employer may not appoint a replacement secretary in respect of the following absences, which arise during the school term, or that arise during periods of school closure where the secretary is rostered to work, as it is not paid by the Paymaster.

- a) Ante-natal appointments
- b) Breastfeeding Breaks

## Appendix A - Application Form for Maternity Leave

### Application Form for Maternity Leave

**The Application Form should be fully completed by the secretary and submitted to the employer at least 6 weeks prior to the planned commencement date.**

If the secretary pays Class A PRSI contributions, completed **MB1 and MB2** Forms should be submitted to the Department of Social Protection (DSP). These Forms are available from the DSP or online at: [www.gov.ie](http://www.gov.ie). Online applications for Maternity Benefit may also be made at [mywelfare.ie](http://mywelfare.ie).

#### PART 1A – SECRETARY APPLICATION

Secretary's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

APPLICATION IN RESPECT OF: *(Please tick as appropriate)*

- Maternity Leave (26 consecutive weeks)
- Statutory Additional Unpaid Maternity Leave (up to maximum of 16 consecutive weeks)

#### PART 1B – MATERNITY LEAVE DETAILS

**Expected Date of Birth:** \_\_\_\_/\_\_\_\_/\_\_\_\_

*(Medical Certificate must be enclosed confirming expected Date of Birth)*

- **Maternity Leave:**

From \_\_\_\_\_ to \_\_\_\_\_ (enter inclusive dates)

- **Statutory Additional Unpaid Maternity Leave:**

From \_\_\_\_\_ to \_\_\_\_\_ (enter inclusive dates)

**Declaration**

I wish to apply for Maternity Leave in accordance with Chapter 2 (Maternity Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Maternity Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 2 - EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Maternity Leave in accordance with Chapter 2 (Maternity Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Maternity Leave
- 2) Medical Certificate showing expected Date of Birth
- 3) Copy of Decision Notice issued to secretary
  
- Approved Maternity Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## Appendix B – OLCS Recording of Maternity Leave for Non-Annualised Secretary

### **Example 1 – Statutory Paid Maternity Leave**

- a) Emma’s statutory paid Maternity Leave commenced on 20<sup>th</sup> September 2023. A period of 26 weeks statutory paid Maternity Leave would be due to end on 19<sup>th</sup> March 2024.
- b) Based on her PRSI contributions, Emma qualifies for Maternity Benefit from 20<sup>th</sup> September 2023 for 26 weeks.
- c) Emma’s employer must record statutory paid Maternity Leave on the OLCS from 20<sup>th</sup> September 2023 to 19<sup>th</sup> March 2024.

### **Example 2 – Statutory Paid Maternity Leave**

- a) Jean’s statutory paid Maternity Leave commenced on 18<sup>th</sup> January 2023. A period of 26 weeks statutory paid Maternity Leave would be due to end on 18<sup>th</sup> July 2023.
- b) Based on her PRSI contributions, Jean qualifies for Maternity Benefit from 18<sup>th</sup> January 2023 for 26 weeks.
- c) The last date of the school term is 30<sup>th</sup> June 2023.
- d) Jean’s employer must record statutory paid Maternity Leave on the OLCS from 18<sup>th</sup> January to 30<sup>th</sup> June 2023.
- e) As Jean is a non-annualised secretary, statutory paid Maternity Leave is not recorded on the OLCS for the summer school closure period.

### **Example 3 – Statutory Paid Maternity Leave**

- a) Mary’s statutory paid Maternity Leave commenced on 31<sup>st</sup> March 2023. A period of 26 weeks statutory paid Maternity Leave would be due to end on 28<sup>th</sup> September 2023.
- b) Based on her PRSI contributions, Mary qualifies for Maternity Benefit from 31<sup>st</sup> March 2023 for 26 weeks.
- c) The last date of the school term is 30<sup>th</sup> June 2023.
- d) Mary’s Maternity Leave absence will extend into the 2023/24 school year.

- e) Mary's employer must record statutory paid Maternity Leave on the OLCS as follows:-
  - 31<sup>st</sup> March to 30<sup>th</sup> June 2023
- f) Balance of Maternity Leave from 25<sup>th</sup> August (commencement of school term) to 28<sup>th</sup> September 2023. The employer must inform the Department so the leave balance can be recorded on the OLCS. Such a request should be forwarded to: [ntspayroll@education.gov.ie](mailto:ntspayroll@education.gov.ie).
- g) As Mary is a non-annualised secretary, statutory paid Maternity Leave is not recorded on the OLCS for the summer school closure period.

**Example 4 – Statutory Unpaid Maternity Leave**

- a) Ann's statutory unpaid Maternity Leave commenced on 14<sup>th</sup> April 2023. A period of 16 weeks statutory unpaid Maternity Leave would be due to end on 3<sup>rd</sup> August 2023.
- b) The last date of the school term is 30<sup>th</sup> June 2023.
- c) Ann's employer must record statutory unpaid Maternity Leave on the OLCS from 14<sup>th</sup> April to 30<sup>th</sup> June 2023.
- d) As Ann is a non-annualised secretary, Maternity Leave is not recorded on the OLCS for the summer school closure period.

**Appendix C - Application Form for Breastfeeding Breaks**

The Secretary must fully complete and submit the initial Application Form to the employer at least 4 weeks before return to work, following Maternity Leave (or at least 4 weeks before the beginning of the school term in the case of a second or subsequent application). A copy of the relevant child’s birth certificate must be submitted to the employer with the initial application.

**PART 1 – SECRETARY APPLICATION**

Secretary’s Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_ PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

Date of birth of child: \_\_\_\_\_

Expected date of return to work (1<sup>st</sup> application only): \_\_\_\_\_

**PART 2 – BREASTFEEDING BREAKS PATTERN**

My two preferred options for taking these breastfeeding breaks are as detailed in the tables (Options 1 and 2) below.

Planned commencement date: \_\_\_\_\_ Planned end date: \_\_\_\_\_

**Option 1**

| <b>Breastfeeding Breaks Pattern</b> | <b>Preferred Time of Breastfeeding Break(s)</b>  | <b>Please tick as appropriate</b> |
|-------------------------------------|--|-----------------------------------|
| One break of 60 minutes             | From _____ to _____  |                                   |
| Two breaks of 30 minutes each       | Break 1: From _____ to _____<br>Break 2: From _____ to _____                                 |                                   |
| Three breaks of 20 minutes each     | Break 1: From _____ to _____<br>Break 2: From _____ to _____<br>Break 3: From _____ to _____ |                                   |

**Option 2**

| <b>Breastfeeding Breaks Pattern</b> | <b>Preferred Time of Breastfeeding Break(s)</b>  | <b>Please tick as appropriate</b> |
|-------------------------------------|--|-----------------------------------|
| One break of 60 minutes             | From _____ to _____  |                                   |
| Two breaks of 30 minutes each       | Break 1: From _____ to _____<br>Break 2: From _____ to _____                                 |                                   |
| Three breaks of 20 minutes each     | Break 1: From _____ to _____<br>Break 2: From _____ to _____<br>Break 3: From _____ to _____ |                                   |

Note: The breastfeeding breaks set out above are applicable to a full-time secretary and should be adjusted on a pro-rata basis for a secretary working part-time e.g. working less than the full school day.

**Declaration**

I wish to apply for breastfeeding breaks for the coming school term in accordance with Section 15, Chapter 2 of Circular 0007/2024 titled ‘Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools’.

I agree that where it is not possible for my employer to facilitate the breastfeeding breaks pattern requested in Part 2 of this application, alternate patterns will be explored and agreed upon with my employer.

I confirm that I am breastfeeding my child and that when I cease to breastfeed my child, I will notify my employer in writing as soon as possible.

I confirm that the information provided in this application is true and accurate.

Signature of Secretary: \_\_\_\_\_

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

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Breastfeeding Breaks application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie) Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie) Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

## CHAPTER 3 – ADOPTIVE LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Entitlement to Adoptive Leave

- 1.1 Entitlement to Adoptive Leave is regulated by the [Adoptive Leave Act, 1995](#), as amended.
- 1.2 Adoptive Leave is a period of 24 consecutive weeks paid leave, from the day of placement of the child with the adopting secretary.
- 1.3 Adoptive Leave is available to a secretary who is a qualifying adopter. The adopting father who is not a sole male adopter may be entitled to Adoptive Leave in certain circumstances. Please see [paragraph 12](#) for details on this provision.
- 1.4 In order to qualify for Adoptive Leave, the adoption, whether foreign or domestic, must be formalised by the [Adoption Authority of Ireland](#), the independent statutory body with responsibility for overseeing the adoption process on behalf of the State.
- 1.5 Where a child is to be adopted by a secretary who is the step parent, they shall not be entitled to Adoptive Leave if their spouse, civil partner or cohabitant has prior to the adoption of the child, taken Adoptive Leave or Maternity Leave in respect of that child.

### 2. Statutory Additional Unpaid Adoptive Leave

- 2.1 An adopting secretary may take up to a maximum of 16 consecutive weeks statutory additional unpaid Adoptive Leave, commencing on the day following statutory Adoptive Leave.
- 2.2 In the case of foreign adoptions, some or all, of the statutory additional unpaid Adoptive Leave may be taken prior to the day of placement, in order to allow the adopting secretary to attend meetings and/or classes held outside of the State, or for the purposes of familiarisation with the child. A period of statutory additional unpaid Adoptive Leave, taken under this provision, must cease no later than the last day immediately prior to the day of placement. The balance of any statutory additional unpaid Adoptive Leave remaining, may be taken immediately after the end of Adoptive Leave.
- 2.3 A secretary who avails of statutory additional unpaid Adoptive Leave may be entitled to receive PRSI credits. The Application for [Adoptive Leave Credits](#) which is available from the Department of Social Protection (DSP), must be completed by the secretary and employer, and returned to the DSP. It is the secretary's responsibility to apply for these credits.

### 3. Sequence in which Adoptive Leave must be taken

- 3.1 Adoptive Leave entitlements must be taken in the following sequence:

## Adoptive Leave

- a) Statutory Adoptive Leave (up to a maximum of 24 weeks)
- b) Statutory additional unpaid Adoptive Leave (up to a maximum of 16 consecutive weeks). In the case of foreign adoptions, some or all, of the statutory additional unpaid Adoptive may be taken prior to placement.

### **4. Time off for attendance at Pre-Adoption Classes and Meetings within the State**

- 4.1 An adopting secretary is entitled to time off work, without loss of pay, to attend pre-adoption classes or meetings held within the State which they are obliged to attend as part of the adoption process.
- 4.2 Two weeks' notice should be given for each absence referred to in this paragraph and appropriate documentary evidence provided.

### **5. Application Procedures**

- 5.1 Application for all types of Adoptive Leave, both paid and unpaid, should be made by the adopting secretaries to their employer, at least 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#) of this Chapter.
- 5.2 The application procedures for Adoptive Benefit is contained in [paragraph 7](#) of this Chapter.
- 5.3 In the case of a domestic adoption, the adopting secretary must furnish to the employer, no later than 4 weeks after day of placement, a *Certificate of Placement* issued by the Adoption Authority of Ireland. The *Certificate of Placement* states the day of placement, the gender and age of the child being adopted and the name and address of the adopting parent.
- 5.4 In the case of foreign adoption, the adopting secretary must furnish to the employer a *Declaration of Eligibility and Suitability* from the Adoption Authority of Ireland, which states the day of placement, the gender and age of the child being adopted and the name and address of the adopting parent in advance of the day of placement. As soon as possible after the day of placement the adopting secretary should provide written confirmation of placement to their employer.

### **6. Recording of Leave**

- 6.1 The approved Adoptive Leave absence must be recorded by the employer on the OLCS, not later than 6 weeks prior to the commencement of the leave.
- 6.2 Adoptive Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category as follows:-
  - 'Adoptive Leave' for Statutory Adoptive Leave

## Adoptive Leave

- 'Statutory Additional Unpaid Adoptive Leave' for Statutory additional unpaid Adoptive Leave
- 'Adoptive Meetings' for Pre-Adoption Classes

6.3 Appendix B of this Circular provides examples of the OLCS recording requirements for a non-annualised secretary absent on a) statutory paid Adoptive Leave and b) statutory unpaid Adoptive Leave, during the summer school closure period.

## 7. Pay Arrangements and Adoptive Benefit

7.1 A secretary absent on Adoptive Leave may be entitled to claim Adoptive Benefit from the DSP, depending on their PRSI contributions.

7.2 The secretary who pays Class A PRSI contributions must complete the DSP's AB1 Form and should ensure that the employer completes the employer's portion. The completed form must be forwarded directly to the DSP by the adopting secretary at least 6 weeks prior to the leave commencement date. The AB1 Form should NOT be sent to the Department.

7.3 Adoptive Benefit payment is a taxable income.

7.4 Under the DSP regulations, any Adoptive Benefit payable by the DSP will issue directly to the secretary and a deduction from salary, equivalent to the maximum weekly rate of Adoptive Benefit, will be applied by the Paymaster.

7.5 If the amount of Adoptive Benefit payable to the secretary is less than the maximum, or if a secretary is not entitled to any Adoptive Benefit, they should notify the Paymaster immediately to ensure that they can remain on the appropriate salary.

7.6 Continuation of salary during Adoptive Leave is not a statutory entitlement and any action which necessitates an adjustment to a secretary's pay, should be notified to the Paymaster immediately.

7.7 Changes to the automatic deduction can be made, provided a copy of DSP's written notice of the actual Adoptive Benefit rate applicable, if any, is furnished by the secretary to the Paymaster. Deductions, where appropriate, will be made fortnightly during the period of statutory paid Adoptive Leave, up to a maximum of 24 weeks. If the Adoptive Leave absences are recorded late on the OLCS, any arrears will be deducted from the secretary's salary.

7.8 If the Adoptive Leave absences are recorded late on the OLCS, any arrears will have to be deducted by the Paymaster from the secretary's salary.

## Adoptive Leave

7.9 Further information on Adoptive Benefit is available on the DSP website at: [www.welfare.ie](http://www.welfare.ie).

### **8. Status during Adoptive Leave**

8.1 A secretary availing of any of the Adoptive Leave types referred to below is deemed to have been in employment at that time.

- a) Paid Adoptive Leave is fully reckonable for all purposes including progression on the incremental salary scale and seniority.
- b) Statutory additional unpaid Adoptive Leave is reckonable for all purposes, with the exception of remuneration and superannuation.

8.2 In the case of a secretary who is on probation at the start of Adoptive Leave, the period of probation will stand suspended during the absence and will be completed by the secretary on return to work.

### **9. Replacement Secretary**

9.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of the following absences, which arise during the school term, or that arise during periods of school closure where the secretary is rostered to work.

- a) Statutory paid Adoptive Leave
- b) Statutory unpaid Adoptive Leave

9.2 The employer may not appoint a replacement secretary in respect of the following absences, which arise during the school term or that arise during periods of school closure where the secretary is rostered to work, as it is not paid by the Paymaster.

- a) Pre-Adoption Classes and Meetings within the State

### **10. Employment while on Adoptive Leave**

10.1 A secretary absent on Adoptive Leave may not engage in any type of paid employment.

10.2 Under the DSP regulations, Adoptive Benefit may be terminated if a secretary engages in paid employment while on Adoptive Leave.

10.3 Salary payment will be reviewed by the Paymaster in the event of termination of Adoptive Benefit arising from non-compliance with the terms of the Adoptive Benefit Scheme.

## **11. Postponement of Adoptive Leave**

- 11.1 In the event that the day of placement is postponed, the commencement date of Adoptive Leave may also be postponed, provided the employer is informed of the new day of placement as soon as possible.
- 11.2 In the event of the hospitalisation of the child, a request may be made to the employer for postponement of:
  - a) Statutory Adoptive Leave
  - b) Statutory additional unpaid Adoptive Leave
  - c) Statutory Father's Leave
  - d) Statutory additional unpaid Father's Leave
- 11.3 Postponement of Adoptive Leave will require the absent secretary to resume duties in the school during the period of postponement.
- 11.4 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is hospitalised. The employer must notify the secretary in writing as soon as possible of its decision. If the leave is postponed, the employer and the secretary must agree the date of return to work.
- 11.5 The Paymaster and the DSP must be notified immediately if the secretary is to return to work to facilitate pay adjustment, cease any benefit from the DSP and the finalisation of payment to the replacement secretary.
- 11.6 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital. The maximum period for postponement of the leave is 6 months.
- 11.7 The secretary must provide the employer with a letter or other appropriate document from the hospital, or the child's doctor, confirming the child's discharge date.
- 11.8 If the secretary becomes ill, having returned to work and before they have taken the postponed leave, they will be considered to have started the postponed leave on the first day of absence due to illness, unless the secretary notifies the employer that they do not wish to begin the postponed leave. If this happens they will forfeit the postponed leave and the absence will be treated as Sick Leave. The normal procedures in relation to Sick Leave should then be followed, including the furnishing of a medical certificate where appropriate.

## **12. Father's Leave**

- 12.1 In the event of the death of the adopting mother at any time prior to or during her Adoptive Leave, the adopting father, becomes entitled to the remainder of the leave.
- 12.2 The adopting father should inform his employer as soon as possible of his intention to take Adoptive Leave and/or statutory additional unpaid Adoptive Leave.
- 12.3 The Certificate of Placement, or Declaration of Eligibility and Suitability, should be provided to the employer within 4 weeks of placement/commencement of the leave.
- 12.4 The leave should normally commence within 7 days of the event which has created the father's entitlement to the leave, (or on the day of placement, whichever is later) but the employer should exercise discretion appropriate to the individual circumstances. To avail of his leave entitlement, the father in this circumstance may simply apply in writing to his employer. As soon as is reasonably practicable, the employer should be provided with a copy of the death certificate of the mother.
- 12.5 The sequencing arrangement outlined in [paragraph 3](#) will also apply to the Father's Leave:
  - a) Father's Leave (the transfer to the father of any balance remaining of the mother's 24 week Adoptive Leave entitlement).
  - b) Statutory additional unpaid Father's Leave (the transfer to the father of any balance remaining of the mother's 16 consecutive weeks of statutory additional unpaid Adoptive Leave).

## **13. Termination of Statutory Additional Unpaid Adoptive/Father's Leave**

- 13.1 An application to take statutory additional unpaid Adoptive Leave, or statutory additional unpaid Father's Leave may be withdrawn in writing, for any reason, up to 4 weeks prior to the proposed commencement date of such leave. If the 4 week cancellation period has passed, entitlement to withdraw an application has been lost.
- 13.2 However, in the event of illness, a formal request can still be made to the employer, even after a period of such leave has commenced, to terminate the leave in favour of a certified Sick Leave absence.
- 13.3 Approval of a request to terminate the Adoptive/Father's Leave is at the discretion of the employer. If approved, the employer and the secretary must agree the date for any such termination of the leave. The date agreed cannot be earlier than the first day of certified illness and not later than when the terminated

## Adoptive Leave

Adoptive/Father's Leave would otherwise have ended. The normal procedures in relation to Sick Leave will then apply.

- 13.4 The secretary will not be entitled subsequently to take the statutory additional unpaid Adoptive/Father's Leave or any part of it.
- 13.5 To facilitate necessary pay adjustment, the employer must notify the Paymaster that the secretary is now on Sick Leave.

### **14. Termination of Placement**

- 14.1 Where, other than as a result of the death of the child, the placement of a child with a secretary terminates before the expiration of the Adoptive Leave or statutory additional unpaid Adoptive Leave, the secretary must notify the employer in writing of the date of termination within 7 days. The Adoptive Leave ends on the date of termination.

### **15. Return to work following Adoptive Leave**

- 15.1 The employer should provide the absent secretary with a written statement of their absence and expected date of resumption of duties. The employer should be provided with a written notice from the secretary, 4 weeks before they are due to return, confirming the intention to resume duties from that date.

### Appendix A - Application Form for Adoptive Leave

**The Application Form should be fully completed by the secretary and submitted to the employer, at least 6 weeks prior to the planned commencement date.**

If the Secretary pays Class A PRSI contributions, a completed AB1 Form should be submitted to the DSP. This Form is available from the DSP or online at [www.gov.ie](http://www.gov.ie)

#### **PART 1A - SECRETARY APPLICATION**

Secretary's Name: \_\_\_\_\_ Contact No.: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No.: \_\_\_\_\_

APPLICATION IN RESPECT OF: (please tick as appropriate)

- Statutory paid Adoptive Leave (24 consecutive weeks)
- Statutory additional unpaid Adoptive Leave (up to a maximum of 16 consecutive weeks)

#### **PART 1B – ADOPTIVE LEAVE DETAILS**

Expected day of placement: \_\_\_\_/\_\_\_\_/\_\_\_\_

*(A Certificate of Placement should be submitted to the employer no later than 4 weeks after day of placement. In the case of a foreign adoption, a Declaration of Eligibility and Suitability should be provided to the employer in advance of the placement).*

#### **Statutory Adoptive Leave (24 consecutive weeks):**

From \_\_\_\_\_ to \_\_\_\_\_ (enter inclusive dates)

#### **Statutory Additional Unpaid Adoptive Leave (up to a maximum of 16 consecutive weeks):**

In the case of foreign adoption, if any of the statutory additional unpaid Adoptive Leave is to be taken prior to placement, indicate dates:

From \_\_\_\_\_ to \_\_\_\_\_ (enter inclusive dates)

**Declaration**

I wish to apply for Adoptive Leave in accordance with Chapter 3 (Adoptive Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Adoptive Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 2 – EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Adoptive Leave application in accordance with Chapter 3 (Adoptive Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Adoptive Leave
- 2) Certificate of Placement/Declaration of Eligibility and Suitability
- 3) Copy of Decision Notice issued to Secretary

Approved Adoptive Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## Appendix B – OLCS Recording of Adoptive Leave for Non-Annualised Secretary

### **Example 1 – Statutory Paid Adoptive Leave**

- a) Emma's statutory paid Adoptive Leave commenced on 20<sup>th</sup> September 2023. A period of 24 weeks statutory paid Adoptive Leave would be due to end on 05<sup>th</sup> March 2024.
- b) Based on her PRSI contributions, Emma qualifies for Adoptive Benefit from 20<sup>th</sup> September 2023 for 24 weeks.
- c) Emma's employer must record statutory paid Adoptive Leave on the OLCS from 20<sup>th</sup> September 2023 to 05<sup>th</sup> March 2024.

### **Example 2 – Statutory Paid Adoptive Leave**

- a) Jean's statutory paid Adoptive Leave commenced on 18<sup>th</sup> January 2023. A period of 24 weeks statutory paid Adoptive Leave would be due to end on 04<sup>th</sup> July 2023.
- b) Based on her PRSI contributions, Jean qualifies for Adoptive Benefit from 18<sup>th</sup> January 2023 for 24 weeks.
- c) The last date of the school term is 30<sup>th</sup> June 2023.
- d) Jean's employer must record statutory paid Adoptive Leave on the OLCS from 18<sup>th</sup> January to 30<sup>th</sup> June 2023.
- e) As Jean is a non-annualised secretary, statutory paid Adoptive Leave is not recorded on the OLCS for the summer school closure period.

### **Example 3 – Statutory Paid Adoptive Leave**

- a) Mary's statutory paid Adoptive Leave commenced on 31<sup>st</sup> March 2023. A period of 24 weeks statutory paid Adoptive Leave would be due to end on 14<sup>th</sup> September 2023.
- b) Based on her PRSI contributions, Mary qualifies for Adoptive Benefit from 31<sup>st</sup> March 2023 for 24 weeks.
- c) The last date of the school term is 30<sup>th</sup> June 2023.
- d) Mary's Adoptive Leave absence will extend into the 2023/24 school year.
- e) Mary's employer must record statutory paid Adoptive Leave on the OLCS as follows:-

- 31<sup>st</sup> March to 30<sup>th</sup> June 2023
  - Balance of Adoptive Leave from 25<sup>th</sup> August (commencement of school term) to 14<sup>th</sup> September 2023. The employer must inform the Department so the leave balance can be recorded on the OLCS. Such a request should be forwarded to:-  
[ntspayroll@education.gov.ie](mailto:ntspayroll@education.gov.ie).
- f) As Mary is a non-annualised secretary, statutory paid Adoptive Leave is not recorded on the OLCS for the summer school closure period.

**Example 4 – Statutory Unpaid Adoptive Leave**

- a) Ann's statutory unpaid Adoptive Leave commenced on 14<sup>th</sup> April 2023. A period of 16 weeks statutory unpaid Adoptive Leave would be due to end on 3<sup>rd</sup> August 2023.
- b) The last date of the school term is 30<sup>th</sup> June 2023.
- c) Ann's employer must record statutory unpaid Adoptive Leave on the OLCS from 14<sup>th</sup> April to 30<sup>th</sup> June 2023.
- d) As Ann is a non-annualised secretary, statutory unpaid Adoptive Leave is not recorded on the OLCS for the summer school closure period.

## CHAPTER 4 – PARENT'S LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Entitlement to Parent's Leave

- 1.1 Entitlement to Parent's Leave is regulated by the [Parent's Leave and Benefit Act, 2019](#), as amended.
- 1.2 Parent's Leave is available to the relevant parent to enable them to provide, or assist in the provision of, care to the child.
- 1.3 An eligible secretary, who is a relevant parent of a child born or adopted, on or after 1<sup>st</sup> November 2019, is entitled to avail of Parent's Leave.
- 1.4 The term relevant parent in relation to a child means (subject to paragraph 1.5 of this Chapter) a secretary who is -:
  - (i) a parent of the child
  - (ii) the spouse, civil partner or cohabitant of a parent of the child
  - (iii) a 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.
- 1.5 In the case of a child who is, or is to be adopted the term relevant parent means a secretary who is:-
  - (i) the qualifying adopter of the child, and
  - (ii) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child.
- 1.6 Where Parent's Leave is availed of, it must be taken within 24 months (2 years) from the date of birth of the child or in the case of adoption, the day of placement of the child except in the case of postponement where the leave can be extended beyond the 2 year period, in accordance with [paragraph 11](#) and [paragraph 12](#) of this Chapter.
- 1.7 From 1<sup>st</sup> July 2022, the Parent's Leave entitlement for a relevant parent is a maximum of 7 weeks per eligible child.
- 1.8 Parent's Leave can be taken as follows:-
  - (a) a continuous period of 7 weeks (i.e. 49 consecutive days including weekends, school closures and days on which a secretary is not timetabled for attendance within that period)
  - (b) 7 instances of one-week blocks or
  - (c) any combination, subject to a combined total of 7 weeks.
- 1.9 Each period of Parent's Leave must be a minimum duration of 7 consecutive days including weekends, school closures and days on which a secretary is not timetabled for attendance within that period.

## Parent's Leave

- 1.10 Where the birth of a child is part of a multiple birth or a secretary adopts two or more children at the same time, they are not entitled to more than 7 weeks Parent's Leave.
- 1.11 Parent's Leave cannot be transferred between relevant parents, except on the death of a parent as referred to in [paragraph 13](#) of this Chapter.

### **2. Pay Arrangements and Parent's Benefit**

- 2.1 Remuneration will not be paid by the Paymaster during the period of Parent's Leave.
- 2.2 Under the Parent's Leave and Benefit Act, 2019, a secretary may be entitled to Parent's Benefit from the DSP during this period of leave.
- 2.3 In order to avail of Parent's Benefit, the secretary must make an online application by logging on to the DSP website at link: <https://services.mywelfare.ie/en/topics/parents-children-family/parents-benefit/>. This online application must be submitted by the secretary to the DSP at least 4 weeks prior to the leave commencement date.
- 2.4 Parent's Benefit payment is a taxable income.
- 2.5 Further information on Parent's Benefit is available on the DSP website at: [www.welfare.ie](http://www.welfare.ie)

### **3. Application Procedures**

- 3.1 Application for Parent's Leave should be made by the secretary to their employer at least 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#) of this Chapter.
- 3.2 A secretary who is applying for separate blocks of Parent's Leave may submit a separate Application Form(s), where all relevant dates have not been determined at that time of initial application.
- 3.3 A secretary can apply to revoke their application for Parent's Leave. The secretary should notify their employer in writing as soon as possible, but no later than 5 weeks prior to the intended commencement date of the Parent's Leave. A late notification to the employer seeking revocation of Parent's Leave may result in delayed salary payment for the secretary.

### **4. Recording of Leave**

- 4.1 The approved Parent's Leave absence must be recorded by the employer on the OLCS, not later than 6 weeks prior to the commencement of the leave.
- 4.2 The approved Parent's Leave is recorded under the OLCS leave category 'Family Leave' and then sub-category, 'Parent's Leave'.

## 5. Sequence of Leave Types

5.1 Taking into account the time limit referred to a [paragraph 1.6](#), the following is the sequence in which leave types must be taken, where these leaves are availed of:

- a) **Maternity Leave:** Where a secretary avails of any or all of her Maternity Leave entitlements, as detailed below, the following leave types must be taken prior to Parent's Leave:-
  - i. Statutory Maternity Leave (up to a maximum of 26 consecutive weeks)
  - ii. Statutory extended Maternity Leave for premature birth (where applicable)
  - iii. Statutory additional Unpaid Maternity Leave (up to maximum of 16 consecutive weeks)
  
- b) **Adoptive Leave:** Where a secretary avails of any or all of their Adoptive Leave entitlements, as detailed below, the following leave types must be taken prior to Parent's Leave:-
  - i. Statutory Adoptive Leave (up to a maximum of 24 consecutive weeks)
  - ii. Statutory additional Unpaid Adoptive Leave (up to maximum of 16 consecutive weeks)
  
- c) **Transferred Paternity Leave:** Where a secretary avails of transferred Paternity Leave, this leave must be taken prior to Parent's Leave.
  
- d) **Father's Leave:** Where a surviving parent becomes entitled to Maternity or Adoptive Leave types on the death of the mother (under the Maternity and Adoptive Leave Acts), this leave must be taken prior to Parent's Leave.
  
- e) **Paternity/Parental Leave:** Where a secretary avails of Paternity/Parental Leave, they may take Paternity/Parental Leave and Parent's Leave in any sequence they wish.

## 6. Status during Parent's Leave

6.1 A secretary on Parent's Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation.

6.2 Parent's Leave is fully reckonable for seniority and progression on the scale.

## 7. Replacement Secretary

7.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of Parent's Leave, taken during the school term, or that arise during periods of school closure where the secretary is rostered to work.

**8. Employment while on Parent's Leave**

8.1 A secretary availing of Parent's Leave may not engage in any type of other paid employment.

**9. Commencement of Parent's Leave due to early confinement**

9.1 Where the birth or placement, occurs 4 weeks or more before the expected date of birth or day of placement, the secretary shall inform the employer immediately and will be deemed to have complied with the notification period if they intend to take Parent's Leave at that time. The formal written notification must be given within 7 days commencing on the day of birth or day of placement.

**10. Postponement of Parent's Leave where Date of Birth or Day of Placement is later than anticipated**

10.1 If the date of birth occurs after the planned commencement date of Parent's Leave or the day of placement is postponed the secretary shall be entitled to select another date on which the Parent's Leave shall commence, provided the selected dates remain within the timeframe set out at [paragraph 1.6](#).

10.2 An application for postponement must be made in writing to the employer. The secretary will be required to complete a new Application Form at [Appendix A](#) for the newly selected dates.

**11. Postponement of Parent's Leave through Hospitalisation of the Child**

11.1 In the event of the hospitalisation of the child, a request may be made to the employer for a postponement of Parent's Leave.

11.2 Postponement of Parent's Leave will require the absent secretary to resume duties in the school during the period of postponement.

11.3 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is hospitalised. The employer must notify the secretary in writing as soon as possible of its decision. If the leave is postponed, the employer and the secretary must agree the date of return to work.

11.4 The secretary must provide the employer with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.

11.5 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the secretary and the employer. The maximum period for which Parent's Leave may be postponed is 6 months.

11.6 If the secretary becomes ill, having returned to work and before they have taken the postponed Parent's Leave, they will be considered to have started the postponed leave on the first day of absence due to illness, unless the secretary notifies the employer that they do not wish to begin the postponed leave. If this

happens they will forfeit the postponed leave and the absence will be treated as Sick Leave. The normal procedures in relation to Sick Leave should then be followed, including the furnishing of a medical certificate where appropriate.

## **12. Postponement of Parent's Leave by the Employer**

12.1 Where a secretary has given the required notification for intention to avail of Parent's Leave and the employer is satisfied that the taking of the leave at the intended commencement date will have a substantial adverse effect on the operation of the school by reason of:-

- a) difficulty in obtaining a replacement secretary for the period of the absence
- b) seasonal variations
- c) any other relevant matters

The employer must provide written notice to the secretary not later than 4 weeks before the intended commencement date, summarising the grounds for postponement of Parent's Leave. The employer must retain a copy of this notice.

12.2 Prior to giving notice, the employer must consult with the secretary in relation to the proposed postponement of Parent's Leave.

12.3 The employer may not postpone the commencement of Parent's Leave for longer than 12 weeks after the intended commencement date, as specified in the relevant notification.

12.4 A period of Parent's Leave may not be postponed more than once by the employer.

## **13. Entitlement to Parent's Leave on the Death of a Relevant Parent**

13.1 In the event of the death of the relevant parent on or before the expiration of the period of entitlement, Parent's Leave entitlement, or any remainder of that entitlement, shall transfer to the surviving parent.

13.2 In such circumstances and in the event that the surviving parent is a secretary, they must notify the employer in writing of the following, but not later than 6 weeks before the day on which the transferred Parent's Leave begins:-

- of the death of the relevant parent
- their intention to take the transferred Parent's Leave
- the length of the leave they believe they are entitled to and
- if requested by the employer, provide a copy of the death certificate.

## **14. Entitlement to Parent's Leave on the Death of the Child**

14.1 In the event of the death of the child on or before the expiration of the period of entitlement, the relevant parent retains their entitlement to Parent's Leave.

### Appendix A - Application Form for Parent's Leave

The Application Form should be fully completed by the secretary and submitted to the employer at least 6 weeks prior to the planned commencement date. In the case of an application for separate periods of Parent's Leave, the Secretary may submit separate Application Form(s), where all relevant dates have not been determined at that time of initial application.

#### Part 1A - SECRETARY APPLICATION

Secretary's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

#### PART 1B – DETAILS OF THE CHILD/CHILDREN

Application for Parent's Leave in respect of:

| Name of Child/Children: | Date of Birth/Day of Placement: |
|-------------------------|---------------------------------|
|                         |                                 |

**Documentation accompanying this application (tick as appropriate):**

- Medical Certificate showing expected date of birth (where relevant)
- Birth Certificate of the relevant child/children
- Certificate of Placement for the relevant child/children (in the case of adoption)
- Declaration of Eligibility and Suitability (in the case of a foreign adoption)

#### PART 1C – PARENT'S LEAVE DETAILS

Proposed pattern of Parent's Leave as follows (enter inclusive dates):

From \_\_\_\_\_ to \_\_\_\_\_

**Declaration**

I wish to apply for Parent's Leave in accordance with Chapter 4 (Parent's Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Parent's Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found on [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available on [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 3 – EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Parent's Leave application in accordance with Chapter 4 (Parent's Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Parent's Leave
- 2) Copy of Birth Certificate/Evidence of the date of adoption/Adoption Order for the relevant child
- 3) Copy of Confirmation Document issued to secretary
- 4) Copy of Decision Notice issued to secretary
- Approved Parent's Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## CHAPTER 5 – PATERNITY LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### Entitlement to Paternity Leave

- 1.1 Entitlement to Paternity Leave is regulated by the Paternity Leave and Benefit Act, 2016.
- 1.2 The purpose of Paternity Leave is to allow the relevant parent paid leave to provide, or assist in, the care of the child or to provide support to the mother or adopting parent of the child as the case may be, or both.
- 1.3 The term relevant parent in relation to a child means (subject to paragraph 1.4) a secretary who is -:
  - (i) a parent of the child
  - (ii) the spouse, civil partner or cohabitant of a parent of the child
  - (iii) a 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.
- 1.4 In the case of a child who is, or is to be, adopted the term relevant parent means a secretary who is -
  - (i) the qualifying adopter of the child, and
  - (ii) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child.
- 1.5 Paternity Leave is a single period of 2 consecutive weeks (i.e. 14 consecutive days including weekends, school closures and days on which a secretary is not timetabled for attendance within that period).
- 1.6 Paternity Leave may commence at any time from the date of birth or day of placement of the child to 26 weeks thereafter, except where the leave is postponed in the event of hospitalisation of the child.
- 1.7 In the case of multiple births, or where more than one child is being adopted at the same time the maximum of 2 consecutive weeks leave still applies.
- 1.8 Paternity Leave is available in the case of a stillbirth or miscarriage which occur any time after the 24<sup>th</sup> week of pregnancy or where the child has a birth weight of at least 500 grams.
- 1.9 Only one person who is a relevant parent in relation to a child shall be entitled to Paternity Leave in respect of that child.
- 1.10 A secretary may not avail of Paternity Leave where they are availing/have availed of Adoptive Leave for the same child with the exception of where the leave has been transferred on the death of the other parent.

## 2. Application Procedures

There are 2 steps in applying for Paternity Leave, as follows:-

### 2.1 Step 1 – *Written Notification*

The secretary must notify their employer in writing of their intention to take Paternity Leave, at least 4 weeks prior to the planned commencement date, accompanied by the following documents:

In the case of a birth:

- a copy of the medical certification, as provided by the mother to her employer or other appropriate certificate from a registered medical practitioner confirming the pregnancy and specifying the expected date of birth of the child concerned or
- a copy of the birth certificate where notification is given after the birth.

In the case of an adoption:

- a declaration/official placement order in the case of an adoption
- a copy of the placement certificate where notification is given after the day of placement
- in the case of foreign adoption, the adopting secretary must obtain a *Declaration of Eligibility and Suitability* from the Adoption Authority of Ireland, in advance of the day of placement. As soon as possible after the day of placement the adopting secretary should provide written confirmation of placement to their employer.

### 2.2 Step 2 – *Completion of Application Form*

The secretary must complete the Application Form at [Appendix A](#) as soon as possible, but no later than 7 days after the leave commencement date. The completed Application Form must be forwarded to the employer with a copy of the birth certificate/official placement order for the child.

2.3 If the day of placement is postponed or the date of birth occurs after the date selected by the secretary, in their notification provided to the employer, the secretary shall be entitled to select another date on which the Paternity Leave shall commence.

2.4 Notification may be withdrawn in writing by the secretary to their employer not later than 4 weeks before the commencement date of such leave.

2.5 Where the birth occurs 4 weeks or more before the expected date of birth, the secretary shall inform the employer immediately and will be deemed to have complied with the notification period if they intend to take the leave at that time. The formal written notification must be given within 7 days commencing on the day of birth.

### **3. Recording of Leave**

- 3.1 The approved Paternity Leave absence must be recorded by the employer on the OLCS, immediately following receipt of the completed Application Form.
- 3.2 The approved Paternity Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category, 'Father's /Relevant Parent Paternity Leave'.

### **4. Pay Arrangements and Paternity Benefit**

- 4.1 A secretary absent on Paternity Leave may be entitled to claim Paternity Benefit from the DSP, depending on their PRSI contributions.
- 4.2 The secretary who pays Class A PRSI must complete the Department of Social Protection (DSP) PB1 Form and should ensure that the employer completes the employer's portion of the PB 2 form. The completed form must be forwarded directly to the DSP by the secretary at least 6 weeks prior to the leave commencement date. The PB1 Form should not be sent to the Department.
- 4.3 Alternatively, the secretary may make an online application for Paternity Benefit by logging on to <https://services.mywelfare.ie/en/topics/parents-children-family/paternity-benefit/>. In order to complete an online application, the secretary should ensure their employer has completed the DSP PB2 Form.
- 4.4 Paternity Benefit payment is a taxable income.
- 4.5 Under the DSP regulations, any Paternity Benefit payable by the DSP will issue directly to the secretary and a deduction from salary equivalent to the maximum weekly rate of Paternity Benefit will be applied by the Paymaster.
- 4.6 If the amount of Paternity Benefit payable to the secretary is less than the maximum, or if a secretary is not entitled to any Paternity Benefit, they should notify the Paymaster immediately to ensure that they can remain on the appropriate salary.
- 4.7 Continuation of salary during Paternity Leave is not a statutory entitlement and any action which necessitates an adjustment to a secretary's pay should be notified to the Paymaster immediately.
- 4.8 Changes to the automatic deduction can be made, provided a copy of the DSP's written notice of the actual Paternity Benefit rate applicable, if any, is furnished by the secretary to the Paymaster. Deductions, where appropriate, will be made fortnightly during the period of Paternity Leave. If the Paternity Leave absences are recorded late on the OLCS, any arrears will be deducted from the secretary's salary.

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4.9 If the Paternity Leave absences are recorded late on the OLCS, any arrears will have to be deducted by the Paymaster from the secretary's salary.

4.10 Further information on Paternity Benefit is available on the DSP website at: [www.welfare.ie](http://www.welfare.ie)

### **5. Status during Paternity Leave**

5.1 A secretary on Paternity Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation.

5.2 Paternity Leave is fully reckonable for seniority and progression on the incremental salary scale.

### **6. Replacement Secretary**

6.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of Paternity Leave, taken during the school term, or that arise during periods of school closure where the secretary is rostered to work.

### **7. Employment while on Paternity Leave**

7.1 A secretary availing of Paternity Leave may not engage in any type of paid employment.

### **8. Postponement of Paternity Leave through Illness**

8.1 In the event of illness of the secretary immediately prior to the commencement of their Paternity Leave, the Paternity Leave may be postponed.

8.2 The secretary must immediately inform the employer and must provide written notification of the postponement of the leave due to illness and include appropriate medical certification.

8.3 The postponed leave must be taken not later than 7 days after the secretary has been certified medically fit to resume duty or such other date as may be agreed between the secretary and the employer provided that the postponed leave shall end not later than 28 weeks after the date of birth or placement of the child.

### **9. Postponement of Paternity Leave through Hospitalisation of the Child**

9.1 In the event of the hospitalisation of the child a request may be made to the employer for a postponement of the Paternity Leave.

9.2 Postponement of Paternity Leave will require the absent secretary to resume duties in the school during the period of postponement.

9.3 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is hospitalised. The employer must notify the secretary in writing as soon as possible of its

## Paternity Leave

decision. If the leave is postponed, the employer and the secretary must agree the date of return to work.

9.4 The secretary must provide the employer with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.

9.5 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the secretary and the employer.

### **10. Entitlement to Paternity Leave on the Death of the Relevant Parent**

10.1 In the event of the death of the relevant parent within a period of 28 weeks following the birth/adoption, Paternity Leave entitlement, or any remainder of that entitlement, shall transfer to the surviving parent:

- in the case of adoption, the leave shall transfer to the adopting parent,
- in any other case, the leave shall transfer to the birth mother who has availed of Maternity Leave in respect of that child/children

10.2 In such circumstances and in the event that the surviving parent is a secretary, they must notify the employer in writing of the following, but not later than the day on which the transferred Paternity Leave begins:-

- on the death of the relevant parent
- their intention to take the transferred Paternity Leave
- the length of the leave they believe they are entitled to and
- if requested by the employer, provide a copy of the death certificate.

10.3 In the case of a surviving parent being entitled to Maternity Leave, a period of transferred Paternity Leave will commence immediately after the end of all Maternity Leave. In the case of Adoptive Leave, immediately after the end of all Adoptive Leave concerned.

### **11. Termination of Paternity Leave**

11.1 Paternity Leave may be terminated by the employer if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child or to provide support to the adopting parent or mother of the child.

11.2 Before terminating the leave the employer is obliged to:

- a) notify the secretary in writing that the matter is under consideration, and invite the secretary to make representations within 7 days.
- b) consider any representations from the secretary before making a final decision.

## Paternity Leave

- c) notify the secretary in writing of the decision summarising the grounds for termination.

11.3 The final decision notification should inform the secretary of their obligation to return to work not later than the date specified on the Application Form but no earlier than 7 days after receipt of the notice.

## Appendix A - Application Form for Paternity Leave

**The Application Form should be fully completed by the secretary and submitted to the employer within 7 days of commencement of the Paternity Leave.**

If the secretary pays Class A PRSI contributions, an online application for Paternity Benefit should be made at: <https://services.mywelfare.ie/en/topics/parents-children-family/paternity-benefit/> . Alternatively, Paternity Benefit Section can be contacted by emailing [paternityben@welfare.ie](mailto:paternityben@welfare.ie) or by calling 0818 690 690.

### PART 1A – SECRETARY APPLICATION

Secretary's Name: \_\_\_\_\_ Contact No.: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No.: \_\_\_\_\_

### PART 1B – DETAILS OF THE CHILD

Date of birth of the child: \_\_\_\_\_

Day of placement of the child (in the case of adoption): \_\_\_\_\_

Proposed commencement date of Paternity Leave: \_\_\_\_\_

#### Declaration

I wish to apply for Paternity Leave in accordance with Chapter 5 (Paternity Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary Schools and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Paternity Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 2 – EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Paternity Leave application in accordance with Chapter 5 (Paternity Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Written notification of intention to take Paternity Leave
- 2) Application for Paternity Leave
- 3) Copy of medical certificate confirming expected date of birth or Certificate confirming date of birth/day of placement of the child

Approved Paternity Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## CHAPTER 6 – PARENTAL LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Entitlement to Parental Leave

- 1.1 Entitlement to Parental Leave is regulated by the Parental Leave Act, 1998, as amended.
- 1.2 The purpose of Parental Leave is to allow a secretary a period of unpaid leave to care for their child.
- 1.3 A secretary is entitled up to a maximum of 26 weeks Parental Leave in respect of each child up to the age of 16 years.
- 1.4 Entitlement to Parental Leave shall end when the relevant child, including in the case of an adopted child, reaches their 16<sup>th</sup> Birthday.
- 1.5 Parental Leave is available to each of the following:
  - a) the natural parent
  - b) the adoptive parent
  - c) the adopting parent
  - d) a secretary acting *in loco parentis* to a child
- 1.6 Where a secretary is acting *in loco parentis* it is a matter for the employer to be satisfied that the granting of Parental Leave is appropriate.

In accordance with the Parental Leave Acts:

*“In loco parentis means the secretary applying for Parental Leave must be either legally responsible for or fulfil the criterion that he or she is actively parenting the child on an on-going basis”.*

- 1.7 Parental Leave for more than one child in a rolling period of 12 months may not exceed 26 weeks, without the consent of the employer, except in the case of multiple births (twins, triplets etc.) where a secretary has a statutory entitlement to take more than 26 weeks in any 12 month period.

### 2. Eligibility

- 2.1 A secretary is eligible to apply for Parental Leave where they have satisfactorily completed one year of continuous employment with the employer from whose employment the leave is taken.
- 2.2 In circumstances where, on the latest day for commencing a period of Parental Leave, the secretary has less than one year but more than 3 months continuous service with the employer from whose employment the leave is to be taken, the

## Parental Leave

secretary shall be entitled to Parental Leave for a period of one week for each month of continuous service completed with their employer at the time of the commencement of the leave.

### **3. Pattern of Parental Leave**

3.1 A secretary may avail of Parental Leave in blocks of at least one week up to a maximum of 26 weeks. Please note each period of Parental Leave must be a minimum duration of 7 consecutive days including weekends, school closures and days on which a secretary is not timetabled for attendance occurring within that period.

3.2 Where a secretary applies for Parental Leave for 6 or more weeks, the minimum period which must be granted by the employer is 6 weeks, except in the cases of refusal and suspension/postponement of Parental Leave as outlined in paragraphs [7](#), [12](#) and [13](#) below.

### **4. Special Pattern of Parental Leave in Exceptional Circumstances**

4.1 In certain circumstances, a secretary may avail of Parental Leave in the form of individual days where a child has particular medical problems that require the attendance of a parent with the child at a hospital, clinic or therapeutic appointment on a regular basis.

4.2 In such circumstances, certification from the hospital or clinic in respect of the absence must be submitted to the employer and retained on the secretary's personnel file.

### **5. Application Procedures**

5.1 Application for Parental Leave should be made by the secretary to their employer at least 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#).

5.2 The employer in granting Parental Leave should, 4 weeks prior to the planned commencement date, prepare with the secretary, the Confirmation Document at [Appendix B](#). This document constitutes a legal agreement between the parties. A secretary may revoke the application at any point prior to the signing of the Confirmation Document by both parties.

### **6. Recording of Leave**

6.1 The approved Parental Leave absence must be recorded by the employer on the OLCS, not later than 4 weeks prior to the commencement of the leave.

6.2 The approved Parental Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category as follows:-

- 'Parental Leave' for Parental Leave.

## **7. Refusal to grant Parental Leave**

- 7.1 Where there are reasonable grounds to believe that the secretary may not be entitled to Parental Leave, the employer may refuse to grant such leave.
- 7.2 Where the employer proposes to refuse an application for Parental Leave, they must:
- a) notify the secretary in writing of the reasons for the proposed refusal and invite them to make representations on the matter within 7 days
  - b) consider any representations from the secretary before making a final decision on whether or not to refuse the leave
  - c) notify the secretary in writing of its decision to refuse the leave summarising the grounds for the refusal.

## **8. Status during Parental Leave**

- 8.1 A secretary on Parental Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation.
- 8.2 Parental Leave is fully reckonable for seniority and progression on the incremental salary scale.

## **9. Replacement Secretary**

- 9.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of Parental Leave, taken during the school term, or that arise during periods of school closure where the secretary is rostered to work.

## **10. Employment while on Parental Leave**

- 10.1 A secretary availing of Parental Leave may not engage in any type of paid employment.

## **11. Postponement, Curtailment and Variation of Parental Leave based on mutual agreement**

- 11.1 If, after the Confirmation Document has been signed (whether or not the Parental Leave period to which it relates has commenced), the leave or part of it may be (i) postponed, (ii) curtailed or (iii) varied, subject to agreement between the employer and the secretary.
- 11.2 Where Parental Leave is postponed, curtailed or varied, the leave not taken by reason of postponement, curtailment or variation may be taken at such other time, as agreed between the employer and the secretary.
- 11.3 The contract for the replacement secretary must also be considered prior to agreement on postponement, curtailment or variation of Parental Leave.

## Parental Leave

11.4 In such a case, the Confirmation Document should be amended accordingly.

### **12. Suspension/Postponement of Parental Leave by the secretary**

12.1 If during, or immediately prior to, the agreed period of Parental Leave, the secretary concerned becomes ill to the extent that they are unable, or will be unable to care for the relevant child, they must notify the employer in writing:

- a) where the leave has not already commenced, to postpone the taking of the leave to such time as the secretary is fit to resume the care of the child, or
- b) where the leave has already commenced, to suspend the taking of the balance of the leave to such time as the secretary is fit to resume the care of the child.

12.2 The secretary must provide appropriate medical certification to the employer which confirms the secretary's incapacity to care for the child, as a result of illness.

12.3 It should be noted that the suspended portion of the leave, if it is to be availed of, must be taken as soon as possible after the secretary has been certified medically fit to resume duty.

12.4 If during the suspension of the leave due to the certified illness/incapacity of the parent, the child goes over the age threshold, the entitlement to take the leave remains and must be taken as soon as possible.

### **13. Postponement of Parental Leave by the Employer**

13.1 Ordinarily, Parental Leave may only be postponed once in circumstances where granting the leave at that time would have a substantial adverse effect on the operation of the school e.g. where an employer has difficulty in obtaining a replacement secretary for the duration of the absence.

In such circumstances the employer must:

- a) consult with the secretary prior to any decision to postpone the leave
- b) notify the secretary in writing not later than 4 weeks before the intended date of the commencement of the leave
- c) ensure that the leave is postponed for no longer than 6 months from the *original date* on which the Parental Leave was due to commence
- d) agree a new date for the postponed leave to be taken at a time when the secretary would otherwise have been working

## Parental Leave

- e) ensure that any further or subsequent postponement can only be permitted on the grounds where it affects seasonal variation
- f) ensure that a new Confirmation Document ([see Appendix B](#)) agreeing to the new revised dates is signed by both parties with the understanding that this can be further amended provided there is agreement between both parties.

13.2 If, as a result of postponement of the leave, a child passes the age threshold, the entitlement to Parental Leave is not lost. The leave should be taken as soon as possible after the period of postponement has lapsed on a date agreed by both parties.

### **14. Termination of Parental Leave**

14.1 Parental Leave may be terminated by the employer if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child concerned.

14.2 Before terminating the leave the employer is obliged to:

- a) notify the secretary in writing that the matter is under consideration, and invite the secretary to make representations within 7 days
- b) consider any representations from the secretary before making a final decision
- c) notify the secretary in writing of the decision summarising the grounds for termination.

14.3 The final decision notification should inform the secretary of their obligation to return to work not later than the date specified on the Confirmation Document but no earlier than 7 days after receipt of the notice.

### **15. Carryover of remaining Parental Leave from a previous employment**

15.1 Subject to the normal age threshold limitations under the Parental Leave Acts and service requirements, a secretary with previous employment either in a secretary or non-secretary capacity where some Parental Leave has already been availed of:

- a) shall retain their statutory right to any unused remainder of Parental Leave which has been carried over to the new employment, and
- b) irrespective of previous arrangements, shall avail of their Parental Leave in accordance with the terms of this Chapter.

### **16. Transfer of Parental Leave**

16.1 Subject to the approval of the employer, it is possible to transfer 14 weeks out of the 26 week Parental Leave entitlement to another parent of a relevant child, provided the other parent is employed with the same employer. In compliance with

## Parental Leave

Council Directive 2010/18/EU, it is necessary for each parent to retain 12 weeks, out of their 26 week entitlement, for their own personal use. Under that Directive, these 12 weeks may not be transferred to another parent and can only be used by the parent with whom the entitlement originates. This means where both parents are employed by the same employer, one parent may avail of 40 weeks and the other parent may avail of 12 weeks.

### **17. PRSI Arrangements**

- 17.1 A secretary who avails of Parental Leave may be entitled to receive PRSI credits. Information about Credited Contributions can be found on the DSP website. Therefore, all queries in relation to Social Welfare arrangements and appropriate credits of social insurance (PRSI) records for secretaries who take Parental Leave should be directed to the DSP.

**Appendix A - Application Form for Parental Leave**

**The Application Form should be fully completed by the secretary and submitted to the employer at least 6 weeks prior to the planned commencement date.**

**Part 1A - SECRETARY APPLICATION**

Secretary's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

**PART 1B – DETAILS OF THE CHILD/CHILDREN**

Application for Parental Leave in respect of:

|                             |                       |
|-----------------------------|-----------------------|
| <b>Name of Child:</b>       | <b>Date of birth:</b> |
| No. of weeks taken to date: |                       |

Please complete the following if Parental Leave is applied for in respect of another child/children:-

|                             |                       |
|-----------------------------|-----------------------|
| <b>Name of Child:</b>       | <b>Date of birth:</b> |
| No. of weeks taken to date: |                       |

|                             |                       |
|-----------------------------|-----------------------|
| <b>Name of Child:</b>       | <b>Date of birth:</b> |
| No. of weeks taken to date: |                       |

Documentation accompanying this application (tick as appropriate):

- Birth Certificate of the relevant child/children
- Evidence of the date of adoption/Adoption Order for the relevant child/children
- Evidence that you are acting in loco parentis

**PART 1C – PARENTAL LEAVE DETAILS**

Proposed pattern of Parental Leave:

Option 1: One continuous block of

- 26 weeks

From \_\_\_\_\_ to \_\_\_\_\_

Option 2: Separate periods of weeks (must be taken in blocks of 7 days) as follows (enter inclusive dates)

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

Option 3: Transfer of Parental Leave

Specify number of weeks where transferring from other parent: \_\_\_\_\_

**Declaration**

I wish to apply for Parental Leave in accordance with Chapter 6 (Parental Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix B - Confirmation Document for Parental Leave**

**PART 2: TO BE COMPLETED BY EMPLOYER AND SECRETARY**

I confirm that Parental Leave has been granted to:

Name of Secretary: \_\_\_\_\_ PPSN: \_\_\_\_\_

*In respect of:*

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Parental Leave has been granted in accordance with Chapter 6 (Parental Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*' as follows:

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Employer: \_\_\_\_\_ Date: \_\_\_\_\_

Following signing, no amendment can be made to the Confirmation Document without the agreement of both parties. A copy of the Confirmation Document should be retained by the secretary.

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Parental Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 3– EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Parental Leave application in accordance with Chapter 6 (Parental Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Parental Leave
- 2) Copy of Birth Certificate/Evidence of the date of adoption/  
Adoption Order for the relevant child
- 3) Evidence of acting in loco parentis (if applicable)
- 4) Copy of Confirmation Document issued to secretary
- 5) Copy of Decision Notice issued to secretary

Approved Parental Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## CHAPTER 7 – CARER'S LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Entitlement to Carer's Leave

- 1.1 Entitlement to Carer's Leave is regulated by Carer's Leave Act, 2001, as amended.
- 1.2 The purpose of Carer's Leave is to allow a secretary a period of unpaid leave in order that they may provide full-time care and attention to a relevant person i.e. a person deemed to be in need of this level of care by the Department of Social Protection (DSP).
- 1.3 Carer's Leave will not be granted to a secretary in relation to a relevant person who is receiving full-time care and attention from another person on Carer's Leave.
- 1.4 The maximum period of Carer's Leave allowable to care for a relevant person shall be 104 weeks unpaid leave and secretaries will have the option of taking this leave as:
  - one continuous period of 104 weeks, or
  - one or more periods, the total duration of which does not exceed 104 weeks.
- 1.5 Where Carer's Leave is not taken in one continuous period of 104 weeks, there must be a minimum of 6 weeks intervening period between the periods of Carer's Leave in respect of the same person.
- 1.6 A week consists of 7 consecutive days including weekends, school closures and days on which a secretary is not timetabled for attendance within that period.
- 1.7 The minimum statutory requirement that may be taken in one period is 13 weeks. Where an employer refuses a period of less than 13 weeks, the employer must specify the grounds for such refusal to the employee, in writing.

### 2. Eligibility

- 2.1 A secretary is eligible to apply for Carer's Leave where they have satisfactorily completed one year of continuous employment with the current employer.

### 3. Application Procedures

- 3.1 The secretary must make an application on the DSP CARB1 Form and, on approval, make an application to the employer.

- 3.2 Application should be made by the secretary to their employer at least 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#). A copy of the DSP sanction (where available) must be included with the Application Form.
- 3.3 In emergency situations, an employer may process an application and grant Carer's Leave, pending DSP approval. In granting Carer's Leave, the employer should establish that an application has been submitted to DSP. The DSP approval form must be submitted immediately by the secretary to the school on receipt from DSP.
- 3.4 The employer in granting Carer's Leave, should 4 weeks prior to the planned commencement date, prepare with the secretary, the Confirmation Document at [Appendix B](#). This document constitutes a legal agreement between the parties. A secretary may revoke the application at any point prior to the signing of the Confirmation Document by both parties.

#### **4. Recording of Leave**

- 4.1 The approved Carer's Leave absence must be recorded by the employer on the OLCS, not later than 4 weeks prior to the commencement of the leave.
- 4.2 The approved Carer's Leave is recorded under the OLCS leave category 'Family Leave', and then sub-category, 'Carer's Leave' for Carer's Leave.
- 4.3 As Carer's Leave is unpaid, undue delay in recording of the leave may result in overpayment of salary to the secretary.
- 4.4 The start and end dates of the leave which are recorded on the OLCS must correspond with the dates sanctioned by the DSP.

#### **5. Status during Carer's Leave**

- 5.1 A secretary on Carer's Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation.
- 5.2 Carer's Leave is fully reckonable for seniority and progression on the incremental salary scale.

#### **6. Replacement Secretary**

- 6.1 The employer may appoint a replacement secretary, paid by the Paymaster, in respect of Carer's Leave, taken during the school term, or that arise during periods of school closure where the secretary is rostered to work.

#### **7. Working, Education/Training while on Carer's Leave**

- 7.1 A secretary availing of Carer's Leave may engage in work outside their current role, undertake training or an education course provided:

- a) permission is obtained by the secretary from DSP before they commence employment, undertake training or an education course. This is to satisfy DSP that adequate provision is being made for the care of the relevant person.
  - b) the aggregate hours of employment, training or education do not exceed the statutory weekly 18.5 hour limit.
  - c) the net earnings from all employment do not exceed the approved weekly limit (DSP Weekly Limit) set by the DSP.
- 7.2 It is the sole responsibility of the secretary to ensure that the limits set out at paragraph 7.1 b) and c) are not breached.

## **8. Carer's Leave for more than one relevant person**

- 8.1 A secretary is not permitted to be on Carer's Leave in respect of more than one person at any one time.
- 8.2 However, on one occasion only, a secretary may commence leave in respect of another person where the two persons reside together and approval has been received from the DSP for the second person. In such circumstances, an overall total amount of Carer's Leave of 208 weeks can be taken together (104 weeks for each relevant person).
- 8.3 Where a secretary has availed of Carer's Leave for one person and needs to avail of further leave for another person, in circumstances where those two individuals do not reside together, then a period of 6 months must elapse from the date of the termination of the leave in respect of the first person before a further period of Carer's Leave can commence for the second person. This regulation applies even if the secretary has not taken the maximum period of 104 weeks Carer's Leave for the first person.

## **9. Postponement, Curtailment and Variation of Carer's Leave, based on mutual agreement**

- 9.1 If, after the Confirmation Document has been signed (whether or not the Carer's Leave period to which it relates has commenced), the leave or part of it may be (i) postponed, (ii) curtailed or (iii) varied, subject to agreement between the employer and the secretary.
- 9.2 Where Carer's Leave is postponed, curtailed or varied, the leave not taken by reason of postponement, curtailment or variation may be taken at such other time, as agreed between the employer and the secretary.
- 9.3 The contract for the replacement secretary must also be considered prior to agreement on postponement, curtailment or variation of Carer's Leave.

9.4 In such a case, the Confirmation Document should be amended accordingly.

## **10. Termination of Carer's Leave**

10.1 The period of Carer's Leave shall terminate on the date specified on the Confirmation Document at the time of application, except where the relevant person:

- ceases to require full-time care and attention during the period of Carer's Leave, or
- dies during a period of Carer's Leave.

10.2 If the relevant person dies during the period of Carer's Leave, the secretary may return on the date specified in the Confirmation Document or on a date which occurs 6 weeks after the date of the death whichever is the earlier.

10.3 The employer shall notify the DSP if they are of the opinion that:

- a) the person in respect of whom the secretary is applying for Carer's Leave is not or is no longer a relevant person
- b) the person in respect of whom Carer's Leave has been granted, and in respect of whom the secretary is on Carer's Leave is not or is no longer a relevant person
- c) the secretary who is applying for or is currently on Carer's Leave does not satisfy the conditions for providing full-time care and attention to the relevant person
- d) the secretary who is applying for, or is currently on Carer's Leave is engaging or has engaged in employment or self-employment other than as provided for in regulations made by the Minister for DSP.

10.4 Where the DSP agrees with the employer's opinion at [paragraph 10.3](#) above, the period of Carer's Leave, if commenced, shall terminate with immediate effect and the secretary shall return to work. Appeals in relation to this requirement should be made to an appeals officer of the DSP.

10.5 Carer's Leave is to terminate on foot of the instruction of a deciding officer/appeals officer of the DSP:

- a) the employer must issue a written notice of return to work to the secretary, indicating a return date that is reasonable and practicable, having regard to all the circumstances.
- b) the employer must issue a notice in writing to the DSP, when the secretary returns to employment, that the period of Carer's Leave has terminated, and the date on which the secretary returned.

## Carer's Leave

- c) the secretary must retain notice of requirement to return to work.
- d) the employer must also retain a copy of the notice given to the secretary.

**Appendix A - Application Form for Carer's Leave**

**The Application Form should be fully completed by the secretary and submitted to the employer at least 6 weeks prior to the planned commencement date.**

**PART 1A- SECRETARY APPLICATION**

Secretary's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

**PART 1B – DETAILS OF PROPOSED CARER'S LEAVE**

Application for Carer's Leave in respect of:

Name of relevant person: \_\_\_\_\_

Proposed pattern of Carer's Leave:

- One continuous block
- Separate periods of weeks as follows (minimum of 6 weeks intervening between the periods):

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

**Declaration**

I wish to apply for Carer's Leave in accordance with Chapter 7 (Carer's Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

*Signature of Secretary:* \_\_\_\_\_ *Date:* \_\_\_\_\_

**Appendix B - Confirmation Document for Carer's Leave**

**PART 2: TO BE COMPLETED BY EMPLOYER AND SECRETARY**

I confirm that Carer's Leave has been granted to:

Name of Secretary: \_\_\_\_\_ PPSN: \_\_\_\_\_

*In respect of:*

Name of relevant person: \_\_\_\_\_

Carer's Leave has been granted in accordance with Chapter 7 (Carer's Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Employer: \_\_\_\_\_ Date: \_\_\_\_\_

Following signing, no amendment can be made to the Confirmation Document without the agreement of both parties. A copy of the Confirmation Document should be retained by the secretary

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Carer's Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 3 – EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Carer's Leave application in accordance with Chapter 7 (Carer's Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Carer's Leave
- 2) Copy of Confirmation statement from the DSP
- 3) Copy of Confirmation Document issued to secretary
- 4) Copy of Decision Notice issued to secretary

Approved Carer's Leave has been recorded on the OLCS/relevant system

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***Application Form/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.***

## CHAPTER 8 – FORCE MAJEURE LEAVE

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Force Majeure Leave

1.1 Under the Parental Leave Act 1998 and the Parental Leave (Amendment) Act 2006, a secretary is entitled to apply for Force Majeure Leave, which is statutory special leave with pay, for urgent family reasons.

### 2. Eligibility to Force Majeure Leave

2.1 In determining eligibility for Force Majeure Leave, the specific circumstances must be:-

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

2.2 The immediate relatives that qualify a secretary for Force Majeure Leave are defined in the Parental Leave Act, as follows:-

- Spouse (including a cohabiting partner)
- Child (including adopted child, step-child and child being cared for on the basis of 'in loco parentis')
- Brother
- Sister
- Mother
- Father
- Grandfather
- Grandmother
- Any person in a relationship of domestic dependency with the secretary (meaning the person shares accommodation with the secretary, and they rely on each other for their care)

2.3 Force Majeure Leave is not applicable to accompany a sick or injured relative to a scheduled medical appointment.

2.4 It is important to note when an employer is determining eligibility, that [paragraph 2.1 a\) and b\)](#) must apply on each individual day for which Force Majeure Leave is requested, not just the first day.

### 3. Entitlement to Force Majeure Leave

3.1 Force Majeure Leave consists of one or more days, but must not exceed a maximum total of:

- a) 3 school days in 12 consecutive months  
or
- b) 5 school days in 36 consecutive months

#### **4. Arrangements whilst on Force Majeure**

- 4.1 A secretary who is absent on another form of statutory or non-statutory leave may not be granted Force Majeure Leave, instead of that leave.
- 4.2 Absence on Force Majeure Leave for part of a school day constitutes an absence for a full school day.

#### **5. Application Procedures**

- 5.1 The approval of the employer must be sought for Force Majeure Leave.
- 5.2 A secretary who avails of Force Majeure leave is required to complete the Application Form at [Appendix A](#). The Application Form should be completed and submitted to the employer, as soon as is reasonably practicable after availing of Force Majeure Leave.
- 5.3 The employer should satisfy themselves that, in the circumstances, an application for Force Majeure Leave is fully justified and can be granted. An employer may at their discretion, request supporting documentation, such as a medical letter to support the secretary's application.
- 5.4 An employer may only approve Force Majeure Leave at the time of the illness or injury to the immediate relative.

#### **6. Recording of Leave**

- 6.1 Following the employer's approval of Force Majeure Leave, the absence must be recorded by the employer in a timely manner, on the OLCS.
- 6.2 The approved Force Majeure Leave is recorded under 'Personal Leave', and then sub-category 'Force Majeure'.

#### **7. Status during Force Majeure Leave**

- 7.1 A secretary on Force Majeure Leave, is deemed for all purposes to be in employment at that time including for remuneration and superannuation.
- 7.2 Force Majeure Leave is fully reckonable for seniority and progression on the incremental salary scale.

#### **8. Replacement Secretary**

- 8.1 The employer may not appoint a replacement secretary for a Force Majeure Leave absence, as it is not paid by the Paymaster.

#### **9. Employment while on Force Majeure Leave**

- 9.1 A secretary on Force Majeure Leave may not engage in any type of other paid employment.

**Appendix A - Application for Force Majeure Leave**

**The Application Form should be fully completed by the secretary and submitted to the employer as soon as is reasonably practicable after the absence.**

**PART 1A – SECRETARY APPLICATION**

Secretary’s Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

**PART 1B – LEAVE DETAILS**

Start date: \_\_\_\_\_ End date: \_\_\_\_\_ Duration (Days) \_\_\_\_\_

No. of days Force Majeure taken in past (a) 12 months: \_\_\_\_ (b) 36 months: \_\_\_\_\_

I hereby apply for Force Majeure Leave for the following reason:-

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Declaration**

I wish to apply for Force Majeure Leave in accordance with Chapter 8 (Force Majeure Leave) of Circular 0007/2024. I confirm that the information provided in the application is true and accurate.

I have not exceeded my entitlement to Force Majeure Leave as detailed in Circular 0007/2024.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Force Majeure Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found on [gov.ie](http://gov.ie). Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available on [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 2– EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Force Majeure Leave application in accordance with Chapter 8 (Force Majeure Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

- 1) Application for Force Majeure Leave
- 2) Copy of Decision Notice issued to Secretary

Approved Force Majeure Leave has been recorded on the OLCS

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

(Employer)

***Application Form/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.***

## CHAPTER 9 – STATUTORY ANNUAL LEAVE/PUBLIC HOLIDAYS

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### 1. Statutory Annual Leave/Public Holidays

- 1.1 Statutory Annual Leave and Public Holiday entitlement is regulated by the [Organisation of Working Time Act, 1997](#), as amended.
- 1.2 A full time secretary has entitlement to 22 days Annual Leave in each leave year.
- 1.3 A secretary who work less than full hours or a non-annualised secretary is entitled to Annual Leave on a pro-rata basis.
- 1.4 Additional Annual Leave will be given in lieu of Public Holidays which occur while the secretary is absent on any of the following leave types:
  - a) Adoptive Leave
  - b) Carer's Leave (see [paragraph 1.6](#) below)
  - c) Maternity Leave
  - d) Parental Leave
  - e) Parent's Leave
  - f) Paternity Leave
  - g) Sick Leave (see [paragraph 1.5](#) below)

Secretaries may receive, in accordance with their statutory entitlements, additional Annual Leave in lieu of Public Holidays which occur in respect of secretaries absent on a worksharing/ part-time patterns/ secretaries not ordinarily rostered to work on such days.

- 1.5 Under the Organisation of Working Time Act, 1997 (as amended), a secretary is entitled to Public Holidays in the first 26 weeks of a period of Sick Leave.
- 1.6 Under the Carer's Leave Act 2001, a secretary is entitled to Annual Leave and Public Holidays in the first 13 weeks of a period of Carer's Leave in respect of any one relevant person.
- 1.7 Annual Leave entitlements must be taken on existing school closure days that occur during the relevant leave year. Where a secretary is availing/has availed of another type of leave at a time outside of school closures (e.g. Maternity Leave), Annual Leave should be taken before or after the relevant leave type.
- 1.8 Where there are not enough school closure days in the leave year to absorb all Annual Leave entitlements, it is permitted to take the necessary days immediately:
  - a) prior to Maternity, Adoptive, Paternity and Parental Leave and

## Statutory Annual Leave/Public Holidays

- b) after Sick Leave

1.9 Alternatively, a secretary is permitted to carry the balance forward to the following leave year but must then take this leave during school closures.

1.10 A secretary who resigns/retires or whose employment ceases may be entitled to additional payment in lieu of their accrued Annual Leave.

### **2. Recording of Leave**

2.1 Where Annual Leave is availed of in accordance with [paragraph 1.8](#) above, the approved Annual Leave absence must be recorded by the employer on the OLCS, not later than 4 weeks prior to the commencement of the leave.

2.2 The approved Annual Leave is recorded under the OLCS leave category 'Personal Leave', and then sub-category, 'Statutory Annual Leave'.

### **3. Accrual of Annual Leave while on Sick Leave**

3.1 In accordance with Section 19 of the Organisation of Working Time Act, 1997 as amended by Section 86(1) of the [Workplace Relations Act 2015](#) the following applies:

- a) Statutory Annual Leave entitlement continues to accrue during a period of certified Sick Leave.
- b) Statutory Annual Leave so accrued during a period of certified Sick Leave must be availed of within 15 months of the end of the annual leave year in which the leave was accrued.
- c) In accordance with [paragraph 1.7](#), such accrued Annual Leave must be taken during existing school closures, where available.
- d) A secretary who is unable to take their Annual Leave at the appropriate time due to Sick Leave and where there are insufficient school closures available to absorb this leave and who terminates their employment/reaches the end of contract/retires within 15 months of the relevant leave year, may be entitled to payment in lieu of this leave, provided they do not move directly to another Oireachtas funded position in this State.

## **CHAPTER 10 – UNPAID LEAVE**

(Should be read in conjunction with the [General Provisions](#), and [Definitions and Abbreviations](#))

### **1. Unpaid Leave**

- 1.1 Unpaid Leave may be granted to a secretary at the discretion of their employer.
- 1.2 The maximum amount of Unpaid Leave which may be taken in a school year is 5 school days.

### **2. Application Procedures**

- 2.1 Applications for Unpaid Leave should be made to the employer at least 6 weeks prior to the planned commencement date, using the Application Form at [Appendix A](#).

### **3. Recording of Leave**

- 3.1 The approved Unpaid Leave absence must be recorded by the employer on the OLCS, not later than 6 weeks prior to the commencement of the leave.
- 3.2 The approved Unpaid Leave is recorded under the OLCS leave category 'Personal Leave', and then sub-category, 'Unpaid Leave' for Unpaid Leave.

### **4. Status during Unpaid Leave**

- 4.1 An Unpaid Leave absence for part of a school day must be recorded as a full day's absence.
- 4.2 A secretary on approved Unpaid Leave is deemed for all purposes to be in employment at that time, with the exception of remuneration and superannuation.

### **5. Replacement Secretary**

- 5.1 The employer may not appoint a replacement secretary for an Unpaid Leave absence, as it is not paid by the Paymaster.

### **6. Employment while on Unpaid Leave**

- 6.1 A secretary absent on Unpaid Leave may not engage in any type of paid employment.

## Appendix A - Application Form for Unpaid Leave

The Application Form should be fully completed by the secretary and submitted to the employer at least 6 weeks prior to the planned commencement date.

### PART 1 – SECRETARY APPLICATION

Secretary's Name: \_\_\_\_\_ Contact No: \_\_\_\_\_

Home Address: \_\_\_\_\_

Personal Email Address: \_\_\_\_\_

PPSN: \_\_\_\_\_

School Name: \_\_\_\_\_ Roll No: \_\_\_\_\_

Reason for Unpaid Leave: \_\_\_\_\_

Proposed start date: \_\_\_\_\_ Proposed end date: \_\_\_\_\_

### Declaration

I wish to apply for Unpaid Leave in accordance with Chapter 10 (Unpaid Leave) of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Privacy Statement**

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Unpaid Leave application to be processed. Your employer will retain your Application Form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this Application Form can be found at: [gov.ie](http://gov.ie) Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [gov.ie](http://gov.ie). Details of this policy are also available in hard copy from School Secretaries Leave Administration Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659 or [secretaryleave@education.gov.ie](mailto:secretaryleave@education.gov.ie), upon request.

**PART 2– EMPLOYER DECISION**

I certify that I have approved/refused (delete as appropriate) the Unpaid Leave application in accordance with Chapter 10 of Circular 0007/2024 titled '*Leave Entitlements for School Secretaries employed in Recognised Primary and Voluntary Secondary and Community and Comprehensive Schools*'. The following documents will be retained for audit purposes:

1) Application Form for Unpaid Leave

2) Copy of Decision Notice issued to secretary

Approved Unpaid Leave has been recorded on the OLCS

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employer)

***The Application Form should NOT be submitted to the Department of Education. It should be retained in the school with any other relevant documentation for record and audit purposes with the relevant personnel records.***