



Circular Letter 0050/2020

To: The Chief Executives of Education and Training Boards

**Coronavirus (COVID-19):
Arrangements for staff other than Teachers and SNAs who are employed by ETBs**

The Minister for Education and Skills directs you to implement the special arrangements to cater for COVID-19 for staff other than teachers and special needs assistants (SNAs) employed by ETBs in approved posts funded by monies provided by the Oireachtas.

These special arrangements are to be implemented by each employer with immediate effect and all staff must adhere to the special arrangements.

The general principles to apply to the management of COVID-19 include the safety and welfare of employees and the minimisation of the impact on teaching and learning. Employers will need to consider how best to deploy employees to facilitate the delivery of educational services.

Employers are working to implement measures to ensure the safety of the workplace for all employees, as provided for in the Return to Work Safely Protocol.

This Circular supersedes Circular 0025/2020 titled 'Coronavirus (COVID-19) Delay Phase: Arrangements for staff other than Teachers and SNAs who are employed by Education and Training Boards.

Please ensure that copies of this Circular are provided to all Education and Training Boards and its contents are brought to the attention of all **staff other than Teachers and SNAs** 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 ETBI. Any further queries may be directed to the Department of Education and Skills at the following email address: esr@education.gov.ie.

This Circular can be accessed on the Department of Education and Skills' website at www.education.ie.

Tara Carton
Principal Officer
External Staff Relations
12 August 2020

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Definitions

For the purpose of this Circular the following terms have the meanings assigned to them here unless the context indicates otherwise.

Cocoon – means an employee who is at very high risk of serious illness from contracting COVID-19 and is required to stay at home as much as possible and avoid physical contact with other people.

DPER – means Department of Public Expenditure and Reform.

DEASP – means Department of Employment Affairs and Social Protection.

Employee - means all staff other than teachers and special needs assistants (SNAs) employed in ETBs in approved posts funded by monies provided by the Oireachtas.

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

GDPR - means the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

HSE – means Health Service Executive.

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

The Department - means The Department of Education and Skills.

1. Introduction

- 1.1 Coronavirus (COVID-19) is a virus that can cause illness affecting the lungs and airways.
- 1.2 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work.

2. Purpose of this Circular

- 2.1 The purpose of this Circular is to cater for COVID-19 for staff other than teachers and special needs assistants (SNAs) employed in ETBs in approved posts funded by monies provided by the Oireachtas.

3. Pre-Return to Work Form

- 3.1 Each employer must have a COVID-19 Response Plan in place in order to re-open safely. It is incumbent on all employees returning to the workplace to fully comply with their employer's COVID-19 Response Plan. As part of this Response Plan, the Pre-Return to Work form is one of the measures designed to assist with the safe return of all employees to the workplace.
- 3.2 All employees are required to complete the COVID-19 Pre-Return to Work Form which must be completed at least 3 days before an initial return (the 3 day timeframe can include weekends). Employees should notify their employer if there are any changes to their circumstances at any stage. In circumstances where employees have returned to the workplace or have been working remotely, they too must complete the form immediately.

4. Special Leave with Pay

- 4.1 Special leave with pay will be granted by the employer, for those employees who have been:
 - a) diagnosed with COVID-19 or
 - b) recommended to self-isolate
- 4.2 The employee must provide HSE/medical certification to the employer to include estimated date of fitness to return to work. Where an employee who provides tuition to learners has been granted special leave with pay, the employer may appoint a substitute to fulfil the duties.
- 4.3 Special leave with pay for employees who are not required to work due to COVID-19 should be based on basic salary and fixed allowances only.
- 4.4 Special leave with pay granted by the employer will not be counted as part of the employee's Sick Leave record.
- 4.5 Similar to the general principles applying to the management of Sick Leave, the employee must contact the employer as soon as possible, in accordance with the employer's normal absence reporting arrangements. Where circumstances or diagnosis changes, the employee must also inform the employer immediately.
- 4.6 An employee is not entitled to days in lieu of bank holidays whilst in receipt of special leave with pay.
- 4.7 It is considered good practice in maintaining a positive wellbeing culture in the ETB to have appropriate contact between the employer and the employee during periods of leave. The nature of this contact should focus on the welfare of the employee and the facilitation of a successful return to work.

- 4.8 The special leave with pay absence must be recorded by the employer on the relevant ETB system. The approved special leave should be recorded by the employer as the Department may require statistical data.
- 4.9 Public service employees who can avail of the special leave with pay for COVID-19 are excluded from claiming the special DEASP COVID-19 illness benefit payment.

5. Application Procedures for Special Leave with Pay

- 5.1 An employee who has been HSE/medically diagnosed with Covid-19 or has been recommended to self-isolate must complete the Application Form at Appendix A to apply for special leave with pay.
- 5.2 The completed Application Form should be forwarded by the employee to the employer as soon as possible. The completed form must be accompanied by appropriate HSE/medical certification to include estimated date of fitness to return to work.

6. Self-Isolation

- 6.1 Self-isolation means staying indoors and completely avoiding contact with other people. This includes other people in the household, as much as possible. An employee with COVID-19 symptoms will be medically/HSE advised to self-isolate while he/she waits for a COVID-19 test appointment and test results.
- 6.2 The latest criteria for self-isolation and as updated by the HSE must be followed. The current criteria for self-isolation are at:-
<https://www2.hse.ie/conditions/coronavirus/self-isolation-and-limited-social-interaction.html>.
- 6.3 The employee must inform the employer where HSE or medical advice is that he/she must self-isolate. Subject to the provision of the appropriate HSE/medical certification and completion of the Application Form at Appendix A, special leave with pay will be granted by the employer and applies up until the COVID-19 test result is obtained.
- 6.4 The employee must arrange a COVID-19 test as soon as possible and must immediately inform the employer of the COVID-19 test result.
- 6.5 Where the COVID-19 test result is positive, the employee remains on special leave with pay and must be recorded by the employer as 'COVID-19: Diagnosis' on the relevant ETB system.
- 6.6 For any non-COVID-19 illness, following the necessary period of self-isolation, the terms and conditions of the Sick Leave Scheme apply.

7. COVID-19 Diagnosis

- 7.1 The employee must inform the employer where he/she has tested positive for COVID-19. Subject to the provision of the appropriate HSE/medical certification and completion of the Application Form at Appendix A, special leave with pay will be granted by the employer.
- 7.2 it is advised that in a confirmed COVID-19 infection, an employee needs to be 14 days post onset of symptoms and also 5 days fever free (which may run concurrently) before returning to the

workplace. It should be noted that the 14 days is from the onset of symptoms and not the date of receiving a positive COVID-19 test result.

- 7.3 These arrangements do not preclude an employee working from home at an earlier stage, if this is feasible, depending on the individual case.
- 7.4 The OHS advice must be sought by the employer, where an employee is absent in excess of the period as detailed at paragraph 7.2.
- 7.5 When the employee returns to work, he/she must be informed by the employer of the procedures in the employment centre regarding social distancing, use of personal protective equipment and hand washing techniques.

8. Restricted Movement other than following Non-Essential Travel Overseas

- 8.1 An employee with no COVID-19 symptoms will be medically/HSE advised to restrict his/her movements for 14 days if he/she is a close contact of a confirmed case of COVID-19 or lives with someone who has COVID-19 symptoms. This is to avoid contact with other people and social situations as much as possible. The 14 day period is from the last date of contact with the diagnosed person.
- 8.2 An employee who has been advised to restrict his/her movements must arrange a COVID-19 test as soon as possible.
- 8.3 The latest criteria for restricted movement and as updated by the HSE must be followed. The current advice on restricted movements is at:
<https://www2.hse.ie/conditions/coronavirus/managing-coronavirus-at-home/if-you-live-with-someone-who-has-coronavirus.html#restrict>.
- 8.4 An employee who has been advised to restrict his/her movements must complete the Declaration Form at Appendix B and return it immediately to the employer, accompanied by medical certification (GP/HSE) and to include date of fitness to return to work. Where medical diagnosis changes, the employee must inform the employer immediately.
- 8.5 An employee who has been advised to restrict his/her movements and is medically fit for work, remains available for work. The employee should be assigned work for the 14 day period and the employer must therefore facilitate alternative working arrangements to the maximum extent possible e.g. working from home. If remote working in an employee's current role is not feasible, then the assignment of work may be outside of their usual core duties. All employees must cooperate with all such flexibilities while they are restricting their movements. Further details are available at paragraph 12.
- 8.6 Where an employee who provides tuition to learners has been advised to restrict his/her movements, the employer may appoint a substitute to fulfil the duties.
- 8.7 An employee on restricted movement must be recorded on the relevant ETB system.
- 8.8 Where an employee on restricted movement tests positive for COVID-19, paragraph 7 will apply.

9. Restricted Movement following Non-Essential Travel Overseas

- 9.1 The current Government advice is not to travel overseas.

- 9.2 Any person coming into Ireland, (apart from Northern Ireland and individuals arriving in Ireland from locations with a security rating of normal precautions “Green List”), is required to restrict their movements for 14 days.
- 9.3 Responsibility to provide for the period of restricted movements arising from non-essential travel overseas is a matter for each individual employee. Where there is an intention to undertake non-essential travel overseas, all employees must make provision for the 14 day period of restricted movement, by way of an additional annual leave or an unpaid leave application, in line with the normal terms and conditions.
- 9.4 Employees must advise their employer in advance in writing of such travel abroad and to include the travel details. This requirement is necessary for the protection of public health.
- 9.5 Should an employee return from a “Green List” country, there will be no requirement to restrict his/her movements. However, an employee should notify his/her employer in advance in writing, to include the travel details, of their intention to travel abroad to a “Green List” country. The “Green List” will be regularly reviewed and may change, and employees should be aware that whatever restricted movement requirements are in place on their date of return will apply to them.
- 9.6 Employees should log on to www.dfa.ie immediately prior to their return to Ireland to ensure they are fully appraised of any changes to the “Green List”, and any necessary requirement to restrict their movements.

10. Very High Risk Group

- 10.1 The HSE advice on the ‘very high risk’ groups is at: <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>. The ‘very high risk’ group is currently advised to cocoon.
- 10.2 Having considered the HSE advice and information available on the [HSE](http://www.hse.ie) website, an employee who believes he/she is at very high risk of serious illness from contracting COVID-19 must immediately contact their employer’s HR Department for details of the ETB’s OHS provider. The employee must then immediately contact the OHS provider for assessment and submit a completed ‘Report from Treating Consultant’ (Appendix C). Where such a report cannot be obtained from the treating consultant within a short timeframe, a copy of the latest treating consultant’s report can be obtained from the employee’s GP. Where the OHS confirms that the employee is at “very high-risk”, the employee must complete a Declaration Form (Appendix D) and must inform the employer immediately of their requirement to cocoon.
- 10.3 Having considered the medical information provided with the ‘OHS Risk Assessment’, the OHS will provide the employee with a ‘COVID-19 Risk Assessment Report’ which advises whether he/she is at a very high risk of serious illness from contracting COVID-19.
- 10.4 For employees where the ‘OHS Risk Assessment Report’ advises that they are at a very high risk of serious illness from contracting COVID-19 and cannot attend the workplace, the Declaration Form at Appendix D must be completed by the employee and returned immediately to the employer accompanied by the OHS Covid-19 Risk Assessment Report. Where medical diagnosis changes, the employee must inform the employer immediately.
- 10.5 In accordance with DPER guidance, where an employee who is at a very high risk of serious illness from contracting COVID-19 and is medically fit for work, the employer should prioritise alternative working arrangements to the maximum extent possible e.g. working from home. If remote working in an employee’s current role is not feasible, following consultation with the

employee, then the assignment of work may be outside of their usual core duties. Further details are available at paragraph 12.

- 10.6 Where an employee who provides tuition to learners has been advised by the OHS that he/she is at very high risk of serious illness from contracting Covid-19 and is not attending the workplace, the employer may appoint a substitute to fulfil the duties.
- 10.7 Where an employee who is at very high risk of serious illness from contracting COVID-19 and has been assessed by the OHS as medically unfit for work due to a non-COVID-19 illness, the terms and conditions of the Sick Leave Scheme apply.
- 10.8 An employee assessed by the OHS as being in the 'very high risk' category must be recorded by the employer as such on the relevant ETB system.

11. High Risk Group

- 11.1 The HSE advice on the 'high risk' group is at: <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html> An employee in the 'high risk' group who is not ill must attend the workplace, unless advised otherwise by the OHS.
- 11.2 In accordance with HSE advice, an employee in the 'high risk' group should take extra care to practice social distancing and hand hygiene. The use of face coverings and personal protective equipment may also be considered where maintaining social distancing is difficult.
- 11.3 Where concerns remain, particularly where an employee in the 'high risk' group has a role that requires close contact with learners for prolonged periods, the employee must immediately contact their employer's HR Department for details of the ETB's OHS provider and the process at section 10 above will be followed.
- 11.4 Where an employee who has been advised by the OHS not to attend the workplace, the administrative processes at paragraph 10 will apply.

12. Alternative Working Arrangements

- 12.1 An employee who is medically fit for work and who has been advised to restrict his/her movements, or an employee at very high risk of serious illness from contracting COVID-19 is available to work remotely.
- 12.2 The work assigned to the employee should be determined by the employer. If remote working in an employee's role is not feasible, in consultation with the employee, then the assignment of work may be outside of their core duties.

13. Ordinary Sick Leave

- 13.1 Any non-COVID-19 illness must be recorded by the employer as Sick Leave on the relevant ETB system and the terms and conditions of the Sick Leave Scheme will apply. If the employee is subsequently diagnosed with COVID-19, special leave with pay can be retrospectively applied in lieu of Sick Leave.

14. Employee with caring or childcare responsibilities or living with high risk or very high risk individual

In line with central public service arrangements, section 14.1 is in place until 24 August, when it is replaced by sections 14.2 - 14.4 below.

14.1 Special leave with pay is not available for an employee who has COVID-19 related caring or childcare responsibilities or for an employee who is living with a high risk or very high risk individual. Flexible working may be considered on a case-by-case basis, including working from home and/or flexible hours, based on business need.

In line with central public service arrangements, sections 14.2 - 14.4 replace section 14.1 with effect from 24 August onwards

14.2 Special leave with pay is not available for an employee who has COVID-19 related caring or childcare responsibilities, or for an employee who is living with a high risk or very high risk individual.

14.3 However, an employee who wishes to avail of existing relevant leave entitlements is entitled to have such requests considered by his/her employer (e.g. Parental Leave/Carer's Leave). When considering such an application, the employer must take account of the ETB's policy on employee absences.

14.4 Employees who live with a very high risk individual should attend the workplace and should follow the HSE guidelines to protect themselves and to minimise risk of transmission. The implementation of the Return to Work Safely Protocol is intended to minimise the risk of transmission in the workplace.

15. Pregnant Employees

15.1 Under the current HSE guidelines, a pregnant employee is not deemed to be at very high risk of serious illness from contracting COVID-19, unless suffering from a serious heart condition in which case, paragraph 10 will apply.

16. Employee becomes unwell

16.1 It is important to emphasise that any employee who is feeling unwell must not attend the workplace. This applies to any transmissible illness during this COVID-19 emergency period.

16.2 Where an employee becomes unwell in the workplace, the employer should follow the procedures set out in the employer's COVID-19 Response Plan.

16.3 In line with the HSE Contact Tracing Process, the HSE will contact any employees who have come into close contact with a diagnosed Covid-19 case via the contact tracing process. The HSE instructions should be followed and employee confidentiality is essential at all times.

17. Employee Assistance Service

17.1 The Employee Assistance Service is available as a supportive resource for employees. The free phone confidential helpline is available 24 hours a day, 365 days a year.

18. Data Protection

18.1 All documentation relating to special leave with pay 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.

The purpose for which the ETB requires the personal data provided, is for the processing of the special leave with pay and substitute claims. Full details of the ETB's Data Protection Policy setting out how personal data will be used including information regarding rights as a data subject are available on request from each ETB

Article 6(1)(c) in conjunction with Article 9(2)(b) in relation to special category data (including health data) of the GDPR permits the processing of special category data (including health data) for reasons of health and safety. In addition, Article 6(1)(e) in conjunction with Articles 9(2)(i), along with section 53 of the Data Protection Act, 2018, permits the processing of special category data (including health data) for reasons of public interest in the area of public health. The measures are deemed both necessary and proportionate, and include safeguards such as limitation on access to the data, strict time limits for erasure, and other measures such as adequate staff training to protect employees' data protection rights. For further information please visit the Data Protection Commission website.

Application for Special Leave with Pay

Recommendation to self-isolate or Covid-19 diagnosis

The Application Form should be fully completed and submitted to the employer as soon as possible. The completed form must be accompanied by HSE/medical certification to include date of fitness to return to work.

Part 1 - Employee Details

Employee's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

Employment Centre: _____

Part 2 – Details of Special Leave with Pay (based on HSE/medical certification)

Covid-19 diagnosis Recommendation to self-isolate: (tick relevant box)

Start Date (DD/MM/YYYY): _____ End Date (DD/MM/YYYY): _____

Declaration

I wish to apply for Special Leave with Pay in accordance with Circular 0050/2020 titled '*Coronavirus (COVID-19): Arrangements for staff other than Teachers and SNAs who are employed by ETBs*'

The completed application is accompanied by medical/HSE certification.

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

Signature of Employee: _____ Date: _____

Data Protection Privacy Statement

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

Part 3 – Employer Approval

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.

Declaration Form

Restricted Movement Group

The Declaration Form must be completed by the employee who has been advised to restrict his/her movements. The completed form must be accompanied by HSE/medical certification, to include date of fitness to return to work.

Part 1 - Employee Details

Employee's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

Employment Centre: _____

Part 2 – Declaration

I have been medically advised to restrict my movements and cannot attend the workplace.

Start Date (DD/MM/YYYY): _____ End Date (DD/MM/YYYY): _____

The completed application is accompanied by medical/HSE certification.

In accordance with Circular 0050/2020 titled '*Coronavirus (COVID-19): Arrangements for staff other than Teachers and SNAs who are employed by ETBs*', I am available for work in accordance with the terms of this Circular.

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

Signature of Employee: _____ Date: _____

Part 3 – Employer Record

HSE/Medical Confirmation provided

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.

Data Protection Privacy Statement

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

VERY HIGH-RISK GROUP

MEDICAL REPORT FROM TREATING CONSULTANT: COVID 19 RISK ASSESSMENT

Education & Training Board (ETB) Name:	
Address:	
Employee's Place of Employment and Grade:	

ETB's OHS Provider's Name:	
Address:	

Patient Name:	
Date of Birth:	
Home Address:	

The above-named employee of _____ ETB has indicated that he/she may fall into the Very High-Risk Group as defined by current HSE guidelines. The Department of Education & Skills published the Circular "Coronavirus (COVID 19): Arrangements for staff other than Teachers and SNAs who are employed by ETBs". Under the terms of this Circular the employee is required to furnish the ETB's OHS provider with a report from his/her treating consultant with specific information regarding the employee's underlying medical condition(s).

The cost of compilation of all such reports is the responsibility of the employee.

You are requested to complete this form and return it to your patient (details supplied above) for onward submission to the ETB's OHS provider.

Consultant Name:	
Consultant Speciality:	
Exact diagnosis:	
Current treatment, including strengths and dosages:	
Additional medical conditions or complications:	
Comments if any:	

Consultant's Signature:	
Date:	
Consultant stamp:	

Declaration Form

**Very High Risk Group/High Risk Group
(advised to cocoon by the OHS)**

The Declaration Form must be completed by the employee where the Occupational Health Service (OHS) Risk Assessment Report has stated that he/she is at a very high risk or high risk of serious illness from contracting COVID-19 and is advised to cocoon. The completed form accompanied by the OHS 'COVID-19 Risk Assessment Report' must be submitted to the employer as soon as possible.

Part 1 - Employee Details

Employee's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

Employment Centre and role: _____ :

Part 2 – Declaration

Based on the attached OHS COVID-19 Risk Assessment Report, I am advised to cocoon.

In accordance with Circular 0050/2020 titled '*Coronavirus (COVID-19): Arrangements for staff other than Teachers and SNAs who are employed by ETBs*', I am available for work in accordance with the terms of this Circular.

Signature of Employee: _____ Date: _____

Part 3 – Employer Record

OHS Covid-19 Risk Assessment Report provided

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.

Data Protection Privacy Statement

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