



Circular Letter 0078/2022

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

**Bereavement Leave Scheme for Registered Teachers employed
in Recognised Primary and Post Primary Schools**

The Minister for Education, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the procedures, as stated, for eligible registered teachers employed in approved teaching posts funded by monies provided by the Oireachtas.

All employers and teachers 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 relation to Bereavement Leave for registered teachers employed in recognised primary and post primary schools.

Please ensure this Circular is circulated to all members of the Board of Management/Education and Training Board and that its contents are brought to the attention of all teachers 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 address: teachersna@education.gov.ie

This Circular can be accessed on the Department's website at www.gov.ie

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12th December, 2022

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Definitions and Abbreviations

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

'Back to Back' Contract - means a contract which follows immediately from the previous contract with no break in service e.g. one contract ends on 31st August and a new contract will begin from 1st September of the same year.

Employer – means a Board of Management/Manager in the case of primary (excluding community national schools), voluntary secondary, community and comprehensive schools and an Education and Training Board (ETB) for vocational schools/community colleges, community national schools. The Board of Management/Manager or ETB may delegate as appropriate, responsibility for matters set out in this Circular.

ETB – means an Education and Training Board established under, and governed according to the Education and Training Boards Act 2013.

On Line Claims System (OLCS) – means the system for recording of absences and input of claims for the payment of substitute and non-regular part-time teachers which is currently operating in primary, voluntary secondary, community and comprehensive schools.

Paymaster – means the organisation in charge of paying salaries. This is the Department of Education in the case of primary (including community national schools), voluntary secondary, community and comprehensive teachers, and the ETBs or Education Shared Business Services (ESBS) in the case of ETB/vocational/community college teachers.

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

Teacher – means a person registered with the Teaching Council.

The Department – means The Department of Education.

Working Day – means any day from Monday to Friday throughout the calendar year, excluding public/bank holidays. For the purpose of Bereavement Leave entitlement, periods of school closure (e.g. Christmas, summer, mid-term) that occur during the leave period will be recorded as Bereavement Leave.

1. Bereavement Leave Scheme

- 1.1 The purpose of this Circular is to set out the revised provisions under the Bereavement Leave Scheme, which may be granted by the employer to a teacher, in the event of the death of their relative.

2. Entitlement to Bereavement Leave

- 2.1 A teacher is eligible for special leave with pay in the event of the death of any relative listed at [Appendix A](#) of this Circular. The number of days special leave with pay that may be granted will depend on the relative, as detailed at Appendix A.
- 2.2 Bereavement Leave must be availed of at the time of the bereavement, to facilitate the teacher with time off from work.
- 2.3 In exceptional circumstances, where the funeral is held at a later date (e.g. funeral abroad), Bereavement Leave may be granted at that time, at the discretion of the employer.
- 2.4 Bereavement Leave must be taken over a consecutive period. The Bereavement Leave entitlement is calculated based on the working days, with periods of school closure included, and public/bank holidays and weekends excluded. Please refer to the examples set out at [Appendix B](#) of this Circular.
- 2.5 With regard to a teacher who is currently job-sharing, the amount of Bereavement Leave granted will depend on whether the teacher was scheduled to work during the period of leave. Please refer to example 3 set out at [Appendix B](#).
- 2.6 Where a teacher is already absent on other approved leave (e.g. Sick Leave, Maternity Leave, Carer's Leave, Parental Leave, Marriage Leave) when the bereavement occurs, it cannot be replaced with Bereavement Leave.
- 2.7 There is no requirement for a teacher to avail of the full amount of Bereavement Leave entitlement. In certain situations, a teacher may wish to return to work sooner.

3. Application Procedures

- 3.1 A teacher absent due to a bereavement should notify the employer immediately.
- 3.2 An application for Bereavement Leave should be made to the employer as soon as is reasonably practicable after the bereavement, using the Application Form at [Appendix C](#) of this Circular.
- 3.3 Where an employer has determined there is no entitlement, or a lesser entitlement to Bereavement Leave under this Circular, the employer must provide the teacher with a written notice of their decision and the grounds for refusal, as soon as possible i.e. where the application does not meet the criteria for Bereavement Leave entitlement under this Circular.

4. Recording of Leave

4.1 Following the employer's approval of the Bereavement Leave, the absence must be recorded by the employer on the OLCS/relevant ETB system in a timely manner.

4.2 For schools using the Department's OLCS, Bereavement Leave must be recorded on the OLCS under 'Personal Leave', sub-category titled 'Bereavement Leave'.

4.3 Interim arrangements for recording of Bereavement Leave on OLCS:

(a) At publication stage of this Circular, the 'Bereavement Leave' sub-category will be under development in the Department.

(b) Pending the availability of the 'Bereavement Leave' sub-category on the OLCS, the following arrangements apply:-

i) the employer may record the Bereavement Leave under the current sub-category titled 'Death in Family'.

ii) where a teacher's approved Bereavement Leave entitlement is 5 working days or more, the employer must contact the Department at onlineclaims@education.gov.ie to request the additional leave to be recorded on the OLCS.

iii) in such cases, the employer must provide the following information to the Department, so that the leave can be recorded:-

- Teacher's Name
- Teacher's PPS Number
- Roll No. of school where teacher currently employed
- Start date and end date of approved Bereavement Leave period
- Relationship of deceased to teacher

(c) Employers will be informed via the OLCS, when the 'Bereavement Leave' sub-category is available to schools to record this leave.

4.4 ETB schools must record Bereavement Leave on their relevant ETB system.

5. Status during Bereavement Leave

5.1 A teacher on Bereavement Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. Bereavement Leave is fully reckonable for seniority and progression on the incremental salary scale.

6. Replacement Teacher

6.1 The employer may appoint a substitute teacher, paid by the Paymaster while a teacher is absent on Bereavement Leave and this must be recorded on the OLCS/relevant ETB system.

7. Employment while on Bereavement Leave

- 7.1 A teacher on Bereavement Leave may not engage in any type of teaching or other paid employment.

8. Leave Entitlements for Fixed Term/Fixed Purpose Appointments

- 8.1 A teacher who is on a fixed term/fixed purpose contract of employment shall, during the term of the contract, have full leave entitlements under the Bereavement Leave Scheme. The granting or taking of this leave should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

- 8.2 A teacher's entitlement to Bereavement Leave shall cease on the expiry of a contract and that contract not having been renewed unless that contract is followed directly by a 'back to back' contract in an approved teaching post funded by monies provided by the Oireachtas.

9. Contact during Leave

- 9.1 It is considered good practice in maintaining a positive wellbeing culture in the school, to have appropriate contact between the employer and the teacher during periods of leave. The nature of this contact should focus on the welfare of the teacher and the facilitation of a successful return to work.

10. Employee Assistance Service

- 10.1 The [Employee Assistance Service](#), which is currently provided by Spectrum.Life, is available as a supportive resource for employees. The freephone confidential helpline is 1800 411 057 and is available 24 hours a day, 365 days a year.

11. Correspondence Address

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

12. Compliance

- 12.1 Failure to abide with the terms 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 teachers and/or withdrawal of substitute cover for schools.

13. Retention of Documentation

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

Appendix A - Bereavement Leave Entitlements

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

Appendix B - Bereavement Leave Sample Calculations

Example 1 – Bereavement Leave entitlement where there are no school closures

- 1) In the event of the death of a teacher's child, there is a maximum Bereavement Leave entitlement of 20 working days.
- 2) John commences Bereavement Leave on 9th January 2023, due to the death of his child.
- 3) Bereavement Leave entitlement is calculated based on the working days in the relevant period, with periods of school closure included, and public/bank holidays and weekends excluded.
- 4) John is granted 20 working days Bereavement Leave broken down, as follows:-
 - 9th to 13th January (5 working days)
 - 16th to 20th January (5 working days)
 - 23rd to 27th January (5 working days)
 - 30th January to 3rd February (5 working days)

Example 2 – Bereavement Leave entitlement over school closure period

- 1) In the event of the death of a teacher's spouse, there is a maximum Bereavement Leave entitlement of 20 working days.
- 2) Anne commences Bereavement Leave on 21st December 2022, due to the death of her spouse. The school closes for the Christmas holiday period on 23rd December and will re-open on 9th January 2023.
- 3) Bereavement Leave entitlement is calculated based on the working days in the relevant period, with periods of school closure included, and public/bank holidays and weekends excluded.
- 4) Anne is granted 20 working days Bereavement Leave broken down, as follows:-
 - 21st to 23rd December 2022 (3 working days)
 - 28th to 30th December 2022 (3 working days)
 - 3rd to 6th January 2023 (4 working days)
 - 9th to 13th January 2023 (5 working days)
 - 16th to 20th January 2023 (5 working days)

Example 3 – Bereavement Leave entitlement for job-sharing teacher

- 1) In the event of the death of a teacher's father, there is a maximum Bereavement Leave entitlement of 5 working days.
- 2) Mary is a job-sharing teacher who works a split week i.e. 3 day/2 day. She is due to work 12th to 14th December 2022 (Monday to Wednesday) and the following week from 22nd to 23rd December (Thursday to Friday). Mary commences Bereavement Leave on Wednesday 14th December due to the death of her father.
- 3) Bereavement Leave entitlement is calculated based on the working days in the relevant period, with periods of school closure included, and public/bank holidays and weekends excluded.
- 4) Mary is granted 1 working day Bereavement Leave, as follows:-
 - 14th December (1 day of bereavement leave)
- 5) Mary is due to return to work on 22nd December.

Example 4 – Bereavement Leave entitlement where death occurs at weekend

- 1) In the event of the death of a teacher's brother, there is a maximum Bereavement Leave entitlement of 5 working days.
- 2) The death of Joe's brother occurs on Saturday 4th February 2023. Joe commences Bereavement Leave on Tuesday 7th February, because Monday 6th February is a bank holiday.
- 3) Bereavement Leave entitlement is calculated based on the working days in the relevant period, with periods of school closure included, and public/bank holidays and weekends excluded.
- 4) Joe is granted 5 working days Bereavement Leave broken down, as follows:-
 - 7th to 10th February 2023 (4 working days)
 - 13th February 2023 (1 working day)

Appendix C - Application Form for Bereavement Leave

Bereavement Leave should be notified to the employer immediately and applied for as soon as is reasonably practicable after the bereavement. The teacher must fully complete and submit the Application Form to the employer.

PART 1A – TEACHER APPLICATION

Teacher's Name: _____ Contact No.: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No.: _____

PART 1B – DETAILS OF THE DECEASED

Name of deceased: _____

Relationship to teacher: _____

Date of death: _____

Bereavement Leave commencement date: _____

Bereavement Leave end date: _____

Number of working days: _____

Declaration

I wish to apply for Bereavement Leave in accordance with the Bereavement Leave Scheme as set out in Circular 0078/2022.

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

Signature of Teacher: _____ 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 Bereavement 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. 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. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 2 – EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) Bereavement Leave in accordance with the Bereavement Leave Scheme as set out in Circular 0078/2022. The following documents will be retained for audit purposes:

- | | |
|--|--------------------------|
| 1) Application for Bereavement Leave | <input type="checkbox"/> |
| 2) Proof of bereavement (e.g. publication on rip.ie) | <input type="checkbox"/> |

Approved Bereavement Leave has been recorded on the OLCS/relevant ETB system	<input type="checkbox"/>
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Signature: _____ Date: _____
(Employer)

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