



Information Note TC 0025/2021

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

**COVID-19: Working Arrangements for
Very High Risk Teachers and Special Needs Assistants
and
Pregnant Teachers and Special Needs Assistants
employed in recognised Primary and Post Primary Schools
- 2021/22 School Year**

Introduction

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 registered teachers and Special Needs Assistants (SNAs) employed in approved posts funded by monies provided by the Oireachtas.

All employers, teachers and SNAs must adhere to the terms and conditions as stated with effect from the date of this Information Note.

This Information Note **replaces Information Note TC 0013/2021.**

Please ensure that this Information Note is circulated to all members of the Board of Management/Education and Training Boards and its **contents are brought to the attention of all 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 their representative organisation. Any further queries may be directed to the Department at the following email address: teachersna@education.gov.ie.

This Information Note can be accessed on the Department's website at <https://www.education.ie/en/Education-Staff/Services/Breaks-Leave/coronavirus-covid19/>

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Definitions and Abbreviations

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

Employee – means teacher or special needs assistant

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

ETB – means Education and Training Board

HPSC – means Health Protection Surveillance Centre

HSE – means Health Service Executive

Occupational Health Service (OHS) – means the providers of independent medical advice on occupational health to the employer. Medmark Occupational Healthcare Ltd. is the current OHS provider.

On Line Claims System (OLCS) – means the system for recording absences and claiming substitution currently operating in primary, voluntary secondary, community and comprehensive schools.

Significant Vaccine Protection – means as currently specified in the [HPSC publication titled 'Guidance on the Impact of Vaccination on contact tracing'](#). Please note this definition may change over time.

The Department – means the Department of Education



1. COVID-19 Health Risk Categorisation Assessments – Very High Risk Group

- 1.1 The most recent HSE advice for the higher risk groups is at link: <https://www2.hse.ie/conditions/coronavirus/people-at-higher-risk.html>.
- 1.2 In the 2020/21 school year, an employee categorised by the OHS as at 'Very High Risk' of serious illness from contracting COVID-19 was facilitated by the employer to work remotely i.e. work from home. As the COVID-19 vaccination programme is rolled out and further evidence of the efficacy of vaccinations becomes available, it is now possible to consider workplace attendance for these employees.
- 1.3 In accordance with the Department's Information Note TC 0013/2021 of 5th May, 2021, where the OHS previously categorised an employee as 'Very High Risk', the COVID-19 Health Risk Categorisation Report expired on 30th June, 2021.
- 1.4 In advance of the 2021/22 school year, an employee who considers he/she is at very high risk of serious illness from contracting COVID-19 has been advised by the Department to submit a completed OHS COVID-19 Risk Assessment Questionnaire (available on the [OHS website](#)). The OHS assessment process is detailed at paragraph 4.1 of [Circular 0021/2021](#).
- 1.5 An employee who is over 70 years of age should also submit a COVID-19 Risk Assessment Questionnaire to the OHS, before they can attend the workplace.
- 1.6 The [COVID-19 Risk Assessment Questionnaire](#) should be submitted by the employee to the OHS. This questionnaire will remain open for applications until further notice.
- 1.7 Having considered the completed OHS COVID-19 Risk Assessment Questionnaire along with the medical information provided, the OHS will provide the employee with a 'COVID-19 Health Risk Categorisation Report'. This Report advises whether or not the employee is at a very high risk of serious illness from contracting COVID-19 and must be provided to the employer as soon as possible and in advance of the 2021/22 school year if possible.
- 1.8 As knowledge of COVID-19 has increased, some medical conditions that previously placed an employee in the 'Very High Risk' group now places them in the 'High Risk' category or the 'Normal Risk' category.
- 1.9 The HSE has recently published '[Education Sector Guidance on Employees in the COVID-19 Higher Risk Categories, including Pregnant Employees](#)'.
- 1.10 Based on this HSE Guidance, the OHS will take account of whether the employee has 'significant vaccine protection' at the time of the OHS assessment. As part of this assessment, where the employee assessed as 'Very High Risk':



- (a) Does not yet have 'significant vaccine protection', he/she will be categorised as 'Very High Risk' and the employer must facilitate alternative working arrangements i.e. work from home.
 - (b) Has 'significant vaccine protection' he/she will be categorised by the OHS as 'High Risk' and must attend the workplace, if medically fit for work.
- 1.11 Certain immunosuppressive conditions and treatments may affect the efficacy of COVID-19 vaccines. The OHS will take account of this when carrying out the COVID-19 health risk categorisation assessment and may alter the categorisation described at paragraph 1.10(b) above.
- 1.12 Following a workplace risk assessment carried out by the employer, the 'High Risk' employee should take extra care to practice social distancing and hand hygiene. Face coverings and personal protective equipment should also be used where maintaining social distancing is difficult in the workplace. Please also refer to the HPSC's recently published '[Guidance for Schools Regarding Special Needs Assistants \(SNAs\) Supporting Children and Young People with Additional Care Needs in the Context of COVID-19](#)'.
- 1.13 Where an employee is categorised by the OHS as 'Very High Risk', he/she remains available for work and the employer must facilitate alternative working arrangements i.e. work from home.
- 1.14 An employee categorised by the OHS as 'Very High Risk' must be recorded by the employer under the OLCS leave category titled 'Personal Leave', sub-category titled 'COVID-19: Very High Risk Group' on the OLCS or on the relevant ETB system.

2. COVID-19 Health Risk Categorisation Assessments – Pregnant Employees

- 2.1 A pregnant employee who has any of the medical conditions as listed on the [HSE](#) website under 'Very high risk groups (extremely vulnerable)' should follow the process as detailed at paragraph 4.1 of [Circular 0021/2021](#), with regard to a COVID-19 Health Risk Categorisation assessment.
- 2.2 Based on the HSE Guidance for the education sector, a pregnant employee up to 14 weeks gestation, who is medically fit for work can safely attend the workplace, unless they are categorised by the OHS as 'Very High Risk' due to an underlying medical condition unrelated to their pregnancy.
- 2.3 The recent HSE Guidance for the education sector advises that all pregnant employees should submit a COVID-19 Risk Assessment Questionnaire to the OHS before the end of their first trimester. The process as detailed at paragraph 4.1 of [Circular 0021/2021](#) should be followed.
- 2.4 Based on the HSE Guidance, the OHS will take account of whether the pregnant employee has 'significant vaccine protection' at the time of the OHS assessment.



- 2.5 From 14 weeks gestation, a pregnant employee who:
- (a) Does not yet have 'significant vaccine protection' and has no underlying medical condition, will be categorised by the OHS as 'High Risk' and must attend the workplace, following a workplace pregnancy risk assessment, if she is medically fit for work.
 - (b) Does not yet have 'significant vaccine protection', and has an underlying medical condition, she will be categorised by the OHS as either 'High Risk' or 'Very High Risk', based on most up to date HSE advice for higher risk groups. Where the employee is categorised by the OHS as 'High Risk' she must attend the workplace, following a workplace pregnancy risk assessment, if she is medically fit for work. Where she is categorised by the OHS as 'Very High Risk', she remains available for work and the employer must facilitate alternative working arrangements i.e. work from home.
- 2.6 Where the pregnant employee, assessed as 'Very High Risk':
- (a) Has 'significant vaccine protection', she will be categorised by the OHS as 'High Risk' and must attend the workplace, following a workplace pregnancy risk assessment, if medically fit for work.
- 2.7 Where the pregnant employee, assessed as 'High Risk':
- (a) Has 'significant vaccine protection', she will be categorised by the OHS as 'Normal Risk' and must attend the workplace, following a workplace risk assessment, if medically fit for work.
- 2.8 Certain immunosuppressive conditions and treatments may affect the efficacy of COVID-19 vaccines. The OHS will take account of this when carrying out the COVID-19 health risk categorisation assessment and may alter the categorisation described at paragraphs 2.6 and 2.7 above.
- 2.9 For a non-COVID-19 related high risk pregnancy, where an employee is medically unfit for work, the terms and conditions of the Sick Leave Scheme will apply i.e. pregnancy related illness provisions.
- 3. Pregnant Employees Working in a Special Education Setting**
- 3.1 Based on the HSE Guidance, it is recognised that a different workplace risk may arise in special education settings due to employees finding themselves working in intimate environments and where social distancing is more difficult. The characteristics of special education settings warrant greater care with respect to the placement of pregnant employees.
- 3.2 A pregnant employee from 14 weeks gestation, who is categorised as 'High Risk' as described at [paragraph 2.5](#) and [2.6](#) of this Information Note, should subject to paragraph 3.3 below, not be required to work in an environment which meets the following criteria:



- (a) **A Special Education setting** which means a special school or a dedicated special class within a mainstream primary or post primary school; **with**
 - (b) the presence of three or more employees in a single room, throughout the working day; **and**
 - (c) where social distancing between the employees in the special education setting is not consistently possible.
- 3.3 Where it is concluded that the above criteria apply to the working environment of the pregnant 'High Risk' employee, following a workplace risk assessment carried out by the employer, she will be excused temporarily from attending this special education setting, during her pregnancy.
- 3.4 In the case of a special education class in a mainstream school, the employer must prioritise the re-assignment of the pregnant employee to a role within the school, outside of this special education setting. An existing employee within the school, whose current role is outside this special education setting will then be re-assigned to the special education class.
- 3.5 In the case of a special education setting in a special education school, the employer must prioritise the re-assignment of the pregnant employee to a role within the school, outside of this special education setting if possible. An existing employee within the school, whose current role is outside this special education setting will then be re-assigned to the special education class. In the rare circumstances, where the employer can demonstrate that this re-assignment is not possible, the employer must facilitate alternative working arrangements for the pregnant 'High Risk' employee during this period i.e. work from home.
- 3.6 Where the 'High Risk' pregnant employee, as determined by the OHS, in the special education school is facilitated to work from home, the employer may appoint a substitute, paid by the Department/ETB.
- 3.7 The recording process for a 'Very High Risk' employee as detailed at [paragraph 1.14](#) of this Information Note must also be followed for a pregnant 'High Risk' employee working from home.

4. Change in COVID-19 Health Risk Categorisation during 2021/22 school year

- 4.1 The employee's COVID-19 Health Risk Categorisation Report will include an expiry date, as determined by the OHS, based on the individual assessment.
- 4.2 However, an employee's existing COVID-19 Health Risk Categorisation Report may be reviewed at any time during the 2021/22 school year due to a change in:-

(a) HSE advice

Where HSE advice is updated for the higher risk group, this may change the COVID-19 health risk categorisation. The OHS will contact the employee who submitted a COVID-19 Risk Assessment Questionnaire, to invite them to re-submit a new Questionnaire. Where the employee is re-categorised by the



OHS, they will be required to return to the workplace, unless they are categorised as 'Very High Risk'.

(b) Medical diagnosis

Where medical diagnosis or treatment changes, the 'High Risk' or 'Very High Risk' employee must submit a new COVID-19 Risk Assessment Questionnaire to the OHS. Where a 'Very High Risk' employee is re-categorised by the OHS, they will be required to return to the workplace.

(c) Vaccination status

Where the 'Very High Risk' employee has gained 'significant vaccine protection' since the OHS assessment was carried out, this may change the COVID-19 health risk categorisation. The employee must submit a new COVID-19 Risk Assessment Questionnaire to the OHS. Where the employee is re-categorised by the OHS, they will be required to return to the workplace unless they are categorised as 'Very High Risk'.

5. Remote Working Arrangements – 'Very High Risk' Group

- 5.1 An employee who is medically fit for work and has been categorised as 'Very High Risk' by the OHS remains available to work from home. Similarly, a 'High Risk' pregnant employee who is medically fit for work and has been facilitated with alternative working arrangements subject to paragraphs [3.2](#) and [3.3](#) above, remains available to work from home.
- 5.2 The work assigned to the employee should be determined by the employer and may include relevant duties that support the work of the school in developing and delivering its programmes of teaching and learning for students.
- 5.3 Where the current role of the 'Very High Risk' employee is unsuitable for remote working, they may be assigned work outside of their usual core duties or given a new role.
- 5.4 An employer may be asked to determine if their 'Very High Risk' employee will provide educational services to their pupils. Any employee who is not required to be retained in providing educational services will therefore be available to be assigned on a temporary basis to support delivery of other essential public services.
- 5.5 The Department will issue further communication over the summer regarding remote working duties/arrangements for employees categorised by the OHS as 'Very High Risk' for the 2021/22 school year.

6. COVID-19 Response Plan

- 6.1 All employers are required to have an up to date COVID-19 Response Plan in place. Those employees deemed 'High Risk' can attend the workplace safely where the school is implementing the COVID-19 Response Plan and the health advice for schools.



7. Workplace Risk Assessments

7.1 The employer has obligations under the Safety, Health and Welfare at Work Act, 2005 to ensure the safety and welfare of staff at work. It is the duty of the employer to carry out a workplace risk assessment to meet these obligations. The employer should also review existing risk assessments to consider any new risks that arise due to the school's COVID-19 Response Plan. Any changes to the school's current risk assessments should be documented and incorporated into the school's Safety Statement.

7.2 The Safety, Health, and Welfare at Work legislation places a statutory obligation on the employer, as soon as it is notified by the employee that she is pregnant, to assess any specific risk in the workplace to that employee and to ensure that the pregnant employee is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant employee.

7.3 Specific questions on health and safety and for updated legislation, please refer to the Health and Safety Authority (HSA) at link: <https://www.hsa.ie>.

8. COVID-19 Vaccinations

8.1 Where a teacher or SNA has a COVID-19 vaccination appointment during school hours, the absence will be treated in the same manner as other medical appointments.

8.2 In this regard, paragraph 1.3 of the Sick Leave Scheme as contained in [Circular 0054/2019](#) for teachers and [Circular 0060/2019](#) for SNAs refers.

'Sick Leave may be granted to a teacher or SNA who is unable to perform his/her duties

- because of illness, injury or

- when absent for the purpose of obtaining medical related services (e.g. Doctor/Dentist) provided such appointments could not have been arranged outside of regular working hours or working days.'

8.3 Similar to the Sick Leave Scheme, the employee should provide confirmation of the vaccination appointment.

8.4 Where an employee has side effects following the COVID-19 vaccination, resulting in absence from duty, the terms and conditions of the Sick Leave Scheme will apply.

9. Employee Assistance Service

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