



PRIMARY BRANCH

SPECIAL LEAVE UNDER THE TERMS OF RULE 116

NOTICE TO BOARDS OF MANAGEMENT AND PRINCIPAL TEACHERS

The Minister for Education and Science wishes to inform Boards of Management and Principal Teachers of National Schools that applications should now be submitted by teachers who wish to be granted special leave under the terms of Rule 116 to attend a course for the academic year 2005/2006. In keeping with the original intention of the Rule it will be necessary for applicants to show that the course for which they are seeking the leave of absence is demonstrably relevant to teaching in the primary sector.

Application forms are available on the Department of Education & Science website at www.education.ie or from Primary Administration Section 1, Department of Education and Science, Athlone, Co. Westmeath (Tel. 09064 83736). The completed form together with the syllabus of the course in question should be returned to the Department not later than **23 June 2005**.

Any queries in connection with this circular should be directed to Primary Administration Section 1, Department of Education and Science, Athlone, Co. Westmeath (Phone 09064 83736).

This circular is also available on the Department's website at www.education.ie.

Please provide a copy to members of the Board of Management and to the appropriate representatives of parents and teachers for transmission to individual parents and teachers.

J. Bracken
Principal Officer
June, 2005

[Application Form](#)

Special Leave under the terms of Rule 116 is granted on the following basis:

Normally not more than one teacher from a school may be granted special leave at any one time.

The course should be of a minimum duration of one academic year leading to a recognised qualification.

Teachers must hold a permanent position and have satisfactorily completed their probation.

The applicant must have received the approval of the Board of Management.

The employment and payment of a fully qualified substitute, for the duration of the course, remains the responsibility of the applicant.

When employing a qualified substitute, teachers granted leave must strictly adhere to the relevant conditions of payment and apply fully the rates of remuneration payable to qualified substitute teachers employed by Boards of Management. Please note that under the terms of the Protection of Employees (Part-time Work) Act, 2001 and as agreed between the parties to the Conciliation and Arbitration Scheme for Teachers, a qualified substitute teacher employed by a Board of Management is paid at a fixed daily rate until s/he has worked for a period in excess of 40 days in a school during the academic year. In the event that such a qualified substitute teacher works for more than 40 days in the academic year, each additional day worked over and above 40 days is paid at a personal daily rate. The personal daily rate is determined by the incremental point of the common basic scale and appropriate qualification allowance. Superannuation deductions have also been introduced for substitute teachers with effect from 1 January, 2005. Department of Education and Science Payroll Division Circular Pay 28/04 sets out the arrangements for the payment of substitute teachers employed by Boards of Management with effect from 1 January, 2005 and is available on the Department website www.education.ie under Education Personnel/Payroll Division.

In the event of a trained substitute not being available at any stage during the course, the teacher may be expected to return to his or her post in the school.

Once a teacher has commenced a course and employed a substitute under the Rule, substitute cover must be continuous up to the end of the approved course.

Teachers granted leave under Rule 116 and who subsequently are unable to avail of the leave should inform the Department (Primary Administration Section 1, Athlone) at the earliest possible opportunity.

Similarly, the Department must be informed if their course of study is terminated at any stage.

At the end of the academic year, teachers are required to provide certification that their attendance at the course was satisfactory.

Teachers must undertake to return to teaching in the school year following their course.

The applicant agrees that the Minister may have inquiries made at any time with the university/college concerned in order to establish that the attendance record of the applicant is satisfactory.

It should be noted that post of responsibility allowances will not be payable to a teacher on leave of absence under the terms of Rule 116.

PRINCIPAL TEACHERS ARE ASKED TO BRING THE TERMS OF THIS CIRCULAR TO THE NOTICE OF EACH MEMBER OF THE STAFF IN THE SCHOOL.