



Circular Letter 0063/2023

To: The Chief Executives of Education and Training Boards

Domestic Violence Leave for staff other than persons employed as Teachers and Special Needs Assistants employed in Education and Training Boards

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 eligible staff employed in approved posts funded by monies provided by the Oireachtas.

All employers and staff must adhere to the agreed terms and conditions as stated with immediate effect.

Please ensure that the contents of this Circular are brought to the attention of all members of the Education and Training Boards and all staff in your employment, including those on leave of absence.

Queries should be sent in the first instance to hr@etbi.ie for response and for collation and forwarding to Department of Education where appropriate.

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

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13 December 2023

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Definitions and Abbreviations

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

Cohabitant - means one of 2 adults (whether of the same or the opposite sex) who live together as a couple in an intimate and committed relationship and who are not related to each other within the prohibited degrees of relationship or married to each other or civil partners of each other.

Employer – means an Education and Training Board (ETB). The 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.

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

1. Domestic Violence Leave

1.1 Domestic Violence Leave is statutory leave regulated by the Work Life Balance and Miscellaneous Provisions Act 2023.

1.2 A staff member, who is a victim of domestic violence, or a staff member who is assisting a relevant person (as defined in paragraph 2.1), is entitled to apply for Domestic Violence Leave for the following reasons:

- seek medical attention;
- obtain services from a victim services organisation;
- obtain psychological or other professional counselling;
- relocate residence temporarily or permanently;
- obtain an order from a court under the Domestic Violence Act 2018;
- seek advice or assistance from a legal practitioner;
- seek assistance from the Garda Síochána; or
- seek or obtain any other relevant services.

2. Eligibility for Domestic Violence Leave

2.1 Domestic Violence Leave can be availed of by a staff member or where a staff member is providing support to a relevant person. As defined in the Work life Balance and Miscellaneous Provisions Act 2023, a relevant person includes:

- the spouse or civil partner of the staff member;
- the cohabitant of the staff member;
- a person with whom the staff member is in an intimate relationship;
- a child of the staff member who has not attained full age; or
- a person who, in relation to the staff member, is a dependent person

3. Entitlement to Domestic Violence Leave

3.1 Domestic Violence Leave is a period of paid leave and consists of one or more school days, but must not exceed a maximum of 5 work days in a consecutive 12 month period.

4. Arrangements whilst on Domestic Violence Leave

4.1 A staff member who is absent on another form of statutory or non-statutory leave may not be granted Domestic Violence Leave instead of that leave.

4.2 Absence on Domestic Violence Leave for part of a work day constitutes an absence for a full work day.

5. Application Procedures

5.1 The approval of the employer must be sought for Domestic Violence Leave.

5.2 A staff member who avails of Domestic Violence Leave is required to complete the Application Form at [Appendix A](#) of this Circular. The Application Form should be completed and submitted to the employer, as soon as is reasonably practicable prior to or after availing of such leave.

- 5.3 There may be an online facility to make an application for Domestic Violence Leave, rather than completion of the Application Form at Appendix A.
- 5.4 The employer should satisfy themselves that, in the circumstances, an application for Domestic Violence Leave is justified and can be granted.
- 5.5 The employer must provide the staff member with a written acknowledgement confirming receipt of the leave application and their decision to approve/refuse the request. Where an application is refused, the employer must include the grounds for refusal.

6. Recording of Leave

- 6.1 Following the employer's approval of Domestic Violence Leave, the absence must be recorded by the employer in a timely manner, on the relevant ETB system.

7. Status during Domestic Violence Leave

- 7.1 A staff member on Domestic Violence Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. Domestic Violence Leave is fully reckonable for seniority and progression on the incremental salary scale.

8. Replacement Staff member

- 8.1 The employer may appoint a substitute staff member, paid by the Paymaster for the duration of this leave and this must be recorded by the employer via the relevant ETB system.

9. Employment while on Domestic Violence Leave

- 9.1 A staff member on Domestic Violence Leave may not engage in any type of other paid employment.

10. Leave Entitlements for Fixed Term/Fixed Purpose Appointments

- 10.1 A staff member who is on a fixed term/fixed purpose contract of employment shall, during the term of the contract, have full Domestic Violence Leave entitlements. The granting or taking of this leave will not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

11. Data Protection

- 11.1 All documentation relating to the staff member's absence on Domestic Violence Leave 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.

12. Compliance

- 12.1 Failure to comply with the regulations and procedures set out in this Circular may be dealt with under the agreed disciplinary procedures and may lead to cessation of salary for a staff member or withdrawal of substitute cover for a school.

13. Employee Assistance Service

- 13.1. The Employee Assistance Service is available as a supportive resource for staff and provides advice on a range of issues including wellbeing, legal, financial,

bereavement, conflict and mediation. Where appropriate, short-term counselling is available to employees and their family members. A family member includes a spouse, civil partner or dependent, where the family member can be described as a person over the age of 18 and residing at the family home.

14. Child Protection

- 14.1 Employers should be aware of the obligations set out in the Child Protection Procedures.

15. Useful Information

- 15.1 Contact details for support organisations and resources can be found at [Appendix B.](#)

Appendix A - Application for Domestic Violence Leave

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

PART 1A – STAFF MEMBER APPLICATION

Staff member's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

PART 1B – LEAVE DETAILS

Start date: _____ End date: _____ Duration (Days): _____

No. of days Domestic Violence Leave taken in past 12 months: _____

Declaration

I wish to apply for Domestic Violence Leave in accordance with Circular 00XX/2023.
I confirm that the information provided in the application is true and accurate.

I have not exceeded my entitlement to Domestic Violence Leave, as detailed in Circular 00XX/2023.

Signature of Staff member: _____ Date: _____

Data Protection Privacy Statement

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

PART 2– EMPLOYER DECISION

I certify that I have approved/refused the application for Domestic Violence Leave in accordance with Circular 00XX/2023. The following documents have been retained on file for audit purposes:

1) Application for Domestic Violence Leave
under Circular 0059/2023

☐

2) Copy of Decision Notice issued to staff member

☐

Approved Domestic Violence Leave has been
recorded on the ETB system

☐

Signature: _____ Date: _____
(Employer)

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

Appendix B – Contacts

Women's Aid

24hr National Freephone Helpline:
1800 341 900

Email: info@womensaid.ie
www.womensaid.ie

LGBT Ireland

National Helpline: 1890 929 539
Transgender family support line 01 9073707
(open Tuesday/Sundays)
→ [On-line chat support service](#)
→ [Peer support services](#)
www.lgbt.ie

Men's Aid

National Confidential Helpline: 01 554 3811
(Mon – Fri, 9.00am to 5.00pm)
Email: hello@mensaid.ie
www.mensaid.ie

BeLonG To

LGBTI+ youth support organisation for young
people aged between 14–23 years
Tel: 01 670 6223
→ [Support Services](#)
Email: info@belongto.org
www.belongto.org

MOVE Ireland

(Men Overcoming Violence)

Provides Domestic Violence Perpetrators
Intervention Programmes for men where they
are challenged to take responsibility for their
abuse and to change their attitudes and
behaviour and develop respectful, non-abusive
relationships.
www.moveireland.ie

TENI (Transgender Equality Network Ireland)

Gender Identity Family Support Line
01 9073707
www.teni.ie

SAFE Ireland

Programme for creating safety for women and
children with a focus on research, public policy
and awareness and provision of training.
→ [Contacts for National Services](#)
→ [Advice for Employers](#)
www.safeireland.ie

Tusla

The State Child and Family Agency
Operates under the [Child and Family Act 2013](#)
→ [Reporting Concerns – Child protection and
welfare services](#)
→ [Domestic and Gender Based Violence
Services](#)
→ [Family Resource Centres](#)
www.tusla.ie

Dublin Rape Crisis Centre

24-hour helpline: 1800 77 8888
→ [Webchat support service](#) (Mon – Fri,
10.00am to 5.00pm (excl. bank holidays)
→ [Counselling & therapy services](#)
www.drcc.ie

The Courts Service of Ireland

www.courts.ie

Citizens Information

www.citizensinformation.ie

Legal Aid Board

www.legalaidboard.ie

HSE Sexual Assault Treatment Units

Information on care options if you have been
raped or sexually assaulted.
<https://www2.hse.ie/services/satu/>

An Garda Síochána

www.garda.ie