



Adoptive Leave¹

1. Purpose

To set out the College policy regarding Adoptive Leave Regulations

2. General

All members of staff who qualify under the terms of the Adoptive Leave Act 1995, amended by Adoptive Leave Act 2005 and Extension of Periods of Leave Order 2004 will be granted Adoptive Leave. Temporary staff employed under a fixed term/specific purpose contract of employment, are entitled to Adoptive Leave for the period of the fixed term or specific purpose, as set out in their contract of employment.

3. Paid Adoptive Leave

Legislation governing Adoptive Leave does not confer any rights to payment during Adoptive Leave. However the Board of the College has approved the following regulations, which deal with the question of payment during Adoptive Leave.

Adoptive Leave will be available to all adopting mothers and sole male adopters employed under a contract of employment.

Adoptive Leave with pay will consist of 24 consecutive weeks leave where a member of staff has completed at least 26 weeks of continuous employment with no break in service.

¹ Please note that the 26 week continuous employment requirement applies to all new staff as and from 18/11/2015. For staff who were in employment on or before the 18/11/2015 the continuous employment rule comes into effect on the 18/05/2016.

Staff members returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks service prior to the adoption date in order to qualify for paid adoptive leave.

Subject to the conditions set out at (i) – (iv) below, full-time and part-time pensionable staff may be granted 24 consecutive weeks pro rata Adoptive Leave with pay, and will continue to receive net pay at the rate payable prior to the commencement of the Adoptive Leave, based on existing tax credits.

- (i) Adoptive Leave will commence as soon as the child is placed with the Adopter for adoption.
- (ii) A staff member who intends to take Adoptive Leave must give adequate notice in writing to their Head of School/Unit/Area. The minimum advance notice of such intention is four weeks before the expected placement of the child. The expected day of placement may be provided later where this is not possible. However, written notification must be provided not later than the proposed date of commencement of the leave.
- (iii) Staff granted Adoptive Leave must claim such State Adoptive Benefit as they are entitled to receive. Payment of State Adoptive Benefit will be made direct to staff who meet the qualifying conditions, and the amount of benefit receivable will be deducted from the monthly/weekly salary payment at source. Eligible staff who are not entitled to Social Welfare Benefit will not as a result lose entitlement to full pay during Adoptive Leave.
- (iv) Adoptive leave with pay is available to all members of staff who have completed at least 26 weeks of continuous employment with no break in service.

Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non re-engagement of the staff member within 4 weeks. If there is a break in service for more than 4 consecutive weeks then the entitlement to paid Adoptive Leave will accrue after the staff member has completed 26 weeks consecutive service from the start date of their most recent contract of employment.

Continuous employment is not broken by the following: sickness or injury, maternity leave, additional maternity leave, adoptive leave, parental leave, carers leave or annual leave.

4. Additional Unpaid Adoptive Leave

In addition, the adopting parent may elect to take up to 16 weeks additional Adoptive Leave without pay. There is no entitlement to Social Welfare Adoptive Benefit during additional Adoptive Leave. On returning to work, after a period of unpaid Adoptive Leave, the staff member should ensure that s/he has the Application for Adoptive Leave Credits Form signed and stamped by Human Resources which will enable the Department of Social Protection to maintain his/her PRSI records.

In the case of a foreign adoption, some or all of the additional Adoptive Leave may be taken immediately before the date of placement.

Staff members must notify their Head of School/Unit/Area, in writing, at least four weeks before the commencement of additional Adoptive Leave.

5. Effects of Adoptive Leave

Where a staff member is on probation, the period of probation will stand suspended for the duration of the Adoptive Leave and any period of Additional Adoptive Leave.

Adoptive Leave or Additional Adoptive Leave are not considered part of any other absence, including sick leave or annual leave.

Absence from work on Adoptive Leave is both continuous and reckonable. However additional leave, although continuous is non-reckonable.

Public holidays occurring during Adoptive Leave will be offered as extra days' leave.

6. Pre and Post-Adoption Visits by Social Workers

A member of staff will be entitled to paid time for pre-adoption and post-adoption visits by social workers and/or health board officials. Evidence of appointments will be required.

This right is subject to the staff member giving the Head of School/Unit/Area at least two weeks' notice, where possible, of the appointment.

7. Return to Work

Staff members must notify their Head of School/Unit/Area in writing at least four weeks before the date they are due to return to work from Adoptive Leave or Additional Adoptive Leave. It is College policy to permit the staff member to return to the same job as held immediately before Adoptive Leave, if at all practicable.

Fixed term/specific purpose contracts are not amended/extended to take account of adoptive absence.

Further details and application forms for Adoptive Leave Benefit are available direct from:

Adoptive Leave Section
Department of Social Protection
FREEPOST
McCarter's Road
Ardarvan
Buncrana
Co. Donegal

Telephone: LoCall 1890 690690
