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## Adoptive Leave Policy

### 1. Purpose

To set out the College policy regarding Adoptive Leave Regulations.

### 2. Scope

Employees 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. Entitlements and conditions

<b>Paid Adoptive Leave</b>	Employees who are adopting alone or as part of an adopting couple are entitled to 24 consecutive weeks adoptive leave. Only one parent in an adopting couple can qualify for adoptive leave.
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	<p>Legislation governing Adoptive Leave does not confer any rights to payment during Adoptive Leave.</p> <p>Adoptive Leave with pay<sup>1</sup> is available to all employees who have completed at least 26 weeks of continuous employment with no break in service prior to the date of placement.</p> <p>Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non re-engagement of the staff member within four weeks.</p> <p>If there is a break in service for more than four consecutive weeks, then the entitlement to paid Adoptive Leave will accrue after the employee has completed 26 weeks consecutive service from the start date of the most recent contract of employment.</p> <p>Employees returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks service prior to the expected placement date in order to qualify for paid adoptive leave.</p>
<b>Employees with less than 26 weeks continuous service</b>	<p>Employees who are ineligible for paid Adoptive Leave under these regulations are entitled to Adoptive Leave arrangements in accordance with the terms of the legislation governing Adoptive Leave.</p>

<sup>1</sup> Please note that the 26 week continuous employment requirement applies to all new staff as and from 27/5/2015. For staff who were in employment on or before the 27/5/2015 the continuous employment rule comes into effect on the 28/11/2015.



	<p>The periods of leave entitlement and the necessary notifications to the employer are those set out in this policy.</p>
<b>Additional Unpaid Adoptive Leave</b>	<p>Employees are also entitled to take additional unpaid adoptive leave of up to 16 weeks immediately after the end of the 24 weeks adoptive leave.</p> <p>Legislation governing Adoptive Leave requires that any period of unpaid adoptive leave must be discharged immediately before (in certain circumstances) or following the period of paid Adoptive Leave.</p> <p>In the case of a foreign adoption, some or all of the additional unpaid Adoptive Leave may be taken immediately before the date of placement.</p> <p>Staff members must notify their Head of School/Unit/Area, in writing, at least four weeks before the commencement of additional unpaid Adoptive Leave.</p>
<b>Conditions of adoptive leave entitlements</b>	<p>Adoptive Leave commences on the day the child is placed with the adopting parent(s).</p> <p>Employees must give their Head of School/Discipline/Area at least four weeks written notice of their intention to take adoptive leave. Employees are also required to provide a <i>certificate of placement</i> confirming the adoption. This should be done no later than four weeks from the day of placement.</p>



	Employees must give their Head of School/Discipline/Area, in writing, at least four weeks' notice of their intention to return to work after paid and/or unpaid adoptive leave
	Employees must inform their Head of School/Discipline/Area, in writing, of their intention to take additional unpaid adoptive leave not later than four weeks before the end of the 24-week paid adoptive leave period
<b>State Adoptive Benefit</b>	<p>Employees granted <b>paid</b> 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/ fortnightly salary payment at source.</p> <p>Eligible staff who are not entitled to State benefit will not as a result lose entitlement to full pay during Adoptive Leave.</p> <p>Applications for State Adoptive Benefit must be submitted at least six weeks before the date on which the Adoptive Leave is to commence. Further details and application forms for Adoptive Benefit are available direct from:</p> <p><b>Adoptive Benefit Section</b> <b>Department of Social Protection,</b> <b>FREEPOST,</b> <b>McCarter's Road, Ardarvan, Buncrana, Co. Donegal.</b> <b>Telephone: LoCall 0818 690690 or 353 1 4715898</b></p> <p>Full details can be found at this link <a href="http://www.gov.ie">gov - Adoptive Benefit (www.gov.ie)</a></p>



<b>Pre and Post-Adoption Visits by Social Workers</b>	<p>Employees 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.</p> <p>At least two weeks' notice of the appointment, where possible, is required.</p>
<b>Right to return to work</b>	<p>Employees shall be entitled to return to work with the College in accordance with the terms of the Adoptive Protection of Employees Acts, 1994 and 2004, Following a period of paid adoptive leave or additional unpaid adoptive leave.</p> <p>It is College policy to permit the person to return to the same job they held immediately before Adoptive Leave, if at all practicable.</p> <p>The right to return to work is conditional on the employee having carried out the requisite written notification procedures at all appropriate stages. In addition to the conditions specified above, the employee must confirm to the Head of School/Discipline/Area, in writing, their intention to return to work. This written confirmation must be given four weeks prior to the intended date of return.</p> <p>Fixed term/specific purpose contracts are not amended to take account of adoptive absence.</p>

#### 4. Annual Leave and Public Holidays



<b>Effects of Adoptive Leave</b>	<p>Adoptive Leave and Additional Unpaid Adoptive Leave are not considered part of any other absence, including sick leave or annual leave.</p> <p>The period of Adoptive Leave is <b>not</b> considered a break in service. It is continuous with the service preceding the period of adoptive leave.</p>
<b>Annual leave benefit</b>	<p>Employees accrue annual leave while on Adoptive Leave and may apply in writing to the School/Discipline/Area Head for approval to discharge annual leave entitlement due, immediately prior to or following the full period of Adoptive Leave.</p>
<b>Public Holidays and Good Friday</b>	<p>While on adoptive leave and additional unpaid adoptive leave you will retain your full entitlement to public holiday and (Good Friday where applicable) which accrue during adoptive leave.</p> <p>You will be notified of the number of public holidays for which you are entitled, and they will be discharged immediately after your full period of adoptive leave.</p>

## 5. Postponing Adoptive Leave

<b>Hospitalisation of Child</b>	<p>Subject to agreement by the College, the period of adoptive leave and/or additional unpaid adoptive leave may be</p>
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	postponed in the event of the hospitalisation of the adopted child.
<b>Additional Unpaid Adoptive Leave and Illness</b>	<p>Subject to agreement by the College, employees may request to terminate additional unpaid adoptive leave in the event of a medically certified illness, thereby allowing them to transfer to the sick leave scheme</p> <p>The request and acceptance must be made in writing.</p> <p>Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional adoptive leave is forfeited and cannot be taken at a later date following the period of sick leave.</p>

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**END POLICY**



## Adoptive Leave Process

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<b>Complete the Trinity College Application Form</b>	<p>Please Complete the College's Adoptive Leave application form (located at the end of this policy document) and return it to <a href="mailto:hr@tcd.ie">hr@tcd.ie</a> along with the certificate of placement confirming the adoption.</p>
<b>Certifying the Leave</b>	<p>To certify the adoptive leave, a certificate of placement is required from your registered adoption agency or <a href="#">Tusla</a> (the Child and Family Agency).</p> <p>This may not be available at the time of application; however it should be submitted no later than four weeks from the day of placement.</p>
<b>Complete the AB1 Form</b>	<p>To apply for Adoptive Benefit you must complete the AB1 form, full details can be found at this link <a href="#">Dept of Social Protection - Application form for Adoptive Benefit</a></p> <p><b>When completing this AB1 Form, in "Part 3 - Your Payment Details" please ensure that you choose the option for payments to be made to "You" and NOT to the "Employer". Also please provide details of your Financial Institution as mandatory to ensure receipt of payments directly to your Bank account".</b></p> <p><b>Part 4 of the AB1 form must be completed and stamped by the Human Resources Dept.</b></p>





<b>PRSI Credits</b>	<p>While on paid Adoptive Leave you will automatically get PRSI credits.</p> <p>While on Additional Unpaid Adoptive Leave you will not automatically receive PRSI credits. To acquire PRSI credits for this period of leave you must have the <a href="#">application form for adoptive leave credits (pdf)</a> completed by Human Resources. This can be done on your return to work.</p>
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**END PROCESS**



## ADOPTIVE LEAVE APPLICATION FORM

### Section 1 – To be completed in full by the employee

#### EMPLOYEE DETAILS:

Name:	ID Number:
Department:	PPSN:
Home Address:	Work email:
	Personal email:
Mobile no:	Full time: <input type="checkbox"/>
	Part time: <input type="checkbox"/>
If part-time, please state pattern of working week:	

#### ADOPTIVE LEAVE REQUEST DETAILS:

Date Baby is due to be placed: \_\_\_\_\_

(attach certificate of placement, if not available at time of application , it must be submitted no later than four weeks from the day of placement.

\*Proposed start date \_\_\_\_\_

\*The start date of Adoptive leave is the date the child is placed with the adopting parent(s).



**EMPLOYEE SIGNATURE – I declare that the information given above is accurate and complete**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Section 2: To be Completed by Head of School/ Area**

**AUTHORISED SIGNATORY**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**NOTE:**

Incomplete applications will **NOT** be processed and will be returned to the applicant.

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**END APPLICATION FORM**