



Adoptive Leave

HR policy document record	
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1. INTRODUCTION

1.1 The Adoptive Leave Policy and Guidelines, available to both male and female staff in the Institute, is governed by various circular letters issued by the Department of Education and Skills and current adoptive leave legislation.

2. OBJECTIVE

2.1 To provide staff with details on the entitlements to paid adoptive leave and additional unpaid adoptive leave, the protection of the staff member's rights whilst on adoptive leave, the periods of notification for either period of leave, and returning to work when leave has ended.

3. ELIGIBILITY AND ENTITLEMENTS

3.1 The Adoptive Leave Acts 1995 and 2005 cover the entitlements for all adopting mothers and sole male adopters, and adopting fathers where the mother has died. All staff (including contract staff with 24 weeks or more to run in their contracts from the date of commencement of adoptive leave), who commence adoptive leave are entitled to 24 consecutive weeks paid* adoptive leave. Staff who on commencement of adoptive leave have less than 24 weeks to run in their contract will be granted paid adoptive leave until the expiry date of their contract.

*** Hourly-Paid staff are not entitled to paid adoptive leave. This does not affect their statutory right to adoptive leave. Refer to Section 9.**

3.2 Staff on adoptive leave are entitled to 16 weeks additional unpaid adoptive leave commencing immediately after the adoptive leave. Staff who on commencement of additional unpaid adoptive leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract.

3.3 Where the adopting mother dies before the date of placement, the adopting father will be entitled to the adoptive leave. Where the mother dies at any time on or after the date of placement, the adopting father is entitled to take the remainder of the adoptive leave. In this case, an adopting father is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid adoptive leave. An adopting father who on commencement of additional unpaid adoptive leave has less than 16 weeks to run in his contract will be granted this leave until the expiry date of his contract.

4. PROCEDURE

Adoptive Leave

4.1 Notification of your intention to take adoptive leave, should be submitted in writing to Resourcing & Benefits, Human Resources, through your line manager at least 4 weeks before the date on which you intend to commence your adoptive leave, and should state the date on which you intend to commence it.

4.2 In the case of a domestic adoption, you must provide the Institute with written details of the expected date of the placement. A Certificate of Placement must be supplied as soon as is reasonably practicable after that date. Particulars of the placement should be also provided as soon as is reasonably practicable, but not later than 4 weeks after the date of placement.

- 4.3 In the case of a foreign adoption, you must provide a copy of the statement of the Declaration of Suitability before the commencement of adoptive leave. Particulars of the placement should be also provided as soon as is reasonably practicable, but not later than 4 weeks after the date of placement.
- 4.4 Following receipt of your application for adoptive leave, you will receive written confirmation from Human Resources of the exact dates of your adoptive leave.
- 4.5 When commencing employment with the Institute, and if paying PRSI contributions Class A, you should have completed and returned a Form of Authorisation for Adoptive Leave. If you did not complete this form, please do so immediately and return it to Resourcing & Benefits, Human Resources. The form can be found at the end of this policy.
- 4.6 All staff who qualify for paid adoptive leave and are paying **PRSI contributions Class A, must also complete Form AB 1 for Adoptive Benefit, and enclose this with their correspondence to Human Resources**. The application form and an Information Leaflet SW 37 are available from the relevant government department. Your application for Adoptive Benefit is submitted to the relevant government department on your behalf, and all Adoptive Benefit payments are then made directly to the Institute.
- 4.7 **If you are not eligible for paid adoptive leave and are paying PRSI contributions Class A, you should apply for Adoptive Benefit directly to the relevant government department (Form AB 1).**
- 4.8 In certain circumstances, the Irish Research Council may provide a top-up to the state benefit or cover the full amount of a Fellow's salary for up to 24 weeks. The Fellow should liaise through their line manager with the Directorate of Research, Innovation and Enterprise Services on this matter. Resourcing & Benefits will provide support if required.
- 4.9 Notice of your intention to resume work should be submitted in writing to Resourcing & Benefits, Human Resources, through your line manager **at least 4 weeks before** you are due to resume. This is an essential requirement, and also helps to facilitate finalising any deputy arrangements, which may be made to cover the absence.

Additional Unpaid Adoptive Leave

- 4.10 Where practicable, you should give notice of your intention to take additional unpaid adoptive leave, when you are giving your original notice to take adoptive leave, as this will greatly assist the Institute with regard to deputy arrangements.
- 4.11 If this is not possible, you should give notice to Human Resources, in writing, through your line manager of your intention to take additional unpaid adoptive leave **at least 4 weeks before the end date of your 24 weeks' adoptive leave**.
- 4.12 It should be noted that additional unpaid adoptive leave does not count as service for superannuation purposes.

4.13. Paternity Leave

New parents (other than the mother of the child) can avail of 2 weeks statutory paternity leave from employment following the birth or adoption of a child on or after 1st September 2016.

5. POSTPONING ADOPTIVE LEAVE

- 5.1 Adoptive leave and additional unpaid adoptive leave may be postponed if the child needs to be hospitalised. Any requests to postpone adoptive leave must be made in writing, through the line manager to Human Resources. The Institute may agree to postpone the leave and if so, the staff member will return to work on a date agreed by him/her and the Institute that is not later than the date on which the leave concerned is due to end. The adoptive leave will be postponed with effect from the date agreed by the staff member and the Institute, and must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital.
- 5.2 If the staff member has postponed his/her adoptive leave and becomes ill after she/he has returned to work, prior to resuming the postponed leave, she/he will be considered to have started the resumed leave on the first day of the absence because of illness. Alternatively, he/she may choose to forfeit his/her right to resumed adoptive leave, and have the leave treated as sick leave, by notifying Human Resources accordingly, as soon as possible.

6. TERMINATING ADOPTIVE LEAVE

- 6.1 Where the placement of a child with an adopting parent terminates before the expiration of the period of adoptive leave or additional unpaid adoptive leave (other than as a result of the death of the child), the adopting parent should notify Human Resources in writing not later than 7 days after that date.

7. TERMINATING ADDITIONAL UNPAID ADOPTIVE LEAVE DUE TO SICKNESS

- 7.1 If you are ill during the additional unpaid adoptive leave, you may terminate your additional unpaid leave, and may commence sick leave. This request must be made in writing, through your line manager to Human Resources. The Institute may agree to terminate the additional unpaid adoptive leave and if so, the additional unpaid adoptive leave will terminate on a date agreed by you and the Institute. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional unpaid adoptive leave would have ended.
- 7.2 Human Resources will notify you in writing of the decision in relation to the request. Where additional unpaid adoptive leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional unpaid adoptive leave, or part of it not taken by you.

8. GENERAL PROVISIONS

8.1 PUBLIC HOLIDAYS

- 8.1.1 In the case of eligible academic staff, the following will apply:

Any obligation in respect of public holidays while on adoptive leave or additional unpaid adoptive leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

8.1.2 In the case of eligible professional, management and support staff the following will apply:

Where public holidays fall during the adoptive leave or the additional unpaid adoptive leave, these days will be added to the end of the leave period.

8.2 ANNUAL LEAVE

8.2.1 In the case of professional, management and support staff, where closure days fall during the adoptive leave period (including additional unpaid adoptive leave) these days will be deducted from the staff member's annual leave entitlement in the normal way.

8.3 SICK LEAVE

8.3.1 Paid sick leave, following adoptive leave, may only be allowed where there is an expectation that the staff member intends to return to his/her position when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work due to sick leave.

8.4 PRE-ADOPTION CLASSES AND MEETINGS

8.4.1 Staff are entitled to time off from work, without loss of pay, to attend any pre-adoption classes and meetings which they are obliged to attend. Evidence of such classes and meetings should be submitted through the line manager to Human Resources, not later than 2 weeks in advance.

8.5 ACADEMIC STAFF

8.5.1 Leave in lieu

The provision for a lecturer to avail of up to 30 days leave in lieu with pay for vacation days that overlapped with adoptive leave was removed by the Department of Education & Skills with effect from 1st May 2013.

8.5.2 Unpaid leave of absence

At the end of a lecturer's adoptive leave, in addition to the option of a maximum of 16 weeks additional unpaid adoptive leave, he/she may choose to take leave of absence, without pay, up to the end of the academic year (31st August), subject to the approval of the line manager. Any such request should be made in writing through the line manager to Human Resources.

9. FIXED TERM/SPECIFIED PURPOSE WHOLETIME/PRO-RATA CONTRACT STAFF

9.1 Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff with 24 weeks or more left to run in their contracts will be allowed paid adoptive leave, less any Adoptive Benefit payable.

9.2 Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff with less than 24 weeks to run in their contracts from the date of commencement of adoptive leave, receive paid adoptive leave, less any Adoptive Benefit payable, until their contract expires.

9.3 Fixed Term/Specified Purpose Wholetime/Pro-rata contract staff who have less than 24 weeks to run in their contracts, and who are subsequently re-employed directly thereafter, will be paid for the full 24 weeks of their adoptive leave, less any Adoptive Benefit payable subject to the second contract immediately following the first and there being a period of at least 24 weeks to run from the date of commencement of adoptive leave to the expiry date of the second contract.

10. HOURLY-PAID STAFF

10.1 Hourly-Paid staff are not eligible to payment from DIT for adoptive leave.

10.2 This does not affect their statutory right to adoptive leave.

10.3 If you are paying PRSI contributions Class A, you should apply for Adoptive Benefit directly to the Department of Employment Affairs & Social Protection (Form AB 1).

11. QUERIES

Contact: Resourcing & Benefits, Human Resources

E-Mail: hr@dit.ie

RELATED DOCUMENTS

Adoptive Leave Acts, 1995 and 2005; Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 1996
Maternity and Adoptive Leave – Amendments for Academic Staff in Institute’s of Technology - Circular Letter
No. 0022/2013

CLAIMING FOR ADOPTIVE LEAVE BENEFITS

FORMS OF AUTHORISATION (ADOPTIVE LEAVE)

TO BE COMPLETED BY AN APPOINTEE COVERED BY CLASS A SOCIAL INSURANCE

I have read and understand the conditions and procedures involved in the operation of the adoptive leave scheme applicable to appointees covered by Class A Social Insurance. I am aware that depending on my PRSI contribution record, I may be entitled to payment from the Department of Employment Affairs & Social Protection in respect of absences under this scheme. I acknowledge that payment from my employing authority during absences during this scheme will be subject to the following conditions:

- (a) that I will authorise the Department of Employment Affairs & Social Protection to pay any benefit due to me in respect of such absences under the social insurance system directly to my employing authority;
- (b) that I will make the necessary claims for social insurance benefit to the Department of Employment Affairs & Social Protection within the required time limits and will, to the best of my ability, comply with whatever requirements are laid down by the Department as a condition of claiming benefit.

I also acknowledge that any payment made to me by my employing authority in respect of such absences may be recovered from me in the event that I fail to comply with the foregoing conditions.

Signed: _____ **Date:** _____

I hereby authorise the Department of Employment Affairs & Social Protection to pay any social insurance benefits due to me in respect of any future absences from duty on adoptive leave directly to **Resourcing & Benefits, Human Resources, Dublin Institute of Technology, 5th Floor, Park House Grangegorman, 191 North Circular Road, Dublin 7, D07 E WV4** or to such other authority in which I may be serving in the future.

Name: _____ **(Please print)**

Home Address: _____

Signature: _____

PPS No: _____

Staff No: _____

This form should be completed, on initial appointment, by individuals who will be paying Class A PRSI. It will be forwarded to the Department of Employment Affairs & Social Protection by DIT. A copy of the form will be retained on the individuals leave file. In the event of the individual being transferred subsequently to another authority, a copy of the form will be given to the new authority, which should advise the Department of Employment Affairs & Social Protection of the new address to which payments should be sent.

This mandate does not cover payment of disablement benefit or payments in respect of the cost of certain medical expenses under the Occupational Injuries Scheme.