



Adoptive Leave Policy

Version 2

Purpose:	The purpose of Adoptive Leave Policy is to provide staff details of their entitlement to adoptive leave in accordance with the Adoptive Leave Acts.
Circulation:	This document is available for all to review and will be published on the Institute's website.
Policy author:	Human Resource Department & EDI Office
Policy Owner:	Vice President for Finance, Resources & Diversity
Approval Date:	4 September 2024
Date to Review:	In accordance with legislation

Contents

1. Introduction.....	3
2. Eligibility	3
3. Application Procedure	3
4. Additional Unpaid Adoptive Leave.....	4
5. Miscellaneous Provisions.....	4

1. Introduction

Adoptive Leave is available to eligible staff working in the Institute, this leave entitles the staff member to adoptive leave with pay (less social welfare payments) and additional unpaid adoptive leave. A couple that jointly adopts a child must choose one parent who takes the adoptive leave and that is known as the *nominated* parent.

2. Eligibility

Adoptive leave is available to:

- A nominated adopting parent; or
- A sole adopter, an employee who is adopting a child on their own;

A nominated adopting parent or a sole adopter who is in employment is entitled to the following:

- (a) a minimum of 24 consecutive weeks of adoptive leave from work, beginning on the *date of placement*¹ of the child;
- (b) up to 16 weeks of additional 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 of employment will be granted this leave until the expiry date of their contract.

It may be possible to receive a Social Welfare payment for the initial 24-week period of adoptive leave.

Where the parent has died at any time after the expiry of the twentieth week following the date of placement, the adopting parent is entitled to the remainder of the adoptive leave. In this case, the other adopting parent is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid adoptive leave. An adopting parent who on commencement of additional unpaid adoptive leave has less than 16 weeks to run in their contract will be granted this leave until the expiry date of his contract.

Hourly paid staff are not entitled to adoptive leave.

3. Application Procedure

- 3.1 Notification of your intention to take adoptive leave should be submitted in writing to Human Resources, through your line manager, at least 4 weeks before the date on which you intend to commence your adoptive leave. You should clearly state the date on which you intend to commence this leave.
- 3.2 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*² 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.

¹ This is the term used in the Adoptive Leave Legislation

² The certificate of placement referred to in *Adoptive Leave Act* shall be issued, no later than 7 days from the date of receipt of the request, by the health board or registered adoption society, as may be appropriate.

- 3.3 In the case of a foreign adoption, you must provide a copy of the statement of the Declaration of Suitability³ 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.
- 3.4 Following receipt of your application for adoptive leave, you will receive written confirmation from Human Resources of the exact dates of your adoptive leave.
- 3.5 If you have sufficient PRSI contributions, you can apply for Adoptive Benefit. The Department of Social Protection will pay you Adoptive Benefit for the full 24 weeks if your adoptive leave begins on the date of adoption.
- 3.6 Notice of your intention to resume work should be submitted in writing to 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.

4. Additional Unpaid Adoptive Leave

- 4.1 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.
- 4.2 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 leave.
- 4.3 It should be noted that additional unpaid adoptive leave does not count as service for superannuation purposes.

5. Miscellaneous Provisions

- 6.1 **Termination of Adoptive Leave in the event of the Sickness of the Adopting Parent.**
If the adopting parent wishes to stop taking adoptive leave or additional adoptive leave due to illness, the staff member will need to obtain the Institute's agreement. The remaining adoptive leave entitlement will be lost.
- 6.2 **Postponement of Adoptive Leave due to Hospitalisation of the Child.**
An adopting parent can postpone the adoptive leave if the adopted child has to be hospitalised. However, the Institute's agreement is required.
- 6.3 **Right to Return to Work.**
The adopting parent has a right to return to work after a period of adoptive leave or additional adoptive leave. There are however mandatory notification requirements as stated in 3.6 above.

³ In the case of a foreign adoption, the employer to be supplied with a copy of the declaration made pursuant to section 5 of the Adoption Act, 1991, as soon as is reasonably practicable but not later than 4 weeks after the commencement of the leave

It is not permitted to terminate the employment of an adopting parent or to suspend the staff member while they are on adoptive leave, additional adoptive leave or while attending pre-adoption classes.

For further information please see link below to the Workplace Relations Guide to the Adoptive Leave Acts 1995 – 2005:

https://workplacerelations.ie/en/publications_forms/guide_to_the_adoptive_leave_acts.pdf