



**etbi**

Education and Training  
Boards Ireland  
*Boird Oideachais agus  
Oiliúna Éireann*

# PARENTAL LEAVE

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## POLICY

*For all staff in  
Education and  
Training Boards  
Ireland*

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Date approved by ETBI Board	26 <sup>th</sup> January 2021

## I GENERAL INFORMATION

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The Education and Training Boards Ireland (ETBI) is dedicated to the implementation of legislation and policy which promotes work-life balance. The objective of the policy is to communicate the statutory entitlement of employees taking parental leave and sets out the arrangements for the administration of same.

The parental leave policy reflects the commitment of Education and Training Boards Ireland (ETBI) to the promotion of equality and will be fully compliant with the provisions of the Parental Leave Amendment Act, 2019.

Parental leave is a period of **unpaid** leave available to employees for the purpose of the care of children. It is provided for under the Parental Leave Amendment Act, 2019 and the European Union (Parental Leave) Regulations 2013 (S.I. No. 81 of 2013).

An employee on Parental Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and pension. The absence is therefore fully reckonable for all other purposes including progression on the incremental salary scale and for qualifying service for annual leave and promotion.

An employee on Parental Leave may not engage in any type of paid employment as, under the terms of the Parental Leave Acts, the leave is specifically intended for the care of children.

Deductions for a day of unpaid absence will be calculated at a rate of one-fifth of weekly pay.

## 2 STAFF MEMBERS COVERED BY THIS POLICY

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The policy applies to all staff employed by and seconded to ETBI.

### 3 ENTITLEMENT TO PARENTAL LEAVE

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- 1.1. From 1 September 2019, a parent is entitled to take a total of 22 working weeks (110 days) of unpaid leave per eligible child. From 1 September 2020, this entitlement increased to 26 working weeks (130 days) of unpaid leave per eligible child.
- 1.2. The age limit in respect of whom staff may take Parental Leave in ETBI is 12 years and the entitlement expires once the child reaches their 12th birthday. In the case of adoption, if the child is under 10 years at the time of the adoption, the leave must be taken before the child reaches their 13th birthday. However, if the child is aged between 10 and 12 years at the time of the adoption, the leave must be taken within two years of the adoption order.
- 1.3. In the case of a child with a disability, the age limit in respect of whom staff may take Parental Leave in ETBI is 15 years and the entitlement expires once the child reaches their 16th birthday. HR will require documentary evidence of the child's disability approved by a medical professional.
- 1.4. Parental leave for more than 1 child in any period of 12 months may not exceed 22 weeks without the consent of the relevant Director except in the case of multiple births (twins, triplets etc.) where an employee has a statutory entitlement to take more than 22 weeks in any 12-month period.
- 1.5. Each parent has a separate entitlement to parental leave. Parental Leave is available to each of the following:
  - The natural parent
  - The adoptive parent
  - The adopting parent
  - An employee acting in *loco parentis* to a child.
- 1.6. Where an employee is acting in *loco parentis* it is a matter for ETBI to be satisfied that the granting of parental leave is appropriate.

In loco parentis means that the employee applying for Parental Leave must be either legally responsible for or fulfil the criterion that he or she is actively parenting the child on an ongoing basis.

## 4 ELIGIBILITY

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- 4.1 An employee may be eligible for parental leave where they have completed one year's continuous employment or on secondment with ETBI.
- 4.2 In circumstances where, on the latest day for commencing a period of parental leave, the employee has less than one year but more than three months of continuous service, the employee may be entitled to parental leave for a period of one week for each month of continuous employment completed.
- 4.3 Entitlement to parental leave shall cease on the expiry of the contract of employment and that contract not having been renewed.

## 5 PATTERN FOR PARENTAL LEAVE

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- 5.1 The 26 weeks per child may be taken in one continuous block or two separate blocks of a minimum of 6 weeks.
- 5.2 With prior approval of the relevant Director and Human Resources, the following patterns may be granted:
  - Professional, Management & Support Staff: Minimum half day per week\*
  - Hourly Paid: Will be considered on a case-by-case basis

*\*Under no circumstances will non-block parental leave be granted based on hours i.e., the pattern must be at half day and/or full day.*

- 5.3 Where an employee has already taken parental leave before the commencement of the Act and intends to take a further period of parental leave in blocks of not less than one week, the employee can give (a) one notice specifying a continuous period of leave to be taken, (b) one notice specifying multiple periods of

## 6 STATUTORY ANNUAL LEAVE/PUBLIC HOLIDAY ENTITLEMENT

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- 6.1 Any entitlements in respect of public holidays occurring while on parental leave will be addressed by additional annual leave. The taking of such leave remains at the discretion of the employer.
- 6.2 Employees who resign/retire or their employment ceases may be entitled to additional payment in lieu of their accrued leave.

## 7 HOW TO APPLY FOR PARENTAL LEAVE

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- 7.1 Application for parental leave must be made at least six weeks prior to the commencement of the leave on the prescribed application form available at Appendix A. It should include the start date, the manner in which the leave is taken and the duration of the leave in your application form. The application form should be submitted to the relevant Director and Human Resources Department.
- 7.2 Human Resources will prepare the confirmation document four weeks before the commencement of the parental leave. Appendix B (Confirmation document). These documents constitute a legal agreement between the parties. An employee may revoke the application at any point before the signing of the confirmation document by both parties.
- 7.3 In the case of an employee seconded to ETBI availing of Parental Leave, a copy of the application form and confirmation document will be provided to the substantive employer.

## 8 REFUSAL/POSTPONEMENT OF PARENTAL LEAVE FROM THE EMPLOYER

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- 8.1 ETBI will only refuse parental leave if you are not entitled to it.
- 8.2 ETBI can postpone parental leave for up to 6 months. Normally only one postponement is allowed.
- 8.3 In such circumstances Director and/or HR will:
- Notify the employee in writing of the reasons for the postponement. (Grounds for such a postponement include lack of cover or the fact that other employees are already on parental leave).
  - Ensure that a new confirmation document agreeing to the new revised date is signed by both parties with the understanding that this can be further amended provided there is an agreement between both parties.
- 8.4 Where solely as a result of postponement of the leave a child passes the age threshold, the entitlement to parental leave is not lost. The leave should be taken as soon as possible after the period of postponement has lapsed on a precise date agreed by both parties

## 9 TRANSFER OF PARENTAL LEAVE

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- 9.1 Subject to the approval of the General Secretary, it is possible to transfer 14 weeks out of the 26-week parental leave entitlement to another parent of a relevant child, provided the other parent is employed by or seconded to ETBI. In compliance with Council Directive 2010/18/EU, each parent must retain 8 or 12 weeks, out of his/her 26-week entitlement, for his/her personal use.

Under that Directive, these 8 or 12 weeks may not be transferred to another parent and can

only be used by the parent with whom the entitlement originates. This means where both parents are employed by or seconded to ETBI, one parent may avail of 36 weeks and the other 8 weeks. Both parents are employed by or seconded to ETBI, one parent may avail of 40 weeks and the other 12 weeks.

## **I 0 CORRESPONDENCE ADDRESS**

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- 1.7. ETBI will address all necessary correspondence to the employee at the last postal address or email address notified by the employee and no fault shall lie with ETBI if the employee does not receive such correspondence.

## **I I REPLACEMENT STAFF MEMBER**

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- 1.8. Where a replacement staff member is employed to cover an absence under this policy, the contract awarded to the employee covering the absence will make clear reference to the fact that there are circumstances where the replacement appointment may have to be terminated in the event of the absent employee returning to duties earlier than initially expected e.g., suspension/ postponement of parental leave through illness of the employee.
- 1.9. Where a replacement employee is employed to cover an absence under this policy, he/she will have no entitlement to a redundancy payment when his/her post is terminated due to the return of the absent employee, or for any other reason.

## **I 2 TERMINATION OF PARENTAL LEAVE**

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- 12.1 Parental leave may be terminated by the General Secretary if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child/children concerned.



12.2 Before terminating the leave, ETBI will:

- Notify the employee in writing that the matter is under consideration and invite the employee to make representations within 7 days.
- Consider any representations from the employee before making a final decision.
- Notify the employee in writing of the decision summarising the grounds.

12.3 The final decision notification will inform the employee of his/her obligation to return to work after the expiry of 7 days from the receipt of the notice.

### **13 SUSPENSION/POSTPONEMENT OF PARENTAL LEAVE THROUGH ILLNESS OF THE EMPLOYEE**

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13.1 If during or immediately prior to the agreed period of parental leave, the employee concerned becomes ill to the extent that s/he is unable or will be unable to care for the child it is possible:

- where the leave has not already commenced, to postpone the taking of the leave to such time as the employee is fit to resume the care of the child, or where the leave has already commenced, to suspend the taking of the balance of the leave to such time as the employee is fit to resume the care of the child.

13.2 Where it becomes necessary due to illness to suspend or postpone the leave the employee must, as soon as is reasonably practicable, provide written notification to HR of the postponement/suspension of the leave due to illness and provide appropriate medical certification which confirms the employee's incapacity to care for the child as a result of illness.

13.3 It should be noted that the postponed/suspended leave if it is to be availed of, must be taken as soon as possible after the employee has been certified fit to resume duty.

13.4 If, purely as a consequence of a suspension of the leave due to certified illness/incapacity of the parent, the child goes over the age threshold, the entitlement to take the leave remains and must be taken as soon as possible.

## **14 CARRYOVER OF REMAINING PARENTAL LEAVE FROM PREVIOUS EMPLOYMENT**

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Subject to the normal age threshold limitations and service requirements, an employee entering this scheme from a previous employment where some parental leave has already been taken:

- shall retain his/her statutory right to any unused parental leave which has been carried over to ETBI
- irrespective of previous arrangements, shall take his/her parental leave under the terms of this policy.

## **15 OVERLAP OF STATUTORY LEAVE TYPES**

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It is not permissible to be simultaneously absent on two types of statutory leave. Where there is an overlap (e.g., maternity leave), parental leave may be postponed for a reasonable period by mutual agreement between ETBI and the employee.

## **16 VOLUNTARY DEDUCTIONS**

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Voluntary deductions from salary will cease when an employee goes on parental leave. It is the sole responsibility of an employee availing of parental leave to ensure that such deductions do not lapse. No liability lies with ETBI for any entitlement which may be impacted by the failure of the employee to make alternative arrangements for payment of voluntary deductions.

## **17 SOCIAL WELFARE ARRANGEMENTS**

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Employees taking parental leave must write to the Records Update Section of the Department of Employment Affairs and Social Protection (DEAP), setting out the weeks, and the weeks you have not worked, so that you can get credited PRSI contributions for this time.

All queries in relation to social welfare arrangements and appropriate credits should be directed to the Department of Employment Affairs and Social Protection (DEAP).

## **18 COMPLIANCE**

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All employees must adhere to the regulations and procedures set out in this policy. Failure on the part an employee to abide by the regulations and procedures will be dealt with under the agreed disciplinary procedures.

## **19 VARIATION**

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The policy may be amended at any time following consultation between management and staff.

## **20 REVIEW OF THE POLICY**

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There will be a review of this policy two full years after its introduction or earlier if deemed necessary by ETBI management

## APPENDIX A

<b>CONFIRMATION DOCUMENT FOR PARENTAL LEAVE - Part 1</b> <b>(to be completed by the relevant Director and employee)</b>			
Employee Name			
PPSN			
Name of Child/Children			
Date of Birth of Child/Children			
Periods of Parental Leave already taken in respect of this child with ETBI and/or previous employer(s).  With ETBI: _____  With another employer: _____  A copy of the child's birth certificate/ adoption order is attached (this is an requirement):  <i>The birth certificate of the child/children and, where applicable, evidence of the date of the adoption order of the child/children, or evidence of parent acting in loco parentis has been provided.</i>			
<b>Parental leave has been granted in accordance with the Parental Leave Policy for Staff in Education and Training Boards Ireland as follows:</b>			
In one continuous block of 22 weeks.			
In separate period of weeks/days/ half days as follows:	Date From:	Date To:	Total period of parental leave

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Director: \_\_\_\_\_ Date: \_\_\_\_\_

Following signing, no amendment can be made to the confirmation document without the agreement of both parties.

This document will be retained on the employee's personnel file and a copy retained by the employee.

## APPENDIX B

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Approval by management
<p>I certify that I have approved/refused (delete as appropriate) the Parental Leave application in accordance with the Parental Leave Policy for Staff in Education and Training Boards Ireland. The following documentation will be retained on the applicant's personnel file:</p> <ol style="list-style-type: none"> <li>1. Application for Parental Leave</li> <li>2. Copy of Birth Certificate/Evidence of date of adoption/Adoption Order for the relevant child/children</li> <li>3. Evidence of acting in loco parentis (if applicable)</li> <li>4. Copy of Confirmation Document issued to employee</li> <li>5. Copy of Decision Notice issued to employee</li> </ol> <p>Signature of Director: _____ Date: _____</p>

For HR Use Only:
<p><b><i>I can confirm that this Notice of Intention to take parental leave will be processed in accordance with the ETBI Parental Leave policy.</i></b></p> <p><i>Confirmed details of Parental Leave are:</i>  <b>Commencement Date of Parental Leave:</b> _____ <b>Leave</b>  <b>Cessation Date of Parental Leave:</b>  <b>Signature of Head of HR or nominee:</b>    <b>Date:</b> _____</p> <p>ETBI Finance notified: In the case of a seconded employee:    Name of substantive employer: _____    Date documentation issued to substantive employer: _____</p>

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