

CHAPTER 5 – PARENTAL LEAVE SCHEME

(Should be read in conjunction with the [General Provisions for All Schemes](#), and [Definitions](#))

1. Parental Leave Scheme

- 1.1 The Parental Leave Scheme is regulated by the Parental Leave Act 1998, as amended.
- 1.2 The purpose of Parental Leave is to allow a teacher a period of unpaid leave to care for his/her child.

2. Entitlement to Parental Leave

- 2.1 A teacher is entitled up to a maximum of:
 - a) 22 weeks Parental Leave (effective from 1st September 2019)
 - b) 26 weeks Parental Leave (effective from 1st September 2020)

in respect of each child up to the age of 13 years or the age of 16 years in the case of a child with a disability and/or long-term illness.
- 2.2 Prior to 1st September, 2019, a teacher had an entitlement of up to a maximum of 18 weeks Parental Leave per child. From 1st September, 2019, where a teacher has already availed of his/her maximum 18 week entitlement he/she may apply to his/her employer for an additional 4 weeks provided the eligibility criteria are met.
- 2.3 From 1st September 2020, where a teacher has already availed of his/her maximum 22 week entitlement, he/she may apply to his/her employer for an additional 4 weeks provided the eligibility criteria are met.
- 2.4 Entitlement to Parental Leave shall end:
 - a) when the relevant child reaches his/her 13th birthday, or
 - b) two years from the date of the adoption order in the case of an adopted child aged between 11 and 13 years, or
 - c) when a child with a disability and/or long term illness reaches his/her 16th birthday.
- 2.5 *In accordance with the Parental Leave Acts:*
 - a) *“disability means an enduring physical, sensory, mental health or intellectual impairment of the child such that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such impairment.”*

b) *“a long-term illness, the effect of which is that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such long term illness.”*

2.6 Parental Leave is available to each of the following:

- a) the natural parent
- b) the adoptive parent
- c) the adopting parent
- d) a teacher acting *in loco parentis* to a child

2.7 Where a teacher is acting *in loco parentis* it is a matter for the employer to be satisfied that the granting of Parental Leave is appropriate.

In accordance with the Parental Leave Acts:

“In loco parentis means the teacher 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 on-going basis”.

2.8 Parental Leave for more than one child in a rolling period of 12 months may not exceed 22 weeks (26 weeks from 1st September 2020) without the consent of the employer except in the case of multiple births (twins, triplets etc.) where a teacher has a statutory entitlement to take more than 22 weeks (26 weeks from 1st September 2020) in any 12 month period.

3. Eligibility

3.1 A teacher is eligible for Parental Leave where he/she has completed one year’s continuous employment with the employer from whose employment the leave is taken. This requirement is waived in the case of a teacher compulsorily redeployed into a school or where a school is amalgamated provided that he/she has completed one year’s continuous employment in his/her former school prior to redeployment/amalgamation.

3.2 In circumstances where, on the latest day for commencing a period of Parental Leave, the teacher has less than one year but more than 3 months continuous teaching service with the employer from whose employment the leave is to be taken, the teacher shall be entitled to Parental Leave for a period of one week for each month of continuous service completed with his/her employer at the time of the commencement of the leave.

4. Pattern of Parental Leave

- 4.1 A teacher may avail of Parental Leave in blocks of at least one week up to a maximum of 22 weeks (26 weeks from 1st September 2020). Please note each period of Parental Leave must be a minimum duration of 7 consecutive days including weekends, school closures and days on which a teacher is not timetabled for attendance occurring within that period.
- 4.2 Where a teacher applies for Parental Leave for 6 or more weeks, the minimum period which must be granted by the employer is 6 weeks, except in the cases of refusal and suspension/postponement of Parental Leave as outlined in paragraphs 8, 12 and 13 below.

5. Special Pattern of Parental Leave in Exceptional Circumstances

- 5.1 In certain circumstances a teacher may avail of Parental Leave in the form of individual days where a child has particular medical problems that require the attendance of a parent with the child at a hospital, clinic or therapeutic appointment on a regular basis.
- 5.2 In such circumstances, certification from the hospital or clinic in respect of the absence must be submitted to the employer and retained on the teacher's personnel file.

6. Application Procedures

- 6.1 Application for Parental Leave should be made by the teacher to his/her employer at least 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#).
- 6.2 The employer in granting Parental Leave should, 4 weeks prior to the planned commencement date, prepare with the teacher the confirmation document at [Appendix B](#). This document constitutes a legal agreement between the parties. A teacher may revoke the application at any point prior to the signing of the confirmation document by both parties.

7. Notification and Recording of Leave

- 7.1 The Parental Leave absence must be notified by the employer to the Department/ETB via the OLCS/relevant ETB system, not later than 4 weeks prior to the commencement of the leave.

8. Refusal to grant Parental Leave

- 8.1 Where there are reasonable grounds to believe that the teacher may not be entitled to Parental Leave, the employer may refuse to grant such leave.

8.2 Where the employer proposes to refuse an application for Parental Leave, they must:

- a) notify the teacher in writing of the reasons for the proposed refusal and invite him/her to make representations on the matter within 7 days
- b) consider any representations from the teacher before making a final decision on whether or not to refuse the leave
- c) notify the teacher in writing of its decision to refuse the leave summarising the grounds for the refusal.

9. Status during Parental Leave

9.1 A teacher on Parental Leave is deemed for all purposes to be in employment at that time with the exception of remuneration and superannuation. Parental Leave is fully reckonable for seniority and progression on the incremental salary scale.

10. Replacement Teacher

10.1 The employer may appoint a substitute teacher, paid by the Paymaster while a teacher is absent on Parental Leave and this must be recorded by the employer via the OLCS/relevant ETB system.

10.2 Contracts awarded to cover Parental Leave absences should make clear reference to the fact that the replacement teacher's appointment may have to be terminated, in the event of the absent teacher returning to duties earlier than initially expected e.g. where Parental Leave is suspended due to illness.

11. Employment while on Parental Leave

11.1 A teacher absent on Parental Leave may not engage in any type of teaching or other paid employment.

12. Suspension/Postponement of Parental Leave by the Teacher

12.1 If during, or immediately prior to, the agreed period of Parental Leave, the teacher concerned becomes ill to the extent that he/she is unable, or will be unable to care for the relevant child, he/she must notify the employer in writing:

- a) where the leave has not already commenced, to postpone the taking of the leave to such time as the teacher is fit to resume the care of the child, or

- b) where the leave has already commenced, to suspend the taking of the balance of the leave to such time as the teacher is fit to resume the care of the child.
- 12.2 The teacher must provide appropriate medical certification to the employer which confirms the teacher's incapacity to care for the child as a result of illness.
- 12.3 It should be noted that the suspended portion of the leave, if it is to be availed of, must be taken as soon as possible after the teacher has been certified fit to resume.
- 12.4 If during the suspension of the leave due to the 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.

13. Postponement of Parental Leave by the Employer

- 13.1 Ordinarily, Parental Leave may only be postponed once in circumstances where granting the leave at that time would have a substantial adverse effect on the operation of the school e.g. where an employer has difficulty in obtaining a replacement teacher for the duration of the absence.

In such circumstances the employer must:

- a) consult with the teacher prior to any decision to postpone the leave
 - b) notify the teacher in writing not later than 4 weeks before the intended date of the commencement of the leave
 - c) ensure that the leave is postponed for no longer than 6 months from the *original date* on which the Parental Leave was due to commence
 - d) agree a new date for the postponed leave to be taken at a time when the teacher would otherwise have been working
 - e) ensure that any further or subsequent postponement can only be permitted on the grounds where it affects seasonal variation
 - f) ensure that a new confirmation document (see [Appendix B](#)) agreeing to the new revised dates is signed by both parties with the understanding that this can be further amended provided there is agreement between both parties.
- 13.2 If, 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 date agreed by both parties.

14. Termination of Parental Leave

- 14.1 Parental Leave may be terminated by the employer if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child concerned.
- 14.2 Before terminating the leave the employer is obliged to:
- a) notify the teacher in writing that the matter is under consideration, and invite the teacher to make representations within 7 days
 - b) consider any representations from the teacher before making a final decision
 - c) notify the teacher in writing of the decision summarising the grounds for termination.
- 14.3 The final decision notification should inform the teacher of his/her obligation to return to work not later than the date specified on the Confirmation Document but no earlier than 7 days after receipt of the notice.

15. Request to change work hours/pattern

- 15.1 A teacher returning to work from Parental Leave may request a change in work hours/pattern for a defined period of time under the Job Sharing Scheme, the terms of which are set out at Chapter 8 of this Circular.
- 15.2 Such a request must be made in writing to the employer not later than 6 weeks before the proposed commencement of the change in work pattern specifying the nature of the changes requested, the date of commencement and duration of the change in work pattern.
- 15.3 The employer shall consider that request having regard to the teachers' terms and conditions in relation to leave and remuneration as well as the needs of both the school and the teacher.
- 15.4 The employer shall inform the teacher in writing if the request is being granted or refused as soon as reasonably practicable, but not later than 4 weeks after receiving the application.
- 15.5 Where the request is approved, both parties must prepare and sign a written agreement which sets out the revised work arrangements, including date of commencement and duration of the changes (The Job Sharing Scheme is subject to annual application). The employer must retain the original agreement on file and give a copy to the teacher. At any time before the agreement has been signed, the teacher may, by notice to the employer in writing, withdraw the requested change to work hours/pattern outlining the reasons for withdrawal.

16. Carryover of remaining Parental Leave from a previous employment

16.1 Subject to the normal age threshold limitations under the Parental Leave Acts and service requirements, a teacher entering this Scheme from a previous employment either in a teaching or non-teaching capacity where some Parental Leave has already been availed of:

- a) shall retain his/her statutory right to any unused remainder of Parental Leave which has been carried over to the new employment, and
- b) irrespective of previous arrangements, shall avail of his/her Parental Leave in accordance with the terms of this Chapter.

17. Transfer of Parental Leave

17.1 Subject to the approval of the employer, it is possible to transfer 14 weeks out of the 22 or 26 week Parental Leave entitlement to another parent of a relevant child, provided the other parent is employed with the same employer. In compliance with Council Directive 2010/18/EU, it is necessary for each parent to retain 8 or 12 weeks, out of his/her 22 or 26 week entitlement, for his/her own 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 the same employer, one parent may avail of 36 weeks and the other 8 weeks. From 1st September 2020, where both parents are employed by the same school, one parent may avail of 40 weeks and the other 12 weeks.

18. PRSI Arrangements

18.1 A teacher who avails of Parental Leave may be entitled to receive PRSI credits. Information about Credited Contributions can be found on the DEASP website. Therefore, all queries in relation to Social Welfare arrangements and appropriate credits of social insurance (PRSI) records for teachers who take Parental Leave should be directed to the DEASP.

19. Voluntary Deductions

19.1 Voluntary deductions from salary cease when a teacher commences Parental Leave.

19.2 It is the sole responsibility of a teacher availing of Parental Leave to ensure that voluntary deductions at source such as medical insurance policies, income continuance insurance, union subscriptions, credit union and local property tax payments do not lapse.

19.3 No liability rests with the Paymaster for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website www.education.ie under Education Staff – Information – Payroll & Financial – Voluntary Deductions. ETB teachers should contact their employer in this regard.

Appendix A - Application Form for Parental Leave

The Application Form should be fully completed and submitted to the employer at least 6 weeks prior to the planned commencement date.

Part 1A - TEACHER APPLICATION

Teacher's Name: _____ Contact No: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No: _____

PART 1B – DETAILS OF THE CHILD/CHILDREN

Application for Parental Leave in respect of:

Name of Child:	Date of birth:
No. of weeks taken to date:	

Please complete the following if Parental Leave is applied for in respect of another child/children:-

Name of Child:	Date of birth:
No. of weeks taken to date:	

Name of Child:	Date of birth:
No. of weeks taken to date:	

Documentation accompanying this application (tick as appropriate):

- Birth Certificate of the relevant child/children
- Evidence of the date of adoption/Adoption Order for the relevant child/children
- Evidence that you are acting in loco parentis

PART 1C – PARENTAL LEAVE DETAILS

Proposed pattern of Parental Leave:

One continuous block of:

- 22 weeks

From _____ to _____

- 26 weeks (from 1st September 2020)

From _____ to _____

Separate periods of weeks as follows (enter inclusive dates):

From _____ to _____

From _____ to _____

From _____ to _____

Transfer of Parental Leave

Specify number of weeks where transferring from other parent

Declaration

I wish to apply for Parental Leave in accordance with the Parental Leave Scheme as set out in the *Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*.

I confirm that the information provided in the application is true and accurate.

Signature of Teacher: _____ Date: _____

Appendix B - Confirmation Document for Parental Leave

PART 2: TO BE COMPLETED BY EMPLOYER AND TEACHER

I confirm that Parental Leave has been granted to:

Name of Teacher: _____ PPSN: _____

In respect of:

Name of Child: _____ Date of Birth: _____

Parental Leave has been granted in accordance with the Parental Leave Scheme as set out in Circular 0054/2019 titled 'Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools' as follows:

From _____ to _____

From _____ to _____

From _____ to _____

From _____ to _____

Signature of Teacher: _____ Date: _____

Signature of Employer: _____ Date: _____

Following signing, no amendment can be made to the Confirmation Document without the agreement of both parties. A copy of the Confirmation Document should be retained by the teacher.

Data Protection Privacy Statement

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Parental Leave application to be processed. Your employer will retain your application form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this application form can be found at: <https://www.education.ie/en/The-Department/Data-Protection/gdpr/gdpr.html> Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at <https://www.education.ie/en/The-Department/Data-Protection/>. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions, Department of Education & Skills, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 3– EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) the Parental Leave application in accordance with the Parental Leave Scheme as set out in Circular 0054/2019 titled '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'. The following documents will be retained for audit purposes:

- | | |
|---|--------------------------|
| 1) Application for Parental Leave | <input type="checkbox"/> |
| 2) Copy of Birth Certificate/Evidence of the date of adoption/
Adoption Order for the relevant child | <input type="checkbox"/> |
| 3) Evidence of acting in loco parentis (if applicable) | <input type="checkbox"/> |
| 4) Copy of Confirmation Document issued to teacher | <input type="checkbox"/> |
| 5) Copy of Decision Notice issued to teacher | <input type="checkbox"/> |

Approved Parental Leave has been recorded on the OLCS/relevant ETB system

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the school/ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.