

Policy Name: Adoptive Leave Policy

Policy Title:	Adoptive Leave Policy
Description:	To set out in easy-to-follow terms how to apply for Adoptive Leave and to provide guidelines on timelines.
Author (Position):	Human Resources
Version:	1.1
Approved By:	MIE Governing Body
Policy Approval Date:	January 2019
Date of Next Policy Review:	June 2027 (or as necessary)

Adoptive Leave Policy

1. Context

Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its activities. This policy document aims to set out in easy-to-follow terms how to apply for Adoptive Leave and to provide guidelines on timelines.

2. Benefits

All staff will have a clear understanding of the process and timeframes involved in requesting Adoptive Leave.

3. Principles

- 3.1. MIE wants to make Relevant Persons feel comfortable and confident in requesting Adoptive Leave.
- 3.2. MIE is committed to dealing with the matter in a confidential and timely manner.

4. Definitions

- 4.1. All members of staff who qualify under the terms of the [Adoptive Leave Act 1995](#), amended by the [Adoptive Leave Act 2005](#) and [Extension of Periods of Leave Order 2004](#) will be granted Adoptive Leave.
- 4.2. 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.

5. Policy

Legislation governing Adoptive Leave does not confer any rights to payment during Adoptive Leave. However, the MIE Governing Body¹ has approved the following regulations, which deal with the question of payment during Adoptive Leave.

- 5.1. Adoptive Leave will be available to all qualifying adopters employed under a contract of employment. A qualified adopter is either:
 - The sole adopter, in the case of a parent who is adopting a child on their own
 - The nominated parent in the case of an adopting couple

¹See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

²See [Illness Policy](#)

³See also [Force Majeure Leave](#)

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The adopting couple can choose who should take the adoptive leave (they must decide who will be the nominated parent).

An adopting couple means:

- A married couple
- A couple who are civil partners
- A cohabiting couple adopting a child

The parent who does not take adoptive leave is entitled to paternity leave.

5.2. Adoptive Leave with pay will consist of 24 consecutive weeks leave where a member of staff has completed at least 26 weeks of continuous employment with no break in service. This payment is subject to appropriate arrangements to have any Social Welfare Adoptive Benefit Entitlements which the claimant may have in relation to adoptive benefit, paid in full to MIE.

5.3. Adoptive Leave will commence as soon as the child is placed with the Adopter for adoption.

5.4. A staff member who intends to take Adoptive Leave must give adequate notice in writing to their Head of Department with a copy to Human Resources (HR). The minimum advance notice of such intention is four weeks before the expected placement of the child. The expected day of placement may be provided later where this is not possible. However, written notification must be provided not later than the proposed date of commencement of the leave.

5.5. Adoptive leave with pay is available to all members of staff who have completed at least 26 weeks of continuous employment with no break in service.

5.6. 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. If there is a break in service for more than four consecutive weeks, then the entitlement to paid Adoptive Leave will accrue after the staff member has completed 26 weeks consecutive service from the start date of their most recent contract of employment.

5.7. Continuous employment is not broken by the following: Sickness or Injury², [Maternity](#)

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[Leave](#), Additional Maternity Leave, Adoptive Leave, [Parental Leave](#), [Carer's Leave](#) or [Annual Leave](#)³.

5.8. In addition, the adopting parent may elect to take up to 16 weeks additional Adoptive Leave without pay. There is no entitlement to Social Welfare Adoptive Benefit during Additional Adoptive Leave. In the case of a foreign adoption, some or all of the additional Adoptive Leave may be taken immediately before the date of placement. Staff members must notify their Head of Department, with copy to Human Resources (HR), in writing, at least four weeks before the commencement of additional Adoptive Leave.

Where a staff member is on probation, the period of probation will stand suspended for the duration of the Adoptive Leave and any period of Additional Adoptive Leave. Adoptive Leave or Additional Adoptive Leave are not considered part of any other absence, including sick leave or annual leave. Absence from work on Adoptive Leave or Additional Adoptive Leave is both continuous and reckonable. Public holidays occurring during Adoptive Leave and Additional Adoptive Leave will be offered as extra days' leave.

5.9. A member of staff will be entitled to paid time for pre-adoption and postadoption visits by social workers and/or Health Board officials. Evidence of appointments will be required. This right is subject to the staff member giving their Head of Department at least two weeks' notice, where possible, of the appointment.

5.10. Staff members must notify their Head of Department, with a copy to Human Resources (HR), in writing, at least four weeks before the date they are due to return to work from Adoptive Leave or Additional Adoptive Leave. It is MIE policy to permit the staff member to return to the same job as held immediately before Adoptive Leave and Additional Adoptive Leave, if at all practicable.

5.11. Fixed term/specific purpose contracts are not amended/extended to take account of adoptive absence.

5.12. Further details and application forms for Adoptive Leave Benefit are available direct from:

Adoptive Leave Section
Department of Employment Affairs and Social Protection,
McCarter's Road,

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² See [Illness Policy](#)

³ See also [Force Majeure Leave](#)

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Buncrana,
Co. Donegal
Telephone: LoCall 1890 690690
Email: AdoptiveBenefit@Welfare.ie

6. Responsibility

The responsibility for maintenance of this policy rests with HR.

7. Related Documents

- 7.1. Contract of Employment
 - 7.2. [Annual Leave Policy](#)
 - 7.3. [Carer's Leave Policy](#)
 - 7.4. [Force Majeure Leave](#)
 - 7.5. [Parental Leave Policy](#)
 - 7.6. [Maternity Leave Policy](#)
 - 7.7. [Paternity Leave](#)
 - 7.8. [Illness Policy](#)
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