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<b>Policy Title:</b>	Parental Leave Policy
<b>Description:</b>	To set out in easy-to-follow terms how to apply for Parental Leave and to provide guidelines on timelines
<b>Author (Position):</b>	Human Resources Department
<b>Version:</b>	3
<b>Approved By:</b>	MIE Governing Body
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<b>Date of Next Policy Review:</b>	April 2025 (or as necessary)

## Parental 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 Parental Leave and to provide guidelines on timelines. MIE wants to make relevant persons feel comfortable and confident in requesting parental leave.

### 2. Purpose

The purpose of the [Parental Leave Act 1998](#), as amended by the [Parental Leave \(Amendment\) Act 2006](#), [European Union \(Parental Leave\) Regulations 2013](#) and the [Parental Leave \(Amendment\) Act 2019](#) is to entitle a working parent, an [adoptive](#) parent or a person acting in loco parentis, to unpaid leave from work as per below.

- For applications made before 19 July 2019, employees are entitled to take 18 weeks of parental leave to enable him/her to take care of his/her child.
- For applications for periods of parental leave made after 19 July 2019 that begin between 1 September and 31 August 2020, employees are entitled to take 22 weeks of parental leave to enable him/her to take care of his/her child.
- For applications for periods of parental leave beginning after 1 September 2020 employees are entitled to take 26 weeks of parental leave to enable him/her to take care of his/her child.

Time Period	Entitled Leave
Prior to 1 <sup>st</sup> September 2019	18 weeks
From 1 <sup>st</sup> September 2019	22 weeks
From 1 <sup>st</sup> September 2020	26 weeks

*Table 1 Period of Leave Entitlement Per Parent Per Eligible Child*

2.1. All parental leave must be taken before the child's 12<sup>th</sup> birthday and can be taken in the following ways;

- i. In a single block i.e. one continuous period
- ii. In two separate blocks, each consisting of not less than six weeks duration, with a break of ten weeks in between each block (or such lesser period with the agreement of MIE), or

- iii. By agreement, broken into shorter periods. A block of leave is defined as the same day or days per week on consecutive weeks for an agreed number of weeks. A break of 10 weeks must be between each block.

2.2. Prior to 1<sup>st</sup> September 2019, eligible employees were entitled to eighteen weeks parental leave. If an employee has already taken some, or all of their previous entitlement of parental leave per child, they can still take the extra parental leave in blocks of at least one week, provided their child is still eligible.

2.3. There must be a gap of at least ten weeks between the two periods of parental leave per child.

2.4. Both parents are entitled to parental leave, however if both parents work for MIE and MIE agrees, up to fourteen weeks of one parent's parental leave may be transferred to the other parent.

### **3. Benefits**

All staff will have a clear understanding of their entitlements and the process and timeframes involved in requesting parental leave.

### **4. Principles**

4.1. Marino is committed to dealing with the matter in a confidential and timely manner.

4.2. Marino is committed to updating its policies in line with national legislative development.

### **5. Definitions**

#### 5.1. Parent Criteria

Parental Leave is open to

- A parent
- An [adoptive](#) parent
- A person acting in loco parentis

Each parent has their own parental leave entitlements, which may not be transferred between parents (except as outlined in [Section 2](#)). Both parents can take the leave at the same time.

## 5.2. Child Criteria

The total parental leave entitlement per parent offered by MIE is outlined in [Table 1](#), for each child up to the child's 12<sup>th</sup> birthday. The entitlement to parental leave ends on the child's 12<sup>th</sup> birthday.

- i. In the case of an [adopted](#) child, the same criteria apply. However, where a child was [adopted](#) between the age of ten and twelve years of age, parental leave may be taken within two years of the date of the [adoption](#) order. The entitlement to parental leave ends on this date.
- ii. In the case of a child with a disability or long-term illness, parental leave may be taken up to the child's 16<sup>th</sup> birthday or on the date that the disability or long-term illness ceases, whichever is earlier.
- iii. An extension of parental leave may be allowed if [illness](#) or another incapacity stopped the parent from taking the leave before your child reached the age limit.

## 5.3. Part-Time Staff

Part-time staff are entitled to parental leave on a pro-rata basis. Part-time staff are entitled to twenty-two weeks parental leave, whatever length the working week may be. This means if 50% of a normal working week is worked, the actual number of days parental leave granted will be eleven full working weeks' worth. From 1<sup>st</sup> September 2020 part-time staff are entitled to twenty-six weeks parental leave. Again, this means if 50% of a normal working week is worked, the actual number of days parental leave granted will then be thirteen full working weeks' worth. In some circumstances, it may be necessary for MIE and the employee to carry out a calculation of the number of hours worked that employee's working week is based on.

## 5.4. Conditions

- i. Generally, all employees must have one year's continuous service to qualify for full parental leave entitlement.
- ii. Parents with less than one year's service will have a pro rata entitlement after three month's continuous service. The entitlement is one week's parental leave for each month of continuous employment that he or she has completed with MIE at the time of the commencement of the leave.
- iii. Parental leave does not include holidays, public holidays, and other periods of leave (e.g. [maternity leave](#) or [sick leave](#)).

- iv. Public holidays are taken immediately before parental leave where possible. Employees are entitled to the benefit of public holidays while on parental leave, meaning public holiday entitlement may be added to the end of the parental leave.
- v. Statutory [annual leave](#) will continue to accrue while on parental leave.
- vi. There must be a gap of at least ten weeks between two periods of parental leave.
- vii. If you become [ill](#) while on parental leave and are unable to care for your child the parental leave can be suspended for the duration of the [illness](#). Written notice and evidence must be given for the [illness](#) to MIE as soon as is reasonably practicable. Parental leave can resume after the [illness](#). During the [illness](#) you are treated as an employee on [sick leave](#).
- viii. You are not entitled to pay or superannuation from MIE while you are on parental leave.
- ix. Apart from the loss of pay and [pension](#) contributions, the employees' position remains as if no parental leave had been taken and the employee is regarded for employment rights purposes as still working.
- x. Employees can still avail of credited PRSI contributions while taking parental leave. More information can be found here <https://www.gov.ie/en/>.

## **6. Policy**

### **6.1. Notice to Take Leave**

Requests for Parental Leave should normally be submitted as early as possible and in any event, at least six weeks in advance of the date of the commencement of the proposed leave. Notwithstanding the above MIE asks that requests for parental leave would be submitted by May 1<sup>st</sup> for those seeking to commence leave during Semester 1 and by November 1<sup>st</sup> for those seeking to commence leave during Semester 2 or the Summer Term.

## 6.2. Process

- i. A request for parental leave should be submitted to the Human Resources (HR) Department by completing the attached form ([Appendix 1](#)), and returning it to the HR Department. A copy should also be given to the employee's Head of Department. Acknowledgement of the application will usually be sent by the HR Department within seventy-two hours of receipt.
- ii. The application will be considered by the Director of HR in conjunction with the applicant's Head of Department. The Director of HR will advise the Leadership Team of the number/duration of parental leave applications being sought each semester.
- iii. If there is agreement that the application is in order and leave may be taken in accordance with the request, the HR Department will notify the applicant of the decision to approve leave. This notification will be sent to the applicant not later than four weeks before parental leave is requested to begin. It will confirm the start date, the duration and manner in which the leave is to be taken. This document will then be counter-signed by the applicant as confirmation of their agreement ([Appendix 2](#)).
- iv. MIE may refuse to grant parental leave if it has reasonable grounds to believe that the employee is not entitled to such leave or otherwise in accordance with the legislation. This will be notified in writing to the employee not later than four weeks before the parental leave was requested to begin.
- v. Should they so wish, the applicant may appeal this decision to the President of MIE, doing so in writing within seven days of notification of refusal. The President will consider the appeal in as timely a manner as is reasonable and communicate their decision in writing to the applicant. The decision of the President is final.

## 6.3. Protection of Rights

The employees' rights (other than the right to remuneration) are protected while availing of parental leave and this is not considered as a break in service. Employees are entitled to return to their own position at the end of the parental leave or, where this is not reasonably practicable, the employee will be offered a suitable alternative role on no less favourable terms and conditions of employment.

#### 6.4. Postponement

Should there be an adverse effect on the Institute, MIE can postpone granting parental leave for up to six months. This must be discussed with the employee at the time and before the agreement document is signed. After this, the leave cannot be postponed without further written agreement. Grounds for postponement include lack of cover or if other employees are already on parental leave. Normally only one postponement is allowed, however if leave is postponed twice it may be due to reasons outlined in [Section 6.6](#).

6.5. The welfare and educational needs of the students will take precedence over all other considerations.

#### 6.6. Postponement Defined Reasons

- i. Seasonal variations – Seasonal variations are the only grounds for postponing more than once.
- ii. Unavailability of person to perform duties.
- iii. Nature of duties.
- iv. Number of employees.
- v. Number of employees on parental leave.
- vi. Other relevant matters.

#### 6.7. Abuse of Parental Leave

- i. If reasonable grounds exist for believing a parent is not using the leave for the purpose of taking care of a child, MIE may refuse leave and/or terminate the leave. In such cases MIE will give seven days' notice in writing of the termination of the leave.
- ii. Should they so wish, the employee will have seven days to appeal to the President of MIE in writing. The President will consider the appeal in as timely a manner as is reasonable and communicate their decision in writing to the applicant. The decision of the President is final.

#### 6.8. Replacement of Staff on Parental Leave

Please note that there is no guarantee that MIE will be able to replace staff who go on parental leave. Each case will be treated on its own merits.

### 6.9. Change of Job

If the employee changes job and has used part of their parental leave allowance, the remainder of parental leave can be used after one year's employment with the new employer/MIE. This is provided the child is still under twelve years of age. Employers and MIE must keep all records of parental leave for a minimum of sixteen years. The records must include the period of employment of each employee and the dates and times of the parental leave taken.



## **7. Responsibility**

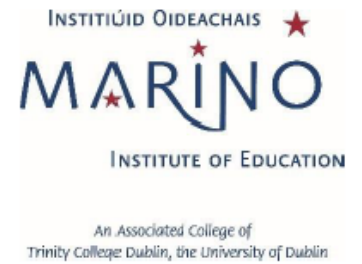
The responsibility for maintenance of this policy rests with the HR Department.

## **8. Related Documents**

- 8.1. [Maternity Leave Policy](#)
- 8.2. [Paternity Leave](#)
- 8.3. [Adoptive Leave](#)
- 8.4. [Annual Leave Policy](#)
- 8.5. [Illness Policy](#)
- 8.6. [MIE Retirement Policy](#)
- 8.7. [Carer's Leave Policy](#)
- 8.8. [Force Majeure Leave](#)
- 8.9. [Special Leaves of Absence](#)
- 8.10. Contract of Employment.

**Appendix 1: Parental Leave Application Form**

**Parental Leave Application Form  
 Human Resources  
 Marino Institute of Education**



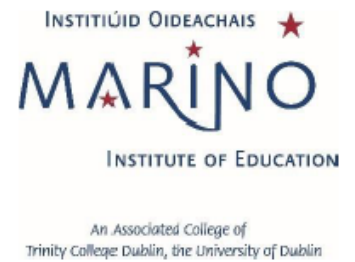
<b>Section 1: To be completed by the employee (Block Capitals)</b>																			
Surname:							First Name:												
Position:																			
Employee No.:							PPS No.:												
Child's Name:																			
Child's Date of Birth:																			
Adoption Order Date (if applicable):																			
<i>Please note that this notification should be accompanied by the birth certificate or adoption order of the child.</i>																			
<b>Section 2: Please provide details of the manner in which you propose to take parental leave</b>																			
<i>Please tick box</i>																			
In a single block i.e. one continuous period											<input type="checkbox"/>								
In two separate blocks											<input type="checkbox"/>								
By agreement, broken into shorter periods											<input type="checkbox"/>								
<i>Please give extra details if necessary</i>																			
<b>Section 3: Please give details of the duration of the proposed parental leave</b>																			
From:		D	D	M	M	Y	Y	Y	Y	To:		D	D	M	M	Y	Y	Y	Y
<b>Section 4: Date on which you propose to commence parental leave</b>																			
Proposed Commencement Date:		D	D	M	M	Y	Y	Y	Y										
<b>Section 5: Confirmation</b>																			
I declare the information given above is true and correct. I also declare that I have read and understand all the terms and conditions of the Parental Leave Policy. I understand that the leave must be used for the purpose for which it is being sought.																			
Signature:								Date:		D	D	M	M	Y	Y	Y	Y		

**Policy Identifier: Parental Leave Policy**

<b>Section 6: To be completed by Line Manager</b>														
I have checked the relevant supporting documentation required for the leave requested and confirm that leave approved complies with the terms and conditions outlined in the Parental Leave Policy.														
Application Approved ( <i>tick box</i> )				OR		Application Refused ( <i>tick box</i> )								
<input type="checkbox"/>						<input type="checkbox"/>								
Comments ( <i>if application is refused, state reason</i> )														
Signature:					Date:		D	D	M	M	Y	Y	Y	Y
Name ( <i>Block Capitals</i> ):					Position:									
Contact Phone No.:					Mobile No.:									
E-mail Address:														
<b>Section 7: To be completed by Human Resources Personnel</b>														
Name ( <i>Block Capitals</i> ):					Tel No.:									
Signature:					Date:		D	D	M	M	Y	Y	Y	Y
Decision No.														
Comments:														
<b>Section 8: To be completed by Payroll</b>														
Checked by Payroll ( <i>Please tick</i> ):														
<input type="checkbox"/>														
Name ( <i>Block Capitals</i> ):					Tel No.:									
Signature:					Date:		D	D	M	M	Y	Y	Y	Y
Comments:														

**Appendix 2: Parental Leave Confirmation of Agreement**

**Parental Leave Confirmation of Agreement  
 Human Resources  
 Marino Institute of Education**



**Purpose:** This document is to confirm that both the Line Manager and Employee are agreeable to the taking of parental leave over the course of the From and To dates and to the way in which it will be taken, as stated below.

This document must be completed no later than 4 weeks before the leave is due to begin. Once this document has been signed by both parties, it cannot be altered unless both parties agree. The applicant must be given a copy of this confirmation document.

**Section 1: To be completed by the employee (Block Capitals)**

Surname:					First Name:				
Position:									
Employee No.:					PPS No.:				
Child's Name:									
Child's Date of Birth:									
Adoption Order Date (if applicable):									

**Section 2: Confirmation agreement**

From:	D	D	M	M	Y	Y	Y	Y	To:	D	D	M	M	Y	Y	Y	Y
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Agreed manner and duration of parental leave (give details)


**Section 3: Effective period of parental leave**

Commencement Date:	D	D	M	M	Y	Y	Y	Y	Termination Date:	D	D	M	M	Y	Y	Y	Y
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**Section 4: To be completed by the employee**

Name (Block Capitals):													
Tel No.:					Mobile No.:								
E-mail:													
Signature:					Date:	D	D	M	M	Y	Y	Y	Y

**Section 5: To be completed by the Line Manager**

Name (Block Capitals):													
Tel No.:					Mobile No.:								
E-mail:													
Signature:					Date:	D	D	M	M	Y	Y	Y	Y