

Policy Title:	Parent's Leave
Description:	To set out the Marino Institute of Education's policy and implementation of the statutory entitlement to Parent's Leave.
Author (Position):	Human Resources
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Parent's 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 Parent's Leave and to provide guidance on timelines.

2. Purpose

To define the Marino Institute of Education (MIE) implementation of Parent's Leave in line with the [Parent's Leave and Benefit Act 2019](#).

3. Benefits

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

4. Principles

- 4.1. MIE wants to make relevant parents feel comfortable and confident in requesting Parent's Leave. MIE is committed to dealing with the matter in a confidential and timely manner.
- 4.2. Temporary staff employed under a fixed term/specific purpose contract of employment, are entitled to Parent's Leave for the period of the fixed term or specific purpose. The "top up" of salary by MIE is contingent on 26 weeks continuous service with MIE in advance of taking Parent's Leave.

5. Definitions

Parent's Leave is a statutory entitlement for parents. From 1st August 2024 under the [Parent's Leave and Benefit Act 2019](#), each parent is entitled to nine weeks Parent's Leave and Benefit within the first two years of their child's birth or the adoption placement. The leave period remains the same in the case of multiple births, for example if employee applies for leave for twins or if employee adopts two or more children at the same time.

- 5.1. Who is eligible to request Parent's Leave:

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- i. A parent of the child
- ii. A spouse, civil partner, or cohabitant of the parent of the child
- iii. A parent of a donor-conceived child as provided for under section 5 of the Children and Family Relationships Act 2015
- iv. The adopting parent or parents of a child
- v. The spouse or civil partner of the adopting parent of the child (if the parents have not adopted jointly).
- vi. Each member of a married couple of the same sex, a couple that are civil partners of each other, or a cohabiting couple of the same sex.

6. Policy

Parent's Leave entitles each parent to nine weeks leave for a child within their first two years of their birth or the adoption placement. A minimum of six weeks' notice of the intention to take Parent's Leave is to be provided in writing to Human Resources department and the relevant Head of Department. At the time of notification, or as soon as reasonably practicable, an employee must provide MIE with a medical certificate confirming the pregnancy of the expectant mother concerned and specifying the expected week of confinement, and/or a birth certificate or adoption placement order for the child(ren) the request is being made for.

- 6.1. Parent's Leave entitlement can be taken as one continuous period of nine weeks together, or as separate periods of not less than one week.
- 6.2. Legislation governing Parent's Leave does not confer any rights to payment by MIE during Parent's Leave.
- 6.3. As part of MIE's commitment to equality, diversity and inclusion, State Parent's Leave Benefit will be topped up to full salary for five weeks of the nine weeks entitlement where the employee has 26 weeks continuous service with MIE at the time of making an application for Parent's Leave.
- 6.4. For the duration of their Parent's Leave, relevant parents who have the necessary PRSI contributions may be entitled to parent's benefit, payable from the Department of Social Protection (DSP). Application for the benefit is made online through www.mywelfare.ie. The relevant child(ren)'s PPSN is required to complete the benefit application.

6.5.

If you are unable to apply online, the Parent's Benefit application form can be requested from the Parent's Benefit Section by calling 0818 690 690 or email parentsben@welfare.ie.

- 6.6. Staff members taking Parent's Leave are required to submit a claim for Parent's Leave benefit. Parent's Leave benefit payment is made directly to staff who meet the qualifying conditions, and the amount of benefit received will be deducted by MIE payroll from the monthly/fortnightly gross salary payment for a maximum of five weeks of the Parent's Leave term. The remaining weeks are state benefit only. Eligible staff who are not entitled to state Parent's Leave Benefit will not as a result lose entitlement to five weeks' pay during their Parent's Leave.
- 6.7. Parent's Leave records will be maintained by the Human Resources department.
- 6.8. You are entitled to annual leave and public holidays occurring while on Parent's Leave.
- 6.9. Five weeks Parent's Leave with pay is available to all eligible members of staff who have completed at least 26 weeks of continuous employment with no break in service. 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.
- 6.10. If there is a break in service for more than four consecutive weeks, then the entitlement to paid Parent's Leave will accrue after the staff member has completed 26 weeks consecutive service from the start date of their most recent contract of employment.
- 6.11. Continuous employment is not broken by Parent's Leave.
- 6.12. Staff members returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks' service prior to the expected birth/placement date in order to qualify for paid Parent's Leave.
- 6.13. The commencement date of the Parent's Leave must not be earlier than the end date of paid Maternity/Paternity leave, and no later than the child's 2nd birthday.
- 6.14. Only one period of Parent's Leave shall be granted in respect of each birth regardless of the number of children born. In the case of multiple births/adoptions the maximum period of nine weeks still applies.

- 6.15. Parent's Leave cannot be transferred between parents, except in specific circumstances such as the death of one of the parents.
- 6.16. A job sharing or part time employee who is a relevant parent will be entitled to Parent's Leave on a pro-rata basis.
- 6.17. The entitlement to Parent's Leave is subject to the condition that it is used for the provision of care to the child. An application for Parent's Leave can be refused if the applicant does not meet the criteria outlined in this policy. The employee is permitted to make representations on the matter within seven days of the refusal.
- 6.18. Applications for Parent's Leave may be postponed for up to a maximum of 12 weeks due to:
- i. Seasonal variations in the volume of work.
 - ii. No temporary replacement or cover to carry out your work.
 - iii. The nature of the duties of your role.
 - iv. For resource planning, the number of employees in the employment or the number thereof whose parent's leave periods, or parts of whose periods, will crossover.
 - v. Any other relevant matters.
- 6.19. MIE reserves the right to terminate the Parent's Leave period if there are reasonable grounds to believe the employee is abusing the leave entitlement, and/or does not meet the eligibility criteria, as outlined under 5.1 above. If following an investigation an employee is found abusing this leave, they may be subject to disciplinary action up to and including dismissal.
- 6.20. Parent's Leave in Fixed Term/Specific Purpose Contracts:
- Where Parent's Leave has commenced and the relevant parent is employed under a fixed term/specific purpose contract and the contract is due to expire during the period of Parent's Leave, then the contract will expire on the contract end date stated in the fixed term/specific purpose contract, not at the end of the up to nine-weeks period of Parent's Leave.
- 6.21. Where the Relevant Parent is on sick leave which coincides with the approved Parent's Leave period:
- i. In the event of illness of the relevant parent immediately prior to the

commencement of Parent's Leave, the term of the Parent's Leave may be postponed.

ii. The relevant parent must immediately inform Human Resources and their Head of Department and must provide written notification of the postponement of the leave due to illness and include appropriate medical certification. Such absences shall be treated in the same manner as an absence from duty due to illness.

iii. It should be noted that postponed Parent's Leave can be resumed on a date which is agreeable to the relevant parent and MIE, to be taken not later than seven days after the relevant parent has been certified fit to resume.

6.22. Postponement of Parental Leave on Hospitalisation of the Child:

- i. In the event of the hospitalisation of the child a request may be made for a postponement of the Parent's Leave.
- ii. An application for postponement must be made in writing to Human Resources, accompanied by certification from the hospital in which the child is hospitalised. The staff member is to be notified of the decision, as soon as reasonably practicable following the receipt of such request. If the leave is to be postponed, the revised commencement date of Parent's Leave can be agreed at that point.
- iii. The postponed leave shall be taken as a continuous period beginning not later than seven days after the child is discharged from hospital or such other date as may be agreed with Human Resources.

6.23. Entitlement to Parent's Leave on death of Child:

- i. Where a relevant parent is on Parent's Leave and the death of the child occurs on or before the expiration of the Parent's Leave period, the death shall not affect the entitlement of the relevant parent to such leave.
- ii. Where a relevant parent entitled to Parent's Leave, but he or she had not given a relevant notification to his or her employer at the time of the death of the relevant child.

6.24. Entitlement of employed surviving parent to Parent's Leave on death of relevant parent:

- i. In the event of the death of the relevant parent, the surviving parent is entitled to the amount of Parent's Leave the deceased parent did not take from their Parent's Leave entitlement. This is known as *transferred Parent's Leave*.

The surviving parent is required to notify HR in writing of the following:

1. the death of the relevant parent
2. his or her intention to take transferred Parent's Leave.
3. the length of leave to which he or she believes he or she is entitled to.

6.24 The staff member is entitled to return to work to the same job and under the same terms and conditions of employment following Parent's Leave.

7. Responsibility

The responsibility for maintenance of this policy rests with Human Resources.

8. Related Documents

- 8.1. The Contract of Employment
- 8.2. [Adoptive Leave](#) (Adoptive Leave allows one parent in a couple, or a sole adopter, to take 24 weeks of leave from work when a child is placed in their care)
- 8.3. [Maternity Leave Policy](#) (Maternity Leave is a statutory entitlement of 26 weeks paid leave and additional 16 weeks of unpaid maternity leave is also available.)
- 8.4. [Parental Leave Policy](#) (Parental Leave is a different category of leave to Parent's Leave. Parental Leave is a statutory entitlement for parents to take 26 weeks of unpaid parental leave per child, before their child turns 12, or 16 if the child has a disability.)
- 8.5. [Illness Policy](#)
- 8.6. [Record Management Policy](#)
- 8.7. [Records Retention Schedule](#)
- 8.8. [Staff Equality Policy](#)