

CARNDONAGH COMMUNITY SCHOOL

PARENTAL LEAVE POLICY FOR TEACHERS

A. POLICY STATEMENT

The law recognises, and we respect that there will be occasions when teachers wish to take parental leave. This leave is **unpaid time off** work for the purpose of caring for a child or children.

Our school policy is in accordance with the applicable legislation, specifically the **Parental Leave Acts 1998 and 2006 (“the Acts”)** as amended by the EU (Parental Leave Regulations) 2013. Our policy also takes into consideration the relevant circular for teachers who wish to avail of parental leave, namely, the Department of Education and Skills Circular 0026/2013.

Our school policy is the applicable policy for teachers taking parental leave while employed in our school. This policy does not form part of any teacher’s contract of employment and it may be amended at any time.

B. TERMS AND CONDITIONS DURING PARENTAL LEAVE

With the exception of remuneration and superannuation, a teacher on parental leave is deemed for all other purposes to be in employment for the period of the leave. Accordingly, the absence is fully reckonable for all other purposes including seniority, access to the redeployment panel, progression on the incremental salary scale and notification regarding posts of responsibility.

A teacher absent on parental leave may not engage in any type of teaching or any other type of paid employment, as under the terms of the Acts, the leave is specifically intended for the care of children.

See section below regarding statutory annual leave and public holiday entitlement.

C. ELIGIBILITY AND ENTITLEMENT TO PARENTAL LEAVE

This policy reflects the statutory right of teachers with at least one year's continuous service to take up to eighteen (18) weeks' unpaid parental leave in respect of each child, if they are the parent, adopting or adoptive parent, or acting in loco parentis.

Where a teacher is acting in loco parentis, it is a matter for the school to be satisfied that the granting of parental leave is appropriate.

The one year’s service requirement is waived if the teacher is compulsorily redeployed into our school - provided s/he has completed one year’s continuous employment in her/his former school before redeployment.

In circumstances where, on the latest day for commencing a period of parental leave, the teacher has less than one year but more than three months continuous teaching service with the school, the teacher shall be entitled to parental leave for a period of one week for each month of continuous service completed with our school at the time of the commencement of the leave.

A teacher who is on or due to be placed on a panel for redeployment may not apply for parental leave beyond the end of the school year in which his/her post is to be withdrawn.

Entitlement to parental leave shall cease on the expiry of the contract of employment and that contract not having been renewed.

A teacher's entitlement to parental leave shall end:

- (a) On the child's thirteenth (13th) birthday; or
- (b) in the case of a child with a disability or long term illness, on the child's sixteenth (16th) birthday or on the date that the disability or long term illness ceases, whichever is earlier; or
- (c) in the case of an adopted child aged between 11 and 13 years, not later than two years from the date of the adoption order.

The total leave entitlement is eighteen (18) weeks per child. Parental leave for more than one child in any period of 12 months may not exceed eighteen (18) weeks without the consent of the employer. There is an exception in cases involving parents of multiple births (twins/ triplets etc) where a teacher can take more than eighteen (18) weeks of parental leave in any twelve (12) month period.

D. CARRYOVER OF LEAVE

Any parental leave that teachers take in relation to a child while working for another employer (either in a teaching or non-teaching capacity) counts towards their eighteen (18) week entitlement. If a teacher has taken parental leave in relation to a child during previous or concurrent employment, the teacher should provide such details to the Principal.

Subject to the normal age threshold limitations 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;

- shall retain his/her statutory right to any unused remainder of parental leave which has been carried over to the new employment, and
- irrespective of previous arrangements, shall take his/her parental leave in accordance with the terms of this policy.

E. PATTERN OF TAKING PARENTAL LEAVE

Our school directs that the eighteen (18) weeks per child be taken as follows;

(1) One continuous period or;

(2) In two separate blocks of a minimum of six (6) weeks.

Teachers have a statutory entitlement to take parental leave in the manner outlined in point 1 and 2 above , however, agreement to lesser periods of leave taken in blocks of at least 1 week (broken leave) up to a maximum of 18 weeks, may be agreed between the teacher and the Board of Management.

If a one week block period of parental leave (broken leave) is sought and granted by the Board, it must consist of a **minimum duration of 7 consecutive days** including weekends, school closures and days on which the teacher is not timetabled for attendance occurring within that period.

Where a teacher applies for parental leave for 6 or more weeks, the minimum period which must be granted by the Board of Management is 6 weeks, except in cases of postponement and refusal of parental leave (as dealt with below).

F. APPLICATION REQUIREMENTS

Application for parental leave should be made by a teacher to Board of Management (c/o the Principal) at least six weeks in advance of the commencement of the leave on the prescribed application form which is attached at Appendix A of this policy.

If the parental leave is approved, the school will prepare a **confirmation document** (as per Appendix B of this policy) at least four (4) weeks prior to the commencement of parental leave. This confirmation document will specify the date of commencement of leave, its duration and the manner in which it will be taken and will need to be signed by the teacher and the Principal. A teacher may revoke the application at any point prior to the signing of the confirmation document by both parties. The school will retain a copy of the signed confirmation document and provide the teacher with a copy, which the teacher is obliged to retain for his/her own records. This document constitutes a legal agreement when signed by both the teacher and the school.

The school will notify the Department (via recording of the leave on the OLCS not later than 4 weeks prior to the commencement of the leave. In the event that there is any delay in recording the leave which results in an overpayment of salary to the teacher concerned, the teacher must return such monies within 7 days of being notified of same.

G. EVIDENTIAL REQUIREMENTS

When the teacher submits a completed application form (Appendix A) for a period of parental leave under this policy, s/he must also provide the Principal with evidence of:

- (a) the birth certificate of the child;
- (b) where applicable, evidence of the date of the adoption order of the child;
- (c) if applicable, medical information regarding the child's disability or long term illness;
- (d) where applicable, evidence of parent acting in loco parentis.

If the teacher has difficulties obtaining the evidence, or if the teacher has any queries, contact should be made with the Principal.

H. THE SCHOOL'S RIGHT TO POSTPONE PARENTAL LEAVE

The Board of Management reserves the right to postpone a proposed period of parental leave for up to six (6) months, (from the original date on which the parental leave was due to commence) where the leave as planned would have a substantial adverse effect on the operation of the school. The Board of Management might do so, for example, where:

- (a) the teacher wishes to take parental leave in proximity to exam time;
- (b) a number of teachers wish to take or are currently on parental leave at the same time;
- (c) the teacher's work is of importance to a time-critical project; or
- (d) cover for the teacher's class/work cannot be found before the date on which the teacher's parental leave is due to start; or
- (e) a teacher seeking to take multiple one week blocks of parental leave per school year would cause disruption to student's learning and/or have an adverse impact on the school.

If the Board of Management decides to postpone the teacher's parental leave, the school shall:

- (a) consult with the teacher prior to any decision to postpone the leave;
- (b) where the postponement is deemed necessary, notify the teacher in writing not later than 4 weeks before the intended date of the commencement of the leave;
- (c) ensure that the postponement is not any 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 (in which circumstance, the parental leave may not be postponed more than twice);
- (f) ensure that new confirmation documents agreeing to the new revised dates are signed by both parties with the understanding that this can be further amended provided there is agreement between both parties.

Where a child is older than the eligibility age solely by reason of the school's postponement of the teacher's parental leave, the child will be deemed to be below that age for the purposes of parental leave.

I. REFUSAL TO GRANT PARENTAL LEAVE

Where there are reasonable grounds to believe that the teacher may not be entitled to parental leave the school may refuse to grant such leave.

In such circumstances, the school is obliged to

- 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;
- consider any representations from the teacher before making a final decision on whether or not to refuse the leave;
- where the school ultimately decides to refuse the leave then the teacher must be notified in writing of the decision, summarising the grounds for the refusal.

J. TERMINATION OF PARENTAL LEAVE

Parental leave may be terminated by the Board of Management 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.

Before terminating the leave, the Board of Management is obliged to;

- notify the teacher in writing that the matter is under consideration, and invite the teacher to make representations within 7 days
- consider any representations from the teacher before making a final decision
- notify the teacher in writing of the decision, summarising the grounds

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

K. REPLACEMENT TEACHER

In the case where a replacement teacher is to be employed s/he shall be offered a specified purpose contract, and such a contract must state that the purpose of the contract is to provide cover for the duration of the specific teacher's parental leave. The contract should further provide for termination in the event of the teacher on parental leave returning to employment earlier than expected.

L. OVERLAP OF STATUTORY LEAVE TYPES

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 the school and the teacher.

M. STATUTORY ANNUAL LEAVE/PUBLIC LEAVE ENTITLEMENT

In general, full time employees are entitled to 20 days annual leave per year. Part time employees are entitled to annual leave on a pro rata basis.

Any entitlements in respect of public holidays occurring while on parental leave will be addressed by additional annual leave.

These annual leave entitlements are to be taken on existing school closure days that occur in the leave year (**defined as the period 1st September to 31st August in each year**) in question i.e. both before and after the parental leave period. Annual leave entitlements are to be taken at a time outside of the period of parental leave.

When availing of parental leave and there are not enough school closure days in the leave year to absorb all annual leave entitlements, it is permitted to take the necessary days immediately before the parental leave in the same leave year. Alternatively, the teacher will be permitted to carry the balance forward to the following leave year.

Alternatively, teachers will be permitted to carry the balance forward to the following leave year but must then take these days during school closures.

Teachers who resign/retire or their employment ceases may be entitled to additional payment in lieu of their accrued leave.

N. COMPLIANCE

Where a teacher takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, and/or a teacher fails to adhere to this policy and Circular 26/2013, this breach and/or failure will be dealt with as a disciplinary issue under the agreed Disciplinary Procedures. Failure to adhere to the policy and Circular 26/2013, may lead to the cessation of the teacher's salary.

O. TRANSFER OF PARENTAL LEAVE

Subject to the approval of the Board of Management, it is possible to transfer 14 weeks out of the 18 week parental leave entitlement to another parent of a relevant child, provided the other parent is also employed by our school. It is necessary for each parent to retain 4 weeks, out of his/her 18 week entitlement, for his/her own personal use. The 4 weeks may not be transferred to another parent and can only be used by the parent with whom the entitlement originates. ie where both parents are employed in our school, one parent may avail of 14 weeks and the other 4 weeks.

P. SUSPENSION/POSTPONEMENT OF PARENTAL LEAVE THROUGH ILLNESS OF THE TEACHER

If during, or immediately prior to, the agreed period of parental leave, the teacher 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 teacher 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 teacher is fit to resume the care of the child.

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

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.

If, purely as a consequence of a 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.

Q. SPECIAL PATTERN IN EXCEPTIONAL CIRCUMSTANCES

In certain exceptional circumstances where a child has particular medical problems that require the attendance of a parent at a hospital, clinic, or therapeutic appointment on a **regular basis**, a teacher may arrange with the Board of Management in advance to avail of parental leave in the form of individual days to facilitate such attendance. To minimise disruption to the running of the school in such cases, a teacher shall apply to the Board of Management as soon as possible specifying the dates of any such appointment and the proposed duration for such exceptional leave pattern.

In such circumstances certification from the hospital or clinic in respect of the absence must be submitted to the school and will be retained on the teacher's personnel file.

R. VOLUNTARY DEDUCTIONS AND SOCIAL WELFARE ARRANGEMENTS

Voluntary deductions from salary cease when a teacher goes on parental leave.

It is the sole responsibility of a teacher availing of parental leave to ensure that medical insurance policies income continuance insurance, union subscriptions, credit union payments etc do not lapse. No liability rests with the Department of Education and Skills or the school for policies of any nature which lapse.

All queries in relation to Social Welfare arrangements and appropriate credits should be directed to the Department of Social Protection.

S. REQUEST TO CHANGE WORK HOURS/PATTERN

A teacher returning to work from parental leave may request a change in work hours/pattern for a set period of time.

Such request must be made in writing to the Board of Management as soon as reasonably practicable, but not later than six weeks before the proposed commencement of the set period of time concerned, specifying the nature of the changes request and the date of commencement and duration of the set period requested.

The Board of Management shall consider that request having regard to the teacher's terms and conditions in relation to leave and remuneration as well as the needs of both the school and the teacher. 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 four weeks after receiving an application.

T. MONITORING AND REVIEW OF POLICY

The Board of Management reserves the right to make any changes and amendments to this policy that it considers necessary at its sole discretion.

[APPENDIX A FROM CIRCULAR 26/2013]
APPLICATION FOR PARENTAL LEAVE
(TO BE COMPLETED BY TEACHER)

School: _____ Roll No. _____

Name: _____

Home Address: _____

Telephone No: _____

PPSN:									
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I hereby make application for parental leave in respect of:

Name of Child: _____ Date of birth: _____

(The birth certificate of the child and, where applicable, evidence of the date of the adoption order of the child, or evidence of parent acting in loco parentis should accompany this application)

Have you previously availed of parental leave in respect of the child above?
 Yes No

If yes, please state the number of weeks: _____

I propose to take parental leave as follows:

Please tick

- In one continuous block of 18 weeks
 In separate periods of weeks as follows:

Dates of parental leave as follows:

From - To:	From - To:	From - To:

I hereby confirm that the information recorded in this document is true and accurate and my application for parental leave is submitted in accordance with the regulations and procedures set out in circular letter 0026/2013.

Signature of Teacher: _____ Date: _____

On completion please forward this Application Form to your employer

Appendix B
CONFIRMATION DOCUMENT FOR PARENTAL LEAVE

[FROM CIRCULAR 26/2013]
(TO BE COMPLETED BY THE EMPLOYER AND TEACHER)

I hereby confirm that parental leave has been granted to:

Name of Teacher: _____

PPSN:									
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In respect of:

Name of Child: _____ Date of birth: _____

Parental leave has been granted in accordance with circular 0026/2013 as follows:

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.

This document should be retained on the teacher's personnel file and a copy retained by the teacher.