

AA004 Adoptive Leave Policy



Adoptive Leave Policy

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1. Purpose of Policy:

The Purpose of this Policy is to explain an employee's entitlement with regard to adoptive leave. Entitlements under this Policy will be provided in accordance with the Adoptive Leave Acts 1995 - 2005, as amended to provide time off to employees who have adopted a child in order to allow time for familiarisation and bonding with the child.

2. Scope:

Adoptive leave is available to an adopting mother or a sole male adopter, who are in employment and in whose care a child has been placed or is to be placed with a view to making an adoption order or to effecting a foreign adoption. The Policy also covers male employees in the unfortunate event of an adopting mother's death.

3. Eligibility and Entitlement:

a. Adopting mothers and sole male adopters:

Adopting mothers and sole male adopters who are in employment are entitled to 24 consecutive weeks adoptive leave from the date of placement of the child. In addition, employees may avail of a further 16 weeks additional unpaid adoptive leave following immediately on the period of adoptive leave, except in the case of foreign adoption. For further information please see below.

b. Adopting Fathers' Entitlement In The Event of The Death of The Adopting Mother:

In the unfortunate event of an adopting mother's death, the adopting father may be entitled to leave in certain circumstances. Details of this leave may be obtained from the HR Manager.

c. Foreign Adoptions:

In the case of foreign adoption, some or all of the additional adoptive leave may be taken immediately before the date of placement. This leave is available at the request of the employee and entitlement is subject to the notification and evidence requirements set out below.

4. Procedure:

a. Adopting mothers and sole male adopters:

An adopting mother or sole male adopter who are in employment must notify his/her manager, in writing, of his/her intention to take adoptive leave as soon as possible but in any event no later than 4 weeks before the expected date of placement. An employee must also provide his/her manager with the expected date of placement as soon as is reasonably practicable.

b. If an adopting mother or sole male adopter wishes to take additional leave of up to 16 weeks, he/she must inform his/her manager of this intention, preferably at the same time as notification is given for adoptive leave, but no later than 4 weeks before the commencement of the additional adoptive leave.

c. In the case of foreign adoptions, an adopting mother or sole male adopter may take some of the additional leave before the placement of the child. If the employee wishes to avail of this facility, he/she must notify his/her manager in writing 4 weeks before the leave is due to begin.

5. Evidence of the Placement

a. Irish Adoption:

In the case of an Irish adoption, the employee must, no later than 4 weeks after the date of placement, produce a certificate of placement to his/her manager.

b. Foreign adoption:

In the case of a foreign adoption, a declaration of eligibility and suitability must be produced before the commencement of adoptive leave or additional adoptive leave, (whichever is the earlier). Particulars of the placement must be furnished as soon as is reasonably practicable thereafter.

6. Sole Adopting Fathers Entitlement In The Event of The Death of The Adopting Mother:

a. In the case of an adopting Father, where the adopting mother has died, the employee should notify his manager as soon as possible of his intention to take leave.

b. An adopting father may request additional leave as appropriate. There are special arrangements for the granting of this leave, details of which may be obtained from Human Resources.

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- c.** In foreign adoption cases, the adopting father may take some or all of the additional leave before the date of placement. Written notification must be supplied to the employee's manager before the leave begins. The manager will also be supplied with the declaration of suitability and eligibility no later than 4 weeks after the leave begins.

7. Payment for Adoptive Leave

- a.** Brídhaven does not pay for adoptive leave or additional adoptive leave.
- b.** Employees should apply to the Department of Social Protection no later than 8 weeks before they are due to commence their adoptive leave to ensure their application for benefit is processed on time. The onus is on the employee to ensure they claim Social Welfare Benefit. This is not the responsibility of Brídhaven .
- c.** The additional 16 weeks leave period is unpaid by both Brídhaven and the Department of Social Protection.
- d.** Employees are advised to contact the Department of Social Protection directly regarding Social Welfare Benefits to which they may be entitled.

8. General Guidelines

- a.** During an absence on Adoptive leave, an employee retains all employment rights ***except the right to remuneration and superannuation benefits***. In addition, employees on Adoptive leave are entitled to annual leave and public holiday benefits.
- b.** Adopting mothers and sole male adopters, who are in employment, are entitled to paid time off work to attend preparation classes and pre-adoption meetings with Social Workers or Health Service Executive (HSE) Officials required during the pre-adoption process.
- c.** Periods of probation, training or Apprenticeships can be suspended during a period of adoptive and/or additional leave.
- d.** Qualifying employees will maintain all of his other employee rights while on adoptive leave with the exception of remuneration and superannuation benefits associated with employment. Employees are entitled to leave for any public holidays that occur during the adoptive leave period (including additional adoptive leave). In addition, annual leave entitlements will continue to accrue throughout the period of adoptive leave.
- e.** If the adoptive child is hospitalised, the period of leave of additional leave may be postponed with the express agreement of Brídhaven . Details must be forwarded to the employee's manager.
- f.** An employee's continuity of employment is preserved during an absence from work on adoptive leave or additional adoptive leave.

9. Returning to Work:

- a.** An adopting parent must provide his/her manager with written notification of his/her intention to return to work no later than 4 weeks before the intended date of return.
- b.** When the adoptive leave ends, and employee will be entitled to return to his/her usual position in so far as it is reasonably practicable. However, if this is not possible, the employee will be offered suitable alternative work.

10. Review

Brídhaven reserves the right to review, amend or replace this Policy. It will be reviewed on an ongoing basis in line with business needs and legislative amendments and any changes will be advised to employees.

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Document Revision Record:

Revision No.	Reviewed by:	Date:	Changes: Yes/No	Reason for Review