

Document:	PARENTAL LEAVE POLICY
Procedure No:	17-01 (year and version number)
Effective Date:	06 April 2017
Supercedes:	Policy dated 20 November 2014
Issued By:	Human Resource Department
Review Date:	06 April 2019

Table of Contents

Policy Statement	3
Scope	3
Purpose	3
Parental Leave Entitlements	3
Eligibility	3
Protection of Employment Rights	4
Pattern for parental Leave.....	4
Non-Teaching Staff.....	4
Teaching Staff & Special Needs Assistants	4
Parental Leave Time Limits.....	4
Statutory Annual Leave/Public Holiday Entitlement	5
Postponement of Parental Leave by the Employer.....	5
Suspension/Postponement of Parental Leave through illness of the Employee.....	5
Refusal to grant Parental Leave	5
Transfer of Parental Leave.....	6
Application	6
Employer Confirmation Document.....	6
Request to Change Standard Work Hours/Pattern	6
Voluntary Deductions	6

Policy Statement

Cork ETB looks positively on the concept of flexible working arrangements and wishes to support staff in balancing their personal and work lives. Cork ETB recognises that flexible working arrangements, including statutory entitlements, where carefully managed, can bring significant benefit to an organisation and its employees. However, the operation of such schemes is subject to the condition that the operating requirements of Cork ETB are not adversely affected. Accordingly, all applications to avail of parental leave will be considered in the context of the organisational needs of Cork ETB.

Scope

This policy applies to all employees of Cork ETB and refers to the agreed guidelines for Teachers, Special Needs Assistants (SNAs) and all other Staff availing of Parental Leave under the terms of CL 0026/13, CL 27/2013 and CL 0030/2017.

Purpose

This policy has been developed to provide a framework within which the provisions of the relevant legislation and Circular Letters can be applied and to assist staff in understanding how Parental Leave will be managed within the organisation.

Parental Leave Entitlements

Parental Leave is granted in accordance with the Parental Leave Acts 1998 and 2006 and the European Union (Parental Leave) Regulations 2013 (S.I. No. 81 of 2013) and CL 0026/2013 (Teachers Circular) & 27/2013 (SNA Circular).

Parental Leave is unpaid leave of 18 weeks in respect of each child up to the age of 13 years or the age of 16 years in the case of a child with a disability and/or long-term illness. There is no obligation to take the full 18 weeks' leave. Each parent has a separate entitlement to parental leave from his/her job.

Eligibility

An employee may be eligible for parental leave where s/he has completed one year's continuous employment with Cork ETB. In circumstances where, on the latest day for commencing a period of parental leave, the employee has less than one year but more than three months continuous service with Cork ETB, the employee will be entitled to parental leave for a period of one week for each month of continuous service completed with Cork ETB at the time of the commencement of the leave. Parental leave will not be granted where an employee has, with a previous employer, already availed of his/her full entitlement in respect of a child. In cases where an employee has been compulsorily redeployed into Cork ETB, his/her service with the previous employer will be counted for the purposes of assessing eligibility.

The maximum combination of available leave (i.e. planned leave) that will be granted at any one time is the equivalent of 0.8 whole time equivalent with the exception of annual leave.

Protection of Employment Rights

An employee on parental leave is deemed for all purposes to be in employment at that time and retains all of his/her employment rights with the exception of remuneration and superannuation. The absence, therefore, will count as reckonable service for the purposes of annual leave, increments, seniority, etc.

Pattern for parental Leave

Non-Teaching Staff

The block of 18 weeks may be taken as a whole, in blocks of weeks, or in individual days, with the agreement of the employer. All applications must be for a **minimum of one half day or a maximum of one day per week if taken in weeks.**

While every effort will be made to accommodate an individual's preference, the decision as to what can be accommodated rests with the employer as consideration must be given to the needs of the organisation in terms of service delivery.

In making applications, consideration will be given to the period for which leave is requested, and any other leave being taken during that time period, either by the individual and /or leave arrangements of fellow colleagues. Once dates are agreed, applications must be submitted through CORE where they will be approved and balances recorded.

The maximum combination of available leave (i.e. planned leave) that will be granted at any one time is the equivalent of 0.8 whole time equivalent with the exception of annual leave, unless the leave is taken in blocks of weeks.

Teaching Staff & Special Needs Assistants

The pattern in which a Teacher or Special Needs Assistant may avail of parental leave is set out in CL 0026/2013 and CL 0027/2013 and must be in blocks of at least 1 week up to a maximum of 18 weeks. In exceptional circumstances, a teacher or SNA may avail of parental leave in the form of individual days where a child has particular medical problems that require the attendance of a parent with the child at a hospital, clinic or therapeutic appointment on a regular basis. In such circumstances certification from the hospital or clinic in respect of the absence must be submitted to the employer and retained on the teacher's personnel file. Any application for leave must suit the needs of the School.

Parental Leave Time Limits

Entitlement to parental leave shall end:-

- Not later than the day on which the child concerned attains his/her 13th birthday; or
- In the case of an adopted child aged between 11 and 13 years, not later than two years from the date of adoption order;

- In the case of a child with a disability and or long-term illness, not later than the day on which the child attains his/her 16th birthday.

Parental leave for more than 1 child in any 12 month period may not exceed 18 weeks except by mutual agreement. The only exception is where there is a statutory entitlement arising from multiple births (twins, triplets etc.).

Statutory Annual Leave/Public Holiday Entitlement

A person's entitlement to annual leave is not affected by the taking of Parental leave.

For non-academic staff, public holidays that occur during a period of parental leave will accrue as day(s) in lieu and will be added to the end of the period of leave.

For teachers and SNAs, any entitlements in respect of public holidays occurring while on parental leave will be addressed by additional annual leave, which is to be taken on existing school closure days that occur in the leave year in question i.e. both before and after the parental leave period. Further details regarding this procedure are available in the relevant circular letters.

Postponement of Parental Leave by the Employer

Parental Leave may be postponed in circumstances where the granting of the leave at that time would have a substantial adverse effect on the operation of the organisation. Ordinarily the leave may only be postponed once, for a period not exceeding six months, to a date agreed upon by both the employer and the employee.

Suspension/Postponement of Parental Leave through illness of the Employee

If during, or immediately prior to, the agreed period of parental leave, the employee concerned becomes ill to the extent that s/he is unable, or will be unable to care for the child, it is possible to either postpone leave which has not already commenced or to suspend the balance of leave which has already commenced to such time as the employee is fit to resume the care of the child. Normal notification and certification procedures relating to Sick Leave must be followed.

Refusal to grant Parental Leave

The employer may refuse, in writing, to grant parental leave where there are reasonable grounds to believe that the employee is not entitled to such leave. Before refusing to grant the leave, however, the employer must notify the employee, in writing, of his/her intention to do so and invite the employee to make representations on the matter within 7 days. The employer is obliged to consider the employee's submission before deciding whether to refuse the leave. The reasons for such refusal must be specified.

Transfer of Parental Leave

Subject to the approval of the employer, 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 Cork ETB**. In compliance with Council Directive 2010/18/EU, it is necessary for each parent to retain 4 weeks out of his/her 18 week entitlement for his/her own personal use.

Application

Application for parental leave should be made at least 6 weeks in advance of commencement of the leave on the Core system (where an employee has access) and the additional documentation forwarded to HR as specified in the application process.

Employer Confirmation Document

The employer, in granting parental leave should, 4 weeks prior to the commencement of the leave, prepare the Confirmation Document with the employee. This document constitutes a legal agreement between the parties. An employee may revoke the application, in writing, at any point prior to the signing of the confirmation document by both parties. Once signed, it cannot be altered, unless both parties agree.

Request to Change Standard Work Hours/Pattern

An employee returning to work from parental leave may request a change in work hours/pattern for a set period of time, not exceeding 4 weeks. Any such request must be made at least 6 weeks before the proposed commencement of the period of time concerned, specifying the nature of the changes requested, the commencement date and duration. Cork ETB will consider the request having regard to the employees' terms and conditions in relation to leave and remuneration as well as to the needs of the organisation and the employee. Cork ETB will inform the employee in writing if the request is being granted or refused as soon as possible, but no longer than 4 weeks after receiving the application.

Voluntary Deductions

It is the responsibility of the employee availing of parental leave to ensure the continuity of payments normally made by voluntary salary deductions while he/she is on a period of unpaid leave, as voluntary deductions from salary cease when an employee is on continuous unpaid leave. No liability rests with Cork ETB for policies of any nature which may lapse.

Signed: 

Date: 06 April 2017

Timothy Owens, Chief Executive