



Enable Ireland

ADOPTIVE LEAVE POLICY

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1.0 Legislation

This policy informs all staff covered by the Adoptive Leave Acts 1995 and 2005 and Family Leave and Miscellaneous Provisions Act 2021 of their rights and entitlements while in employment.

The act covers the following:

- Eligibility
- Entitlement
- Duration of adoptive leave and additional adoptive leave
- Right to time off from work to attend pre-adoption meetings
- Termination of adoptive leave in the event of the sickness of the adopting parent
- Postponement of adoptive leave due to hospitalisation of the child
- Annual leave and public holidays
- Redress
- Notification requirements
- Evidence of the placement
- Related legislation

2.0 Scope

The policy covers staff who are qualifying adopters while in the employment of the organisation. All full-time and part-time staff are covered by this policy.

With reference to the application of the HR process in relation to staff employed by other agencies in through the PDS framework, this policy is applied in accordance with the:

- [National Policy on the Lead Agency Model](#)¹ (2019:4),
- **Interagency Agreement**, together with any new policy or guideline documents arising from PDS.

3.0 Entitlement

a) Adoptive Leave

- 24 consecutive weeks' adoptive leave plus option to avail of up to a maximum of 16 weeks immediately following the period of adoptive leave

b) Additional Adoptive Leave

- In addition to the minimum period of adoptive leave, a staff member may elect to take up to 16 weeks additional adoptive leave
- In the case of a foreign adoption, some or all of the 16 weeks additional adoptive leave may be taken immediately before the date of placement, for the purpose of familiarisation with the child

During the period of additional adoptive leave, there is no entitlement to Social Welfare adoptive benefit.

¹ <https://www.hse.ie/eng/services/list/4/disability/progressing-disability/pds-programme/documents/national-policy-on-the-lead-agency-model.pdf>

4.0 Preparation Classes

Adopting parents are entitled to **paid time off work** to attend any pre-adoption classes and meetings which the staff member is obliged to attend as part of the adoption process.

Staff are obliged to notify the employer in writing of the dates and times of the classes concerned as soon as practicable but not later than 2 weeks before the date of the first class, and provides on request from the employer, an appropriate document indicating the dates and times of the classes concerned.

5.0 Notification Requirements

Under the legislation, staff must give:

- 4 weeks' written notice before the expected placement of the child. The expected day of placement may be given later where this is not possible. Written notification (see **Appendix 1**) must be given not later than the proposed date of commencement of the leave.
- A certificate of placement must be supplied to the employer as soon as is reasonably practicable but not later than 4 weeks after the date of placement.
- 4 weeks written notice of intention to take additional adoptive leave (see **Appendix 2**).
- 4 weeks written notice of intention to return to work (see **Appendix 3**).

***Note:** Appendix 1, 2 & 3 are available to download via the [Forms Page²](#) of Inform.

6.0 Rights During Leave

Absence from work on adoptive leave is both continuous and reckonable. Absence from work on additional unpaid adoptive leave will count for all employment rights (except remuneration and superannuation benefits) associated with the employment.

Absence from work on adoptive or additional adoptive leave may not be treated as part of sick leave, annual leave or any other leave that the staff member may be entitled to.

The Act provides, therefore, for a maximum of 24 weeks adoptive leave.

7.0 Postponement of Statutory and Additional Adoptive Leave

In the event of the hospitalisation of the child, staff can avail of the option to postpone the period of Statutory or Additional Adoptive Leave subject to the agreement of the Line Manager.

8.0 Termination of Additional Adoptive Leave

Where staff have become ill, the staff member may make a request in writing to the relevant member of the National Services Forum to have the remaining Additional Adoptive Leave terminated. Where they are entitled to access the Enable Ireland Sick Pay Scheme, normal salary payments will be made. The staff member forfeit the right to take any outstanding Additional Adoptive Leave once it has been terminated.

9.0 Return to Work

Staff must inform their line manager and the Human Resources Department, in writing, at least four weeks before the date in which they are to return to work after adoptive leave or additional leave. If a staff member fails to give four weeks written notification of their return to work, Enable Ireland will review their status of employment.

² <https://enableireland.sharepoint.com/policies/Pages/Forms.aspx>

10.0 Salary Adjustment

Salary adjustment means that, conditional on clauses outlined below, Enable Ireland will pay the difference between the amount of Adoptive Benefit paid by the Department of Social Protection (DSP) and a staff member's salary (if higher than the amount being received from the DSP).

An application for Adoptive Benefit must be made by each staff member. In a situation where a staff member may be entitled to none or part Adoptive Benefit only, as determined by the DSP, the salary adjustment calculation is reviewed on a case-by-case basis.

Application of the salary adjustment is as follows:

- (a) Permanent staff members qualify for full pay during adoptive leave of 24 weeks.
- (b) Temporary staff members qualify for full pay during adoptive leave pro rata to the duration of the contract of employment.

In order to ensure a staff member's retention of salary adjustment received through adoptive leave, they are required to return to work for a minimum three month period following full adoptive leave entitlements and any unpaid leave. If they leave the organisation within the three month return period, they will be required to refund, to Enable Ireland, the amount of salary adjustment paid while on adoptive leave.

11.0 Applying for Adoptive Benefit

Application for Adoptive Benefit must be made at least six weeks before the start of the adoptive leave.

In certain cases, you may apply after the child is placed with you, but if you fail to apply within 6 months of the date the child is placed, you may lose your Adoptive Benefit.

Adoptive Benefit Claim Form AB1 is available from the address below or online:

Adoptive Benefit Section Department
of Social Protection McCarters Road
Buncrana Donegal

Webpage: www.welfare.ie

Tel:(01) 471 5898

Locall:1890 690 690

12.0 Redress

If you have a dispute with Enable Ireland about adoptive leave, you may make a complaint within 6 months of the dispute to the Workplace Relations Commission, using the online complaint form available on workplacerelations.ie. The time limit may be extended for up to a further 6 months, but only where there is a reasonable cause which prevented the complaint being brought within the normal time limit.



Appendix 1 Request for Adoptive Leave

*Note for Appendix 1

- The staff member **must complete two copies** and return one to the relevant line manager and the other to the Human Resources Department.
- The postal address for HR is as follows: Human Resources Department, Unit 32F Rosemount Park Drive, Rosemount Business Park, Ballycoolin Rd, Dublin 11.

Dear [*Insert Line Managers Full Name/Name Human Resources Personnel*]

I hereby, notify Enable Ireland of my intention to take 24 weeks Adoptive Leave commencing on [*insert date*] and ending on [*insert date*].

I also confirm that I have submitted an Adoptive Leave Benefit Claim Form to the Department of Social Protection.

In line with Enable Ireland's Adoptive Leave Policy, **I understand I am required to return to work for a three month period following full adoptive leave entitlements and any unpaid leave. Failure to do so will result in me refunding Enable Ireland the amount of salary adjustment paid while on adoptive leave.**

Yours sincerely,

Staff Member Signature

Staff Member Print Name

Staff Number: _____

Location: _____

Date: _____

Date of Commencement of Employment: _____



Appendix 2

Request for Additional Adoptive Leave

*Notes for Appendix 2

- Additional Unpaid Adoptive Leave must be taken immediately after Statutory Adoptive Leave. Any outstanding Bank Holidays or pre agreed Annual Leave should be taken after Additional Unpaid Adoptive Leave
- The staff member **must complete two copies** and return one to the relevant line manager and the other to the Human Resources Department.
- The postal address for HR is as follows: Human Resources Department, Unit 32F Rosemount Park Drive, Rosemount Business Park, Ballycoolin Rd, Dublin 11.

Dear *[Insert Line Managers Full Name/Name Human Resources Personnel]*

I hereby notify Enable Ireland of my intention to take *[insert number of weeks]* weeks Additional Unpaid Adoptive Leave commencing on *[insert date]* and ending on *[insert date]*.

Yours sincerely,

Staff Member Signature

Staff Member Print Name

Staff Number: _____

Location: _____

Date: _____



Appendix 3 Return to Work Intention Request

*Notes for Appendix 3

- This form must be completed at least four weeks in advance of expected return to work date.
- The staff member **must complete two copies** and return one to the relevant line manager and the other to the Human Resources Department.
- The postal address for HR is as follows: Human Resources Department, Unit 32F Rosemount Park Drive, Rosemount Business Park, Ballycoolin Rd, Dublin 11.

Dear [*Insert Line Managers Full Name/Name Human Resources Personnel*]

I hereby notify Enable Ireland of my intention to return to work [*insert dd/mm/yy*].

Yours sincerely,

Staff Member Signature

Staff Member Print Name

Staff Number: _____

Location: _____

Date: _____