

**Policy name: Adoptive Leave Policy**

**Approved: 25th November 2016**

**Revision 1 approved 10th March 2017**

**Revision 2 approved**

**Revision 3 approved by Trinity Academic Council 13th May 2020**

## Context

- 1.1 The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, is required to follow the Adoptive Leave Act 1995 to 2005, and is sympathetic to the needs of adoptive parents.

## 2. Purpose and Principles

- 2.1 This policy sets out the adoptive leave entitlements and procedures for employees of the Academy. Adoptive mothers are entitled to Adoptive Leave from employment, but adoptive fathers are entitled to leave only in the case where a male is the sole adopter.

## 3. Benefits

- 3.1 This policy ensures that RIAM and its employees have a clear understanding of employees' entitlements to Adoptive Leave.

## 4. Scope

- 4.1 This policy applies to an adopting mother, employed by RIAM, who has informed the RIAM Secretary of her intention to adopt.
- 4.2 This policy applies to a sole male adopter, employed by RIAM, who has informed the RIAM Secretary of his intention to adopt.
- 4.3 This policy applies to an adopting father, employed by RIAM, where the adopting mother has died before or during the period of Adoptive Leave or Additional Adoptive Leave.
- 4.4 In the case of temporary staff employed under a fixed-term contract of employment, any entitlement to leave or other benefits lasts only for the duration of the contract of employment.

## 5. Policy

### 5.1 Entitlements of Adoptive Mothers or where a Male is the Sole Adopter

#### 5.1.1 Paid Adoptive Leave

- (i) Increased Adoptive Leave entitlements are given by means of Orders under the Adoptive Leave Act, 1995.
- (ii) Any adopting mother or sole male adopter who commenced Adoptive Leave on or after 1st March 2007 are entitled to twenty-four weeks leave. The leave period commences from the date of placement of the child. Part-time/Job-sharing

employees are entitled to adoptive leave on a pro-rata basis. With the employer's agreement, if the adoptive child is hospitalised, the period of Adoptive Leave may be postponed.

- (iii) Adopting parents are also entitled to time off during working hours without loss of pay to attend preparation classes and pre-adoption meetings with social workers/health board officials, which are held within the state, as required during the pre-adoption process. Written notification of the dates and times of the classes, or class, must be given to the RIAM Secretary at least two weeks before the first class.
- (iv) Adoptive top up pay is made available by RIAM to all employees who have completed continuous service of more than 12 months.

## 5.1.2 Additional (Unpaid) Adoptive Leave

- (i) The adoptive parent may take up to an additional sixteen weeks of leave immediately following the twenty-four weeks of Adoptive Leave.
- (ii) Part-time/Job-sharing employees are entitled to Additional Adoptive Leave on a pro-rata basis.
- (iii) However, in the case of foreign adoptions, some or all of the sixteen weeks may be taken before the date of placement, for the purposes of familiarisation with the adopted child.
- (iv) This further leave is called Additional Adoptive Leave and is in all cases unpaid, though pensionable. The pension contributions due will be deducted on the adoptive parent's return to the RIAM payroll, after the additional period is complete.
- (v) As a result of the above arrangements eligible employees may take up to forty weeks leave on the adoption of a child. In order to take this Additional Adoptive Leave, however, the adoptive parent must notify the RIAM Secretary in writing at least four weeks before the end of the Adoptive Leave, indicating the dates of the Additional Adoptive Leave to be applied for.
- (vi) If the adoptive parent so wishes, they may notify the RIAM Secretary of his/her intention to take Additional Adoptive Leave at the same time as giving notification of the intention to take Adoptive Leave.
- (vii) Subject to the employer's agreement, the adopting parent may terminate unpaid Additional Adoptive Leave in the event of illness, thereby allowing the parent to transfer onto paid sick leave.
- (viii) With the employer's agreement, if the adoptive child is hospitalised, the period of Additional Adoptive Leave may be postponed.
- (ix) An employee's absence from work on Additional Adoptive Leave will count for all employment rights (except remuneration, superannuation benefits) associated with the employment, such as annual leave and seniority.

- (x) Employees may revoke their decision to take Additional Adoptive Leave. However, they must notify HR in writing at least four weeks before the period of Adoptive Leave is due to end.
- (xi) When taking any unpaid leave, employees are required to contact the Payroll Section regarding deductions.

## 5.2 Entitlements of Fathers to Adoptive Leave in the case of the Death of the Mother

- 5.2.1 If an adopting mother dies, the adopting father of the child (if he is employed under a contract of employment) shall be entitled to take Adoptive Leave from his employment for:
  - (i) twenty-four weeks where the adopting mother dies before the placement of the child; *or*
  - (ii) where the adopting mother dies on or after the day of placement, the remainder of the Adoptive Leave due to her.
- 5.2.2 This period of Adoptive Leave shall commence within seven days of the death of the adopting mother or on the day of the placement, whichever is the later.
- 5.2.3 An adopting father in receipt of such Adoptive leave is also entitled to take Additional Adoptive Leave of either up to sixteen weeks **or** the remainder of the adopting mother's Additional Adoptive Leave, as applicable.
- 5.2.4 The adopting father should notify his employer in writing not later than the day on which his leave begins on the death of the adopting mother, and of the length of the Adoptive Leave to which he believes he is so entitled. If requested by his employer, the adopting father should supply his employer, as soon as it is reasonably practicable, with a copy of the death certificate made in respect of the adopting mother.

## 5.3 Terms and Conditions of Employment while on Adoptive Leave

- 5.3.1 Payment while on Adoptive Leave:
  - (i) If the adoptive parent is a permanent employee, RIAM will pay his/her full salary during the period of Adoptive Leave to be taken.
  - (ii) All employees who are paying class A1 PRSI contributions must claim Social Welfare Adoption Benefit, and refund RIAM with the full amount. Adoption Benefit is paid for up to twenty-four weeks.
- 5.3.2 While on Adoptive Leave and Additional Adoptive Leave, employees accrue Annual Leave and, with the agreement of the Secretary, this may be added on to the end of this period.
- 5.3.3 During Adoptive Leave and Additional Adoptive Leave employees retain their entitlement to Public Holidays. The adoptive parent may take this at some other time, or exceptionally, payment may be made in lieu.

- 5.3.4 Under the Adoptive Leave Act, employees have a right to return to work in the same or similar job as they left, under the same employment contract. (This right does not extend to those employees whose fixed-term or specified-purpose contracts expired during any of the above periods.)
- 5.3.5 The Academy may offer alternative employment, but only if it is not reasonably practicable for the Academy to allow an employee to return to work in the same job under the same or a similar contract of employment. In this case, the Academy may offer suitable alternative employment under a new contract.
- 5.3.6 The terms and conditions of this suitable alternative employment, in relation to the place of employment, the capacity in which the employee will be employed and the monetary and other terms of employment, cannot be substantially less favourable than those which previously applied.
- 5.3.7 If a staff member is a permanent employee, then during Adoptive Leave and Additional Adoptive Leave he/she will remain in the employment of RIAM. However, if the employee is a temporary employee, then employment with the Academy will last only until the expiry date of the contract of employment.

## 6. Procedures

### 6.1 Procedure for Notifying RIAM When Applying for Adoptive Leave

- 6.1.1 In order to take Adoptive Leave, the application to the RIAM Secretary must be made in writing no later than four weeks before the start of the period of Adoptive Leave (on placement of the adopted child) or Additional Adoptive Leave (as may be the case with foreign adoptions).
- 6.1.2 When making this application the adoptive parent must attach:
- (i) written details of the expected date of placement;
  - (ii) a copy of the 'declaration of suitability' (issued pursuant to the Adoption Act, 1990) before the commencement of Adoptive Leave or Additional Adoptive Leave (see below), whichever is the earlier. Particulars of the placement must be provided as soon as is reasonably practicable thereafter.
- 6.1.3 If the adoptive parent wishes to take Additional Adoptive Leave, he/she must notify the RIAM Secretary in writing no later than four weeks before the end of the period of Adoptive Leave.
- 6.1.4 If the adoptive parent wishes to return to work after the period of Adoptive Leave, he/she must notify the RIAM Secretary in writing no later than four weeks before the return to work date.
- 6.1.5 If the adoptive parent does not wish to return to work after the placement of the adopted child, he/she must give notice to the RIAM Secretary following the completion of the Adoptive Leave in accordance with the terms of their contract of employment.

## 6.2 *Procedure for Claiming Social Welfare Benefit*

6.2.1 Staff paying PRSI classes A, must claim Adoptive Benefit from the Department of Social Protection.

6.2.2 Application forms for benefit can be downloaded from the [Department of Employment Affairs and Social Protection](#) website.

## 7. Responsibility

7.1 The RIAM Secretary is responsible for overseeing this policy and its operational procedures in relation to all employees.

## 8. Legislation and Regulation

8.1 [Adoptive Leave Act 1995](#) to [Adoptive Leave Act 2005](#).

8.2 [Standards and Guidelines for Quality Assurance in the European Higher Education Area \(2005\)](#).

8.3 [Code of Practice for Provision of Education and Training to International Learners \(2015\)](#).

8.4 [National Framework of Qualifications \(NFQ\)](#).

## 9. Related Documents

9.1 [Citizens Information Website](#).

## 10. Document Control

Approved by Board of Studies 25th November 2016.

Revision 1 approved by Board of Studies 10th March 2017.

Revision 2 approved.

Revision 3 approved by Trinity Academic Council 13th May 2020.

Next review: Academic year 2020/21.