

Policy name: Parent's Leave

Revision 1 Approved by RIAM Governing Body 7th April 2022

Revision 1 Approved by Trinity Academic Council 18th May 2022

1. Context

- 1.1 The Parent's Leave and Benefit Act 2019 provides an entitlement for each parent to take five weeks parent's leave before the child's second birthday, or in the case of adoption, within two years of the placement of the child with the family.
- 1.2 The Parent's Leave and Benefit Act 2019 Act enabled a "relevant parent" to take two weeks parent's leave which had to be taken within 52 weeks of the birth or placement of the birth/adoption of a child. The Family Leave and Miscellaneous Provisions Act 2021 increased the number of weeks leave to five and extended the period for the leave to be taken from 52 weeks to 104 weeks.

Subject to eligibility and notification criteria being met, parent's leave will apply to births/placements that take place on or after the 1 November 2019. During parent's leave, employees who have the necessary PRSI contributions are entitled to parent's benefit from the Department of Social Protection.

2. Purpose

- 2.1 As an equal opportunities employer, The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, complies with the Act and this policy sets out the basis on which it makes provision for these entitlements to be made available, as required, to its employees. This policy covers full time, part time and fixed term contract employees of the RIAM provided they meet the conditions as outlined below.

3. Definitions

- 3.1 **DSP** – means the Department of Social Protection.
- 3.2 **Employee** – means a member of staff who is in receipt of incremental salary under a permanent contract, contract of indefinite duration(CID), or fixed term contract as defined in the Protection of Employees (Fixed Term Work) Act 2003.
- 3.3 **Parent's Leave Benefit** - means a payment made by the DSP to those on parent's leave and who meet the qualifying criteria for the benefit.
- 3.4 **Relevant Parent** – the term relevant parent refers to an employee (other than the mother of the child) who is: (*The Family Leave and Miscellaneous Provisions Act 2021 changed the relevant parent and the correct wording is stated under eligibility below*):
 - (i) father of the child;
 - (ii) spouse /civil partner /cohabitant of the birth or adopting mother of the child;

- (iii) spouse/civil partner/ cohabitant of the sole male adopter of the child;
- (iv) parent of the child, under section 5 of the Children and Family Relationships Act

4. Scope

- 4.1 This policy applies to all RIAM employees (as defined at 3.2).
- 4.2 Parent's Leave is available to all eligible members of staff. This is unpaid leave from work with a state paid parent's benefit of Euro250 per week provided the employee has made sufficient PRSI contributions. An application can be made to the DSP for this payment, please see www.welfare.ie, an employee will need their child's PPS number to make a claim.
- 4.3 Where the Parent's Leave has commenced and the relevant parent is employed under a fixed term/specific purpose contract and the contract is due to expire during the five week period of Parent's Leave (will increase to 7 weeks in July 2022), then the last day of the contract shall be the last day of the Parent's Leave.

5. Eligibility

- 5.1.1 RIAM Parent's leave is available to employees who are deemed to be the "relevant parent" of a child. There is no minimum service required with RIAM to qualify for parent's leave. Parent's leave is non-transferrable between relevant parents.

6. Policy

6.1 Entitlements and Conditions

- 6.1.1 The following conditions will apply when taking Parent's Leave

Subject to eligibility and notification criteria being met, parent's leave will apply to births/placements that take place on or after the 1 November 2019.

- An employee who is a relevant parent may avail of parent's leave in periods of not less than one week at a time.
- The leave will commence on the date the relevant parent selects in his/her written notification.
- In the case of multiple births, or where two or more children are being adopted at the same time, only a single five-week entitlement of parent's leave applies.

- 6.1.2 A job sharing employee who is a relevant parent will be entitled to parent's leave on a pro-rata basis.

6.2 Notification and Recording of Parent's Leave

- 6.2.1 A relevant parent must provide written notification to their employer of their intention to take parent's leave not less than six weeks before the commencement of such leave and provide for the employer's inspection the following.

- 6.2.2 In the case of a birth:

(ii) a copy of the birth certificate.

6.2.3 In the case of an adoption:

(i) a declaration/official placement order in the case of an adoption;

6.2.4 Notification may be withdrawn in writing by the relevant parent concerned to his/her employer not later than four weeks before the commencement of such leave.

6.2.5 Where the parent's leave would be due to expire after the end of a fixed term contract it will not be approved and the benefit is payable to an employee while in employment.

6.3 Postponement of Parents Leave by RIAM

6.3.1 In certain circumstances RIAM may need to exercise its right to postpone for up to 12 weeks an employee's intended parent's leave commencement date. RIAM postponement may arise where RIAM is satisfied that the taking of the parent's leave at the time specified in the notification would have a substantial adverse effect on the operation of the business by reason of

- seasonal variations in the volume of work concerned,
- the unavailability of a person to carry out the applicants duties during the period of the leave,
- the nature of the applicants duties
- the number of other colleagues availing of parent's leave during the period

If this postponement results in the child reaching 2 years before the leave has been drawn down, the 104 weeks cap will be extended by up to 12 weeks.

6.3.2 Where the birth of the child occurs 4 or more weeks prematurely, an Academy employee who is the relevant parent (where circumstances require) will be deemed to have complied with their notice of intention to take parent's leave obligations to the company if notice is given in the period of 7 days commencing on the date of confinement.

6.3.3 An employee who is a relevant parent may postpone a period of parent's leave where the date of birth occurs after the date selected by a relevant parent in their notification to the company or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which parent's leave will commence.

6.3.4 If the child is hospitalised, the employee may request in writing to postpone all or part of their parent's leave. The postponed leave is to be taken not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the relevant parent and RIAM.

6.4 Public Holiday Entitlement.

6.4.1 Any entitlements in respect of public holidays occurring while on Parent's leave will be addressed by additional annual leave.

6.4.2 These annual leave entitlements are to be taken at a time outside of the period of Parent's leave.

Compliance

6.4.3 All documentation relating to Parent's leave must be retained by the employer with the relevant personnel records for eight years. These records may be selected for inspection by nominated Department officials.

7. Responsibility

7.1 HR is responsible for overseeing this policy and its operational procedures.

8. Legislation and Regulation

8.1 [Protection of Employees \(Fixed Term Work\) Act 2003](#).

8.2 [Children and Family Relationships Act 2015](#).

8.3 The Parent's Leave and Benefit Act 2019

8.4 [Maternity Protection Act 1994](#) and Maternity Protection (Amendment) Act 2004

8.5 The Family Leave and Miscellaneous Provisions Act 2021

9. Related Documents

9.1 Parental Leave Policy.

9.2 Maternity Leave Policy.

9.3 Adoptive Leave Policy.

9.4 Sick Leave Policy.

9.5 Annual Leave Entitlements for Non-Academic Staff Policy.

10. Document Control

Approved by Trinity Academic Council 18/05/2022

Approved by RIAM Governing Body 07/04/2022

Next review: Academic year 2024/2025.

Appendix: Application Form for Parent's Leave on the birth/placement of a Child

This application must be fully completed and retained by the RIAM for record and audit purposes. It should be completed within 7 days of commencement of the Parent's Leave.

This application is NOT to be submitted to the Department of Education and Skills.

If the applicant pays Class A PRSI contributions the relevant form should be submitted to the Department of Social Protection.

To be completed by the Relevant Parent:

Name: _____

Contact No: _____

PPSN: _____

Date of Birth of the child: _____ / _____ / _____

Date of Placement of the child: _____ / _____ / _____

I wish to commence my Parent's leave on _____ / _____ / _____

I wish to apply for the above leave in accordance with the scheme as set out in Circular Letter *Parent's Leave Scheme for all eligible staff in Universities and Colleges of Education*.

Signature of Relevant Parent:

Date: _____

Approval and Verification by Employer

I certify that I have approved the above leave in accordance with the scheme as set out in Circular Letter *Parent's Leave Scheme for all eligible staff in Universities and Colleges of Education* and I have retained on file the following documents for audit purposes:

- 1) Written notification of intention to take Parent's Leave and relevant certification:
- 2) Application for Parent's Leave:
- 3) Certificate showing date of birth/placement of the child:

Signature: _____ **Date:** _____
(on behalf of Employer)