



## **Department of Education and Science Primary Branch**

**To: Boards of Management, Principal Teachers and all Teaching Staff in National Schools**

### **Parental Leave Amendment**

#### **1. INTRODUCTION**

- 1.1 This Circular sets out an extended entitlement to parental leave for primary teachers in certain circumstances and arises out of an amendment to the Parental Leave Act, 1998.
- 1.2 This Circular should be read in conjunction with Circular 1/99 (entitled Parental Leave) and with the Maternity, Adoptive & Parental Leave booklet.
- 1.3 As set out in Circular 1/99 parental leave is available to teachers in respect of children up to the age of five years of age. Apart from teachers covered by paragraph 2.1 underneath the five years of age limit still applies. As outlined in Circular 1/99 a teacher is entitled to 14 weeks parental leave for each child.

#### **2. ENTITLEMENT TO PARENTAL LEAVE AS A RESULT OF THIS AMENDMENT**

- 2.1 The effect of the amendment is to extend entitlement to parental leave to :
  - natural parents of children born between 3 December 1993 and 2 June 1996,
  - and
  - adoptive parents of children born on or after 3 December 1993, and in whose case an adoption order was made between 3 December 1993 and 2 June 1996.
- 2.2 Parents are entitled to 14 weeks parental leave in respect of each child born or adopted between these dates and must avail of their new entitlement to parental leave not later than 31 December 2001.

This leave can be taken as :

- (a) one continuous period of fourteen weeks,  
or
- (b) two separate periods of seven weeks,  
or
- (c) (1) one continuous period of seven weeks,  
and  
(2) three periods of two consecutive weeks,  
and  
(3) one single week.

For the purpose of this circular, a week is defined as a period of seven days i.e. a teacher who takes one week of parental leave will be removed from the payroll for 7 days.

### **3. EFFECT OF CHANGE OF SCHOOL**

- 3.1 Under the terms of Circular 1/99 a teacher is required to have worked for a period of one continuous year with a Board of Management before s/he can avail of her/his full entitlement to parental leave.
- 3.2 A teacher who has less than one year but more than 3 months continuous service with a Board of Management is entitled to take parental leave for a period of one week for each month of continuous employment that s/he has completed with the Board at the time of the commencement of the leave.
- 3.3 Where a teacher, who is now entitled to parental leave under Section 2.1 of this circular, was in service on the 19<sup>th</sup> July 2000 (date of implementation of the amended legislation) a change of employment in the 12 months prior to this date will not effect this teacher's entitlement to parental leave. However, if the teacher changes employment after 19 July 2000 the provisions of 3.2 above applies.

### **4. WHEN THIS NEW ENTITLEMENT TO PARENTAL LEAVE MAY BE TAKEN**

- 4.1 Circular 1/99 provides that except in the case of multiple births, the maximum period of parental leave which a teacher can take in any school year is 14 weeks. This leave can be taken in one break or periodic breaks as set out in 2.2 above.
- 4.2 A teacher, who is now entitled to parental leave under Section 2.1 of this Circular, is entitled to take more than 14 weeks parental leave in the 2000/01 and the 2001/02 school years up to 31 December 2001. However, a Board of Management may postpone both or either periods of parental leave if such leave is likely to disrupt significantly the general operation of the school.

#### **Example:**

A teacher who took parental leave in respect of a child born or adopted on or after 3 June 1996 and who has acquired a new right for parental leave, as set

out in Section 2.1 of this Circular, will be entitled to apply immediately for another period of parental leave.

Similarly, where a teacher has acquired a new right to parental leave, as set out in Section 2.1 of this Circular, in respect of two children s/he will be entitled to apply immediately for the two periods of leave i.e. the teacher may be entitled to take up to 28 weeks parental leave in a school year, subject to Board of Management approval.

- 4.3 Where a teacher is entitled to take more than 14 weeks parental leave in the 2001/01 and the 2001/02 school year up to 31 December 2001 in accordance with Section 2.1 of this Circular each period of parental leave shall be considered separately by the Board of Management.
- 4.4 A Board of Management may postpone parental leave if such leave is likely to disrupt significantly the general operation of the school. The postponement may be to an agreed date no later than 6 months from the date that the teacher had intended to commence parental leave.
- 4.5 If solely as a result of the postponement of a period/periods of parental leave the teacher is unable to take the leave before 31 December 2001 the teacher retains her/his right to take parental leave after that date at a time agreed with the Board of Management.
- 4.6 Where agreement cannot be reached between the Board of Management and the teacher a Rights Commissioner or the Employment Appeals Tribunal may direct that the parental leave can be taken after 31 December 2001, if the teacher was unable to avail of her/his entitlement to leave prior to that date as a result of illness or incapacity or any other circumstances.

## **5. APPLICATION OF ALL OTHER PROVISIONS OF CIRCULAR 1/99 (PARENTAL LEAVE)**

- 5.1 All other provisions of the Parental Leave Circular (1/99) including the requirement to give 6 weeks notice continue to apply to this new entitlement to parental leave.

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Principal Officer

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