



Circular Letter 0047/2023

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

**Adoptive Leave Scheme for Registered Teachers employed
in Recognised Primary and Post Primary Schools**

The Minister for Education, pursuant to the power contained in Section 24 of the Education Act (as amended), directs employers to implement the procedures, as stated, for eligible registered teachers employed in approved teaching posts funded by monies provided by the Oireachtas.

All employers and teachers must adhere to the agreed terms and conditions as stated with effect from the date of this Circular.

This Circular supersedes all previous Circulars, memoranda, rules and regulations in relation to Adoptive Leave for registered teachers employed in recognised primary and post primary schools.

Please ensure this Circular is circulated to all members of the Board of Management/Education and Training Board and that its contents are brought to the attention of all teachers in your employment, including those on leave of absence.

All queries should initially be brought to the attention of the employer who may wish to consult with their representative organisation. Any further queries may be directed to the Department at the following email addresses:

- a) Queries on terms and conditions for Adoptive Leave:- teachersna@education.gov.ie
- b) Queries on recording of leave on OLCS:- onlineclaims@education.gov.ie
- c) Queries on salary:- [Payroll Query Form \(education.gov.ie\)](#)

This Circular can be accessed on the Department's website at: www.gov.ie.

James Walsh
Principal Officer
Teacher/SNA Terms and Conditions Section

18th September 2023

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Definitions and Abbreviations

For the purpose of this Circular, the following terms shall have the meanings assigned to them, unless the context indicates otherwise:

Adopting Parent - means a qualifying adopter or a surviving parent within the meaning of the definitions of 'qualifying adopter' and 'surviving parent' in section 2(1) of the Adoptive Leave Act 1995 (as amended by section 5 of the Family Leave and Miscellaneous Provisions Act 2021

'Back to Back' Contract – means a contract which follows immediately from the previous contract with no break in service: e.g. one contract ends on 31st August and a new contract will begin from 1st September of the same year.

Civil Partner – as defined in section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Cohabitant – as defined in section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Couple - in relation to the definition of 'qualifying adopter', means a married couple, a couple who are civil partners of each other or a cohabiting couple.

Day of Placement - means the day on which a child who is, or is to be, adopted is placed physically in the care of the relevant parent with a view to the adoption of the child or, in the case of an intercountry adoption effected outside the State where the child has not previously been placed in the care of the relevant adopting parent, the day on which the child has been so placed following the adoption.

DSP – means the Department of Social Protection.

Employer – means an Education and Training Board (ETB) for vocational schools/community colleges, community national schools and a Board of Management/Manager in the case of primary (excluding community national schools), voluntary secondary, community and comprehensive schools. The ETB or Board of Management/Manager may delegate as appropriate, responsibility for matters set out in this Circular.

ETB – means an Education and Training Board established under and governed according to the Education and Training Boards Act 2013.

Leave Year – means the period 1st September to 31st August inclusive in each year.

NCSE – means the National Council for Special Education.

Occupational Health Service (OHS) – means a service which provides independent medical advice on occupational health to the employer.

On Line Claims System (OLCS) – means the system for recording of absences and input of claims for the payment of substitute teachers which is currently operating in primary, voluntary secondary, community and comprehensive schools.

Paymaster – means the organisation in charge of paying salaries. This is the Department of Education in the case of primary (including community national schools), voluntary secondary, community and comprehensive teachers, and the ETBs in the case of vocational/community college teachers.

PRSI – means Pay Related Social Insurance.

Qualifying Adopter - in relation to a child who is, or is to be adopted, means the qualifying adopter, within the meaning of the Act of 1995 (as amended by the Family Leave and Miscellaneous Provisions Act 2021), of the child and includes, for the purposes of this Circular, a person who would be a qualifying adopter but for the fact that he or she is not an employee.

Recognised School – means a school which is recognised by the Minister for Education in accordance with Section 10 of the Education Act 1998.

School Year – as defined by the Minister for Education from time to time currently beginning on 1st September and ending on 31st August.

Sole Adopter - means a teacher whose sole care a child has been placed in or is to be placed in, with a view to making an adoption order, or to the effecting of a foreign adoption or following any such adoption.

Surviving Parent – means a parent within the meaning of the Parent's Leave and Benefit Act 2019 and as defined in Section 2(1) of the Adoptive Leave Act, (both Principal Acts as amended by the Family Leave and Miscellaneous Provisions Act 2021).

Teacher – means a person registered with the [Teaching Council](#).

The Department – means [The Department of Education](#).

General Provisions

1. Employer Policy on Teacher Absences

- 1.1 Each employer shall develop and maintain a policy on teacher absences. In drawing up this policy, the welfare and educational needs of the pupils must take precedence over all other considerations and must be in accordance with the rules of this Circular.

2. Recording of Leave

- 2.1 All approved paid and unpaid leave, regardless of whether or not a substitute is employed, must be recorded in a timely manner on the OLCS/relevant ETB system as failure to do so may lead to salary overpayments.
- 2.2 Where an overpayment of salary arises, the overpayment will be recovered in full from a teacher's future salary payment, in line with the relevant Department publications.
- 2.3 Where Department of Social Protection (DSP) Benefit is paid to a teacher availing of statutory leave, the Benefit may be classed as a taxable source of income. In this regard, it is the responsibility of the teacher to familiarise themselves with the most up to date information on the DSP website at link: www.gov.ie.
- 2.4 It is the ultimate responsibility of the teacher to be familiar with the terms and conditions of each Leave Scheme, prior to their application for leave and must provide accurate information in their leave application.
- 2.5 It is the responsibility of the employer to be familiar with the terms and conditions of each Leave Scheme, and to ensure leave that is approved, meets the specific eligibility criteria, as detailed in this Circular. It is also the employer's responsibility to ensure the approved leave recorded on the OLCS/relevant ETB system corresponds with the teacher's leave record.
- 2.6 Leave recorded on the OLCS/relevant ETB system may not be altered by the Department/ETB at a later date, except in the most exceptional circumstances.

3. Monitoring of Leave

- 3.1 In line with best practice, the employer should monitor absences in order to identify patterns which may be of concern for the purpose of supporting the wellbeing of the teacher.

4. Leave Entitlements for Fixed Term/Fixed Purpose Appointments

- 4.1 A teacher who is on a fixed term/fixed purpose contract of employment shall, during the term of the contract, have full leave entitlements in

respect of statutory leaves and also may have entitlement to other leave types. The granting or taking of this leave should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment.

- 4.2 A teacher's entitlement to leave shall cease on the expiry of a contract and that contract not having been renewed, unless that contract is followed directly by a 'back to back' contract in an approved teaching post funded by monies provided by the Oireachtas.

5. Voluntary Deductions

- 5.1 Voluntary deductions from salary cease when a teacher commences any type of unpaid leave. While a teacher is on unpaid leave, details of the voluntary deductions will remain on their payroll record. Any deductions in place prior to the teacher's unpaid leave will recommence on their return to the payroll, unless it has been end dated at the request of the teacher via the deduction agency. The Paymaster will not make any deduction in respect of any accumulated unpaid amounts for the period of the unpaid leave.
- 5.2 It is the sole responsibility of a teacher availing of unpaid leave to ensure that voluntary deductions at source, such as union subscriptions, credit union deductions etc. do not lapse.
- 5.3 No liability rests with the Paymaster for policies of any nature which lapse. Further details in relation to voluntary deductions can be found on the Department's website at gov.ie. For teachers employed by ETBs, they should contact their employer in this regard.
- 5.4 Any outstanding balances owed by a teacher participating in the Cycle to Work or the Travel Pass Scheme must be cleared by the last payroll in October of the calendar year in which they commence.

6. Contact during Leave

- 6.1 It is considered good practice in maintaining a positive wellbeing culture in the school, to have appropriate contact between the employer and the teacher during periods of leave. The nature of this contact should focus on the welfare of the teacher and the facilitation of a successful return to work.
- 6.2 Where appropriate, the employer and teacher should arrange a 'return to work' conversation on return to duty after a period of leave, to assist the teacher in their transition back to work.

7. Compliance

- 7.1 Failure to abide with the regulations and procedures set out in this Circular may be dealt with under the agreed disciplinary procedures and

may lead to the cessation of salary in the case of a teacher and/or withdrawal of substitute cover for schools.

- 7.2 In the case of an unapproved absence, the teacher should be informed that such an absence will result in the employer, in the case of schools using the Department's OLCS, advising the Department to record their absence as Unapproved Leave (unpaid) on the OLCS. In the case of ETB schools, the employer will record the unapproved absence on the relevant ETB system.

8. Correspondence Address

- 8.1 The employer will address and send all necessary correspondence to the teacher at the personal email/home address last notified. No fault shall lie with the employer in the event that the teacher does not receive such correspondence.

9. Retention of Documentation

- 9.1 All documentation relating to teacher absences must be retained by the employer with the relevant personnel records in a safe and secure manner and in line with the employer's data protection policy and data protection regulations. These records may be selected for inspection by nominated Department officials.

Adoptive Leave

1. Adoptive Leave Scheme

- 1.1 The Adoptive Leave Scheme is regulated by the Adoptive Leave Act 1995, as amended.

2. Entitlement to Adoptive Leave

- 2.1 Adoptive Leave is a period of 24 consecutive weeks paid leave, from the day of placement of the child with the adopting teacher.
- 2.2 Adoptive Leave may be taken by the nominated parent, in the case where a couple is adopting a child. In the case of a sole adopter, the parent who is adopting the child will qualify for Adoptive Leave. A parent who takes the Adoptive Leave is known as the Qualifying Adopter.
- 2.3 In the case of the death of the qualifying adopter, the surviving parent, may be entitled to Adoptive Leave. Please see [paragraph 14](#) for details on this provision.
- 2.4 In order to qualify for Adoptive Leave, the adoption, whether foreign or domestic, must be formalised by the **Adoption Authority of Ireland**, the independent statutory body with responsibility for overseeing the adoption process on behalf of the State.
- 2.5 Where a child is to be adopted by a teacher who is the step parent, he/she shall not be entitled to Adoptive Leave if his/her spouse, civil partner or cohabitant has, prior to the adoption of the child, taken Adoptive Leave or Maternity Leave in respect of that child.

3. Statutory Additional Unpaid Adoptive Leave

- 3.1 An adopting teacher may take up to a maximum of 16 consecutive weeks statutory additional unpaid Adoptive Leave, commencing on the day following statutory Adoptive Leave.
- 3.2 In the case of foreign adoptions, some or all, of the statutory additional unpaid Adoptive Leave may be taken prior to the day of placement, in order to allow the adopting teacher to attend meetings and/or classes held outside of the State, or for the purposes of familiarisation with the child. A period of statutory additional unpaid Adoptive Leave, taken under this provision, must cease no later than the last day immediately prior to the day of placement. The balance of any statutory additional unpaid Adoptive Leave remaining, may be taken immediately after the end of Adoptive Leave.
- 3.3 A teacher who avails of statutory additional unpaid Adoptive Leave may be entitled to receive PRSI credits. The Application for [Adoption Leave Credits](#) which is available from the DSP, must be completed by the teacher and employer, and returned to the DSP. It is the teacher's responsibility to apply for these credits.

4. Non-Statutory Additional Unpaid Adoptive Leave

- 4.1 An adopting teacher may, on completion of Adoptive Leave and statutory additional unpaid Adoptive Leave, apply for non-statutory additional unpaid Adoptive Leave until the end of the school year i.e. 31st August.
- 4.2 Non-statutory additional unpaid Adoptive Leave is subject to obtaining written sanction from the employer, at least 6 weeks in advance of an intention to avail of this leave.

5. Sequence in which Adoptive Leave must be taken

- 5.1 Adoptive Leave entitlements must be taken in the following sequence:
- a) Statutory Adoptive Leave (up to a maximum of 24 consecutive weeks)
 - b) Statutory additional unpaid Adoptive Leave (up to a maximum of 16 consecutive weeks). In the case of foreign adoptions, some or all, of the statutory additional unpaid Adoptive Leave may be taken prior to placement
 - c) Parent's Leave may be availed of prior to non-statutory additional unpaid Adoptive Leave, such Parent's Leave must begin on the day immediately after the Adoptive Leave in question.
 - d) Non-statutory additional unpaid Adoptive Leave until the end of school year (31st August)
- 5.2 When all Adoptive Leave types have been exhausted, as appropriate to each individual, the next working day becomes the date of resumption of duties for the adopting teacher.

6. Time off for attendance at Pre-Adoption Classes and Meetings within the State

- 6.1 An adopting teacher is entitled to time off work, without loss of pay, to attend pre-adoption classes or meetings held within the State which they are obliged to attend as part of the adoption process.
- 6.2 Two weeks' notice should be given for each absence referred to in this paragraph and appropriate documentary evidence provided.
- 6.3 Substitution for such absences will be paid by the Department/ETB.

7. Application Procedures

- 7.1 Application for all types of Adoptive Leave, both paid and unpaid, should be made by the adopting teacher to his/her employer, 6 weeks prior to the planned commencement date using the Application Form at [Appendix A](#) of this Circular.
- 7.2 In order to avail of statutory Adoptive Leave, the adopting teacher must complete the DSP [AB1 Form](#) and should ensure that the employer completes the employer's portion. The completed form must be forwarded to the DSP by the adopting teacher at least 6 weeks prior to the leave commencement date. The AB1 Form should **NOT** be sent to the Department.

7.3 In the case of a domestic adoption, the adopting teacher must furnish to the employer, no later than 4 weeks after day of placement, a *Certificate of Placement* issued by the Adoption Authority of Ireland. The *Certificate of Placement* states the day of placement, the gender and age of the child being adopted and the name and address of the adopting parent.

7.4 In the case of foreign adoption, the adopting teacher must furnish to the employer a *Declaration of Eligibility and Suitability* from the Adoption Authority of Ireland, which states the day of placement, the gender and age of the child being adopted and the name and address of the adopting parent in advance of the day of placement. As soon as possible after the day of placement the adopting teacher should provide written confirmation of placement to their employer.

8. Recording of Leave

8.1 The Adoptive Leave absence must be recorded by the employer on the OLCS/relevant ETB system, not later than 6 weeks prior to the commencement of the leave.

8.2 The procedure for recording Adoptive Leave absence on the OLCS is available at [Appendix B](#) of this Circular.

8.3 An example Adoptive Leave calculation is contained in [Appendix C](#) of this Circular

9. Pay Arrangements and Adoptive Benefit

9.1 Continuation of salary during Adoptive Leave is not a statutory entitlement and any action which necessitates an adjustment to a teacher's pay, should be notified to the Paymaster immediately.

9.2 Adoptive Benefit payment is a taxable income.

9.3 Under the DSP regulations, the following are the arrangements for PRSI contributors:

- Full rate (Class A): Any Adoptive Benefit payable by the DSP will issue directly to the teacher and a deduction from salary, equivalent to the maximum weekly rate of Adoptive Benefit, will be applied by the Paymaster.
- Modified rate (Class D): No entitlement to Adoptive Benefit. Therefore, no deduction is applied to the teacher's salary and they remain on their ordinary salary.

9.4 If the amount of Adoptive Benefit payable to the teacher is less than the maximum, or if a teacher is not entitled to any Adoptive Benefit, he/she should notify the Paymaster immediately to ensure that they can remain on the appropriate salary.

9.5 Changes to the automatic deduction can be made provided a copy of DSP's written notice of the actual Adoptive Benefit rate applicable, if any, is furnished by the teacher to the Paymaster. Deductions, where appropriate, will be made fortnightly during the period of statutory paid Adoptive Leave, up to a maximum of 24 weeks. If the Adoptive Leave absences are recorded late on the OLCS/relevant ETB system, any arrears will be deducted from the teacher's salary.

10. Status during Adoptive Leave

10.1 A teacher absent on any of the Adoptive Leave types referred to below is deemed to have been in employment at that time.

- a) Paid Adoptive Leave is fully reckonable for all purposes including progression on the incremental salary scale and seniority.
- b) Statutory additional unpaid Adoptive Leave is reckonable for all purposes, with the exception of superannuation and remuneration.
- c) Non-statutory additional unpaid Adoptive Leave is not reckonable for any purpose including accrual of annual leave.

11. Replacement Teacher

11.1 The employer may appoint a substitute teacher, paid by the Paymaster in accordance with the relevant Department publications, while a teacher is absent on Adoptive Leave. This appointment must be recorded by the employer on the OLCS/relevant ETB system.

11.2 Contracts awarded to cover Adoptive Leave absences should make clear reference to the fact that the replacement teacher's appointment may have to be terminated in the event of the absent teacher returning to duties earlier than initially expected (e.g. an absent teacher postpones part of the Adoptive Leave due to the hospitalisation of the child).

11.3 Where a replacement teacher is employed he/she will not attain any seniority in the school.

12. Employment while on Adoptive Leave

12.1 A teacher absent on Adoptive Leave may not engage in any type of teaching or other paid employment.

12.2 Under the DSP regulations, Adoptive Benefit may be terminated if a teacher engages in paid employment while on Adoptive Leave.

12.3 Salary payment will be reviewed by the Paymaster in the event of termination of Adoptive Benefit arising from non-compliance with the terms of the Adoptive Benefit Scheme.

13. Postponement of Adoptive Leave

- 13.1 In the event that the day of placement is postponed, the commencement date of Adoptive Leave may also be postponed, provided the employer is informed of the new day of placement as soon as possible.
- 13.2 In the event of the hospitalisation of the child, a request may be made to the employer for postponement of:
- a) Statutory Adoptive Leave
 - b) Statutory Additional Unpaid Adoptive Leave
 - c) Statutory Surviving Parent's Leave
 - d) Statutory Additional Unpaid Surviving Parent's Leave
- 13.3 Postponement of Adoptive Leave will require the absent teacher to resume duties in the school during the period of postponement.
- 13.4 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is hospitalised. The employer must notify the teacher in writing as soon as possible of its decision. If the leave is postponed, the employer and the teacher must agree the date of return to work.
- 13.5 The Paymaster and the DSP must be notified immediately if the teacher is to return to work to facilitate pay adjustment, cease any benefit from the DSP and the finalisation of payment to the replacement teacher.
- 13.6 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital. The maximum period for postponement of the leave is 6 months.
- 13.7 The teacher must provide the employer with a letter or other appropriate document from the hospital, or the child's doctor, confirming the child's discharge date.
- 13.8 If the teacher becomes ill, having returned to work and before he/she has taken the postponed leave, he/she will be considered to have started the postponed leave on the first day of absence due to illness, unless the teacher notifies the employer that he/she does not wish to begin the postponed leave. If this happens he/she will forfeit the postponed leave and the absence will be treated as Sick Leave. The normal procedures in relation to Sick Leave should then be followed, including the furnishing of a medical certificate where appropriate.

14. Surviving Parent's Leave

- 14.1 In the event of the death of the qualifying adopter at any time prior to or during his/her Adoptive Leave, the surviving parent, becomes entitled to the remainder of the leave.

- 14.2 The surviving parent should inform his/her employer as soon as possible of his/her intention to take Adoptive Leave and/or statutory/non-statutory additional unpaid Adoptive Leave.
- 14.3 The Certificate of Placement, or Declaration of Eligibility and Suitability, should be provided to the employer within 4 weeks of placement/commencement of the leave.
- 14.4 The leave should normally commence within 7 days of the event which has created the surviving parent's entitlement to the leave, (or on the day of placement, whichever is later) but the employer should exercise discretion appropriate to the individual circumstances. To avail of his/her leave entitlement, the surviving parent in this circumstance may simply apply in writing to his/her employer. As soon as is reasonably practicable, the employer should be provided with a copy of the death certificate of the qualifying adopter.
- 14.5 The sequencing arrangement outlined in Paragraph 5 will also apply to the Surviving Parent's Leave:
- a) Surviving Parent's Leave (the transfer to the surviving parent of any balance remaining of the qualifying adopter's 24 week Adoptive Leave entitlement)
 - b) Statutory additional unpaid Surviving Parent's Leave (the transfer to the surviving parent of any balance remaining of the qualifying adopter's additional 16 weeks of statutory additional unpaid Leave)
 - c) Parent's Leave may be availed of prior to non-statutory additional unpaid Adoptive Leave, such Parent's Leave must begin on the day immediately after the Adoptive Leave in question.
 - d) Non-statutory additional unpaid Surviving Parent's Leave to end of school year (31st August).

15. Termination of Statutory Additional Unpaid Adoptive/Surviving Parent's Leave

- 15.1 An application to take statutory additional unpaid Adoptive Leave, or statutory additional unpaid Surviving Parent's Leave, may be withdrawn in writing, for any reason, up to 4-weeks prior to the proposed commencement date of such leave. If the 4-week cancellation period provided for in the Act has passed, entitlement to withdraw an application has been lost.
- 15.2 However, in the event of illness, a formal request can still be made to the employer, even after a period of such leave has commenced, to terminate the leave in favour of a certified Sick Leave absence. Approval of a request to terminate the Adoptive/Surviving Parent's Leave is at the discretion of the employer. If approved, the employer and the teacher must agree the date for any such termination of the leave. The date agreed cannot be earlier than the first day of certified illness and not later than when the terminated Adoptive/Surviving Parent's Leave would otherwise have ended. The normal

procedures in relation to Sick Leave will then apply. The teacher will not be entitled subsequently to take the statutory additional unpaid Adoptive Leave or any part of it.

- 15.3 To facilitate necessary pay adjustment, the employer must notify the Paymaster that the teacher is now on Sick Leave.

16. Termination of Placement

- 16.1 Where, other than as a result of the death of the child, the placement of a child with a teacher terminates before the expiration of the Adoptive Leave or statutory/non-statutory additional unpaid Adoptive Leave, the teacher must notify the employer in writing of the date of termination within 7 days. The Adoptive Leave ends on the date of termination.

17. Return to work following Adoptive Leave

- 17.1 The employer should provide the absent teacher with a written statement of his/her absence and expected date of resumption of duties. The employer should be provided with a written notice from the teacher, 4 weeks before he/she is due to return, confirming the intention to resume duties from that date.

18. Statutory Annual Leave/Public Holiday Entitlement

- 18.1 Statutory Annual Leave and Public Holiday entitlement is regulated by the Organisation of Working Time Act, 1997 (as amended). In general, full-time employees are entitled to a minimum of 20 days Annual Leave in each leave year.
- 18.2 Employees who work less than full hours are entitled to Annual Leave on a pro-rata basis.
- 18.3 Additional Annual Leave will be given in lieu of Public Holidays which occur while the teacher is absent on Adoptive Leave.
- 18.4 Annual Leave entitlements should be taken on existing school closure days that occur during the relevant leave year. Where a teacher is availing/has availed of another type of leave at a time outside of school closures (e.g. Sick Leave/Maternity Leave), Annual Leave should be taken before or after the relevant leave type.
- 18.5 Where there are not enough school closure days in the leave year to absorb all Annual Leave entitlements, it is permitted to take the necessary days immediately prior to Adoptive Leave. Alternatively, teachers are permitted to carry the balance forward to the following leave year but must then take this leave during school closures.
- 18.6 A teacher who resigns/retires or whose employment ceases may be entitled to additional payment in lieu of their accrued Leave.

Appendix A - Application Form for Adoptive Leave

The Application Form should be fully completed and submitted to the employer, at least 6 weeks prior to the planned commencement date.

If the teacher pays Class A PRSI contributions, a completed AB1 Form should be submitted to the DSP. This Form is available from the DSP or online at www.gov.ie

PART 1A - TEACHER APPLICATION

Teacher's Name: _____ Contact No.: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No.: _____

APPLICATION IN RESPECT OF: (please tick as appropriate)

- Statutory Adoptive Leave (24 weeks)
- Statutory additional unpaid Adoptive Leave (up to a maximum of 16 weeks)
- Non-statutory additional unpaid Adoptive Leave (up to end of school year i.e. 31st August)

PART 1B – ADOPTIVE LEAVE DETAILS

Expected day of placement: ____/____/____

(A Certificate of Placement should be submitted to the employer no later than 4 weeks after the day of placement. In the case of a foreign adoption, a Declaration of Eligibility and Suitability should be provided to the employer in advance of the placement).

Statutory Adoptive Leave (24 weeks):

From _____ to _____ (enter inclusive dates)

Statutory Additional Unpaid Adoptive Leave (up to a maximum of 16 weeks):

In the case of foreign adoption, if any of the statutory additional unpaid Adoptive Leave is to be taken prior to placement, indicate dates:

From _____ to _____ (enter inclusive dates)

Non-Statutory Additional Unpaid Adoptive Leave (up to end of school year i.e. 31st August):

From _____ to _____ (enter inclusive dates)

Declaration

I wish to apply for Adoptive Leave in accordance with the Adoptive Leave Scheme as set out in Circular 0047/2023 titled '*Adoptive Leave Scheme for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Teacher: _____ Date: _____

Data Protection Privacy Statement

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Adoptive Leave application to be processed. Your employer will retain your application form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this application form can be found at: gov.ie Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at gov.ie. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions Section, Department of Education, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 2 – EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) the Adoptive Leave in accordance with the Adoptive Leave Scheme as set out in Circular 0047/2023 titled ‘*Adoptive Leave Scheme for Registered Teachers Employed in Recognised Primary and Post Primary Schools*’. The following documents will be retained for audit purposes:

- 1) Application for Adoptive Leave
- 2) Certificate of Placement/Declaration of Eligibility and Suitability
- 3) Copy of Decision Notice issued to teacher

Approved Adoptive Leave has been recorded on the OLCS/relevant ETB system

Signature: _____ Date: _____
(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education. They should be retained in the school/ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.

Appendix B - Procedures relating to the Recording of Adoptive Leave on OLCS

- 1) Click Add under Leave on the OLCS menu
- 2) Enter start and end date of the leave.
 - Click Next
- 3) Select the staff member on leave
 - Select the leave category – Family Leave and
 - Select the leave sub category – Adoptive Leave
The total number of days in the range should read 168 (24 weeks) in respect of Adoptive Leave.
 - Click Next
- 4) Click Add Child and enter details
 - Click Add

Information to Assist Employers in the Completion of the [AB1 Form](#)

- A list of the PRSI weeks for the current and previous year is displayed on OLCS to assist in the completion of the Employer's section of the AB1 form.
- Where the total number of PRSI weeks is 52 for the previous tax year and the teacher has been in continuous employment since then, the total number of weeks to be entered is 52. If the total number of weeks is less than 52 and the teacher has a contract to the start date of his/her Adoptive Leave, the total number of weeks is the sum of PRSI weeks in the previous tax year plus the PRSI weeks in the current tax year to the start date of his/her Adoptive Leave.
- Enter the appropriate Employers Registered Number, sign, date and stamp accordingly
 - Employer Register Number for Post-Primary Teachers is 0081300S
 - Employer Register Number for Primary Teachers is 4000099H
- Click Add. A confirmation message is displayed.

Additional Adoptive Leave (Unpaid)

It is important to note the Unpaid Adoptive Leave absences cannot be entered on OLCS until the next working day, subsequent to the notification of Adoptive Leave. The Paymaster must first verify the Adoptive Leave in order to commence deductions from salary.

Appendix C - Example Adoptive Leave Calculation

Example based on a day of placement of 19th September 2023 and full use of the 112 days statutory additional unpaid Adoptive Leave (some taken before the day of placement and some after the Adoptive Leave); followed by additional Non-Statutory Additional Unpaid Adoptive Leave to the end of the school year.

Leave Type	Dates taken
(1) Statutory Adoptive Leave (24 weeks) <i>(commencement date is the day of placement)</i>	From: 19 th September 2023 To: 4 th March 2024
(2) Statutory Additional Unpaid Adoptive Leave <u>Prior to day of placement</u> (max of 16 weeks or 112 days) ¹ i. <i>In this example 11 unpaid days are taken prior to the day of placement for the purposes of familiarisation with the child in a foreign adoption.</i> ii. <i>101 days remain out of the 112-day allocation of statutory additional unpaid Adoptive Leave</i>	From: 8 th September 2023 To 18 th September 2023 <i>(11 days)</i>
(3) Statutory Additional Unpaid Adoptive Leave (max of 16 weeks or 112 days) <i>In this example 11 days have already been taken prior to placement [see (1) above], leaving up to 101 days to be taken now. The full 101 days remaining are taken in this case.</i>	From: 5 th March 2024 To: 13 th June 2024 <i>(101 days inclusive)</i>
(4) Provisional Resumption date following Statutory Additional Unpaid Adoptive Leave <i>(if no other leave is taken, this is the date that the teacher should return to school duties)</i>	14 th June 2024
(5) Teachers have a further option of Non Statutory Additional Unpaid Adoptive Leave to the end of the school year (31 st August) <i>(In this example the teacher chooses to avail of the non-statutory leave option)</i>	From: 14 th June 2024 To: 31 st August 2024
(6) Final date for resumption of duties	1 st September 2024

¹ Foreign adoption: Where a period of Statutory Additional Unpaid Adoptive Leave is required before the day of placement, for the purposes of meetings outside the State or familiarisation with the child to be adopted, some or all of the Statutory Additional Unpaid Adoptive Leave may be taken before the day of placement.