



**Circular 0084/2008**

**To the Management Authorities of Primary, Secondary, Community and Comprehensive Schools**

**Revised Sequence of Maternity Leave / Adoptive Leave in respect of Teachers and Special Needs Assistants.**

**1. Introduction**

- 1.1 The sequence at present for absences from duty under the provisions of the Maternity Protection Acts 1994 to 2004 applicable for teachers and special needs assistants paid through Department payrolls are as follows:
- Maternity leave (first 26 weeks)
  - Leave in lieu (under approved Maternity Leave scheme ) in respect of first 26 weeks
  - Additional unpaid maternity leave (maximum 16 weeks)
  - Additional leave in lieu in respect of unpaid maternity leave
- 1.2 A PRSI employment contribution credit may be given by the Department of Social & Family Affairs for each week of additional unpaid statutory maternity leave up to a maximum of 16 weeks.
- 1.3 The Department of Social & Family Affairs states that the additional unpaid statutory leave must follow directly after paid statutory maternity leave. The payment of leave in lieu is considered by the Department of Social & Family Affairs to indicate a return to work, resulting in cessation of entitlement to credits.
- 1.4 To ensure that correct employment contributions are credited for each week that statutory additional unpaid maternity leave is taken (under the terms of the Maternity Protection Act, 1994 as amended by the Maternity Protection, Act 2004) it is necessary to change the sequence currently applying.

**2. Revised sequence of leave**

- 2.1 The new sequencing arrangement for maternity leave keyed to OLCS on or after 1<sup>st</sup> September 2008 will be;
- Maternity leave (first 26 weeks – statutory leave)
  - Additional unpaid maternity leave (maximum 16weeks – statutory leave)
  - Leave in lieu (under approved Maternity Leave scheme ) in respect of first 26 weeks
  - Additional leave in lieu in respect of unpaid statutory maternity leave

- 2.2 In the case of teachers only, the existing provision to take non-statutory unpaid maternity leave to the end of the school year will continue. Such leave must be taken once all leave as outlined in 2.1 above is taken.
- 2.3 With regard to Adoptive Leave, the same arrangements as outlined in 2.1 and 2.2 above in relation to Maternity leave will apply.

### **3. Revision of Paragraph 6 and Appendices of Circular 0023/2007**

- 3.1 This Circular (“*On Line Claims System – Arrangements for Absence Notification for Teachers and Special Needs Assistants*”), which issued initially in February 2007 to Secondary, Community and Comprehensive Schools, provided Management Authorities with details regarding leave of absence notification arising from the introduction of the On Line Claims System (OLCS).
- 3.2 The Circular included Form ML 1 (Appendix 1) and AL 1 (Appendix 3) to be completed in respect of Maternity Leave Absence and Adoptive Leave absence respectively. It also included calculation examples for Maternity Leave Absence and Adoptive Leave absence at Appendix 2 and Appendix 4 respectively. All of these Appendices have now been amended to reflect the revised sequence
- 3.3 The amended Appendices are attached to this Circular and should be consulted and used in respect of all cases of maternity leave / adoptive leave keyed to OLCS on or after 1<sup>st</sup> September 2008.
- 3.4 Circular 0032/2007, which issued in March 2007, provided Primary schools with information in relation to the introduction of OLCS in Primary schools.

### **4. Copies of Circular**

School Management Authorities are requested to bring the contents of this Circular to the attention of staff in the school, including those on sick leave, maternity leave etc. This circular may also be accessed on the Department of Education’s website at [www.education.ie](http://www.education.ie) under Education Personnel/Primary or Post Primary/Circulars and Information Booklets/Leave of Absence.

P. Maloney,  
Principal Officer.

August 2008.

**On Line Claim System - Arrangements for Absence Notification for  
Teachers and Special Needs Assistants**

**Revised (August 2008) Appendix 1 – [Circular 0023/2007](#)**

Form: ML 1  
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**Worksheet for Maternity Leave which is keyed on or after 1<sup>st</sup> September 2008**

|  |   |   |
|--|---|---|
| NAME:  |   |   |
| PPS NO.  |   |   |
| (1) Expected date of Confinement (EDC)   | Applicant must provide Doctor's Cert. to confirm this.  | Date:                                     |
| (2) Commencement Date:   | Date applicant wishes to commence her leave. ( leave must be commenced not later than 2 weeks before the end of the week of confinement, the end of the week being a Saturday)  | Date:                                     |
| (3) Maternity leave end date   | Count 26 weeks from date of commencement (182 days)   | Date:                                     |
| (4) Statutory Unpaid Maternity Leave   | The amount of unpaid leave applied for by the applicant subject to the maximum statutory unpaid leave allowable of 16 weeks (112 days). Statutory Unpaid Maternity Leave must commence on the day immediately after the completion of Maternity Leave   | Dates<br>From: _____<br><br>To: _____     |
| (5) No. of Days in Lieu* due in respect of the period of Maternity Leave   | Calculate the number of days the school was closed Mon-Fri between Date of commencement (at 2 above) to end of statutory Mat. Leave (at 3 above) subject to a maximum of 30 days.   | No. of days:                              |
| (6) No of days in lieu due in respect of Statutory Unpaid Maternity Leave  | Calculate the number of days the school was closed due to the occurrence of a Bank Holiday during the period specified at (4) above   | No of days                                |
| (7) Application of days in lieu (total of 5 and 6 above) on completion of period of Statutory Unpaid Maternity Leave (4 above) | Leave in lieu is awarded from the first working day that occurs after the Maternity leave end date or the Statutory Unpaid Maternity Leave end date if such leave is taken. It is only awarded on working days that the school is open, for example when awarding back the days in lieu if you come to a public holiday or a school closure e.g. Weekends, Mid term, School Holidays you skip over those closures | Dates<br><br>From: _____<br><br>To: _____ |
| (8) Return to work date:   | Date immediately following the last day in lieu. If the applicant is given a date of return that falls on a weekend or school closure the applicant does not have to resume duty until the next working day.  | Date:                                     |

**\*Leave in Lieu**

Job-sharing teachers should refer to [Circular Letter 18/98](#) Section 11 paragraph 11.3. There is no entitlement to days in lieu for the first twelve days of the state examinations.

**1. The following documents must be retained for record and audit purposes**

| <b>Form/Cert</b>   | <b>Attached (Y/N)</b> |
|--|-----------------------|
| Application form for maternity leave   |                       |
| Expected date of confinement certificate   |                       |
| Application for unpaid maternity leave (where applicable)  |                       |
| Birth Certificate or doctor's certificate confirming date of confinement if date of confinement occurred in a week that was 2 weeks or more before the expected date of maternity leave and the applicant had not commenced her leave. |                       |

**2. Social and Family Affairs Forms (applicable to A class PRSI contributors)**

MB 10 form must be completed (including Part 4 by the School) and forwarded to Maternity Benefit Section, Department of Social and Family Affairs, St Oliver Plunkett Road, Letterkenny, Co Donegal.

| <b>Form</b> | <b>Date sent to Department of Social and Family Affairs</b> |
|-------------|---|
| MB10        |   |

**3. Verification by School Authority**

I certify that the worksheet has been fully completed and the corresponding dates have been entered on OLCS, that all the forms listed at 1 above have been retained in the school and Form MB10 (where applicable) has been completed and sent to Department of Social and Family Affairs.

Signature: \_\_\_\_\_ Date \_\_\_\_\_  
(On behalf of School Authority)

**NOTES**

**Maternity Leave Entitlements**

**A. Statutory Leave**

|                        | <b>Maternity Leave</b> | <b>Additional Unpaid Maternity leave</b> | <b>Total leave</b> |
|------------------------|------------------------|--|--------------------|
| <b>Maternity leave</b> | <b>26 weeks</b>        | <b>16 weeks</b>                          | <b>42 weeks</b>    |

**B. Non-statutory Maternity Leave to end of the school year (31st August), (Teachers ONLY)**

A teacher who, on completion of leave, additional leave and leave in lieu, as appropriate, may avail of further unpaid leave referred to as "non-statutory leave to the end of the school year" subject to obtaining written sanction from the managerial authority of the school, which body should be notified four weeks in advance.

**The period of maternity leave shall not extend beyond the day on which any fixed term or fixed purpose contract of employment is due to cease.**

# On Line Claim System - Arrangements for Absence Notification for Teachers and Special Needs Assistants

## Revised (August 2008) Appendix 2 – [Circular 0023/2007](#)

### Calculation of Maternity Leave which is keyed on or after 1<sup>st</sup> September 2008

#### Example

This example is based on the applicant's EDC of 23<sup>rd</sup> January 2009, applicant choosing to commence her leave on 7<sup>th</sup> January 2009 and choosing to take 108 days unpaid leave. It should be noted that the latest date on which the applicant must commence maternity leave is 10<sup>th</sup> January 2009. The school is closed on the standard school closures and re-opening on 26<sup>th</sup> August 2009 after the summer holidays.

|  |  |  |
|--|--|--|
| (1) Expected date of Confinement (EDC)   | 23 <sup>rd</sup> January 2009  |  |
| (2) Commencement Date  | 7 <sup>th</sup> January 2009   |  |
| (3) Maternity Leave end date   | 7 <sup>th</sup> July 2009<br>(26 weeks from 7 <sup>th</sup> January 2009)  |  |
| (4) Statutory Unpaid Maternity Leave   | 108 days<br><br>8 <sup>th</sup> July 2009 to 23 <sup>rd</sup> October 2009 inclusive   |  |
| (5) No of days in Lieu which are due in respect of Maternity Leave (3 above)   | <u>Days in Lieu</u><br><br>5 days<br>1 day<br>10 days<br>1 day<br>1 day<br><u>12 days</u><br><b>30 days</b>  | <u>School Closures from 7<sup>th</sup> Jan 2009 to 7<sup>th</sup> July 2009</u><br><br>16 <sup>th</sup> – 20 <sup>th</sup> Feb.<br>17 <sup>th</sup> March<br>6 <sup>th</sup> – 17 <sup>th</sup> April<br>4 <sup>th</sup> May<br>1 <sup>st</sup> June<br>19 <sup>th</sup> June – 7 <sup>th</sup> July |
| (6) No of days in Lieu which are due in respect of Statutory Unpaid Maternity Leave (4 above)  | <u>Days in Lieu</u><br><br><u>2009</u><br><br><u>1 day</u><br><b>1 day</b>   | <u>Bank Holidays from 8<sup>th</sup> July 2009 to 23<sup>rd</sup> October</u><br><br>3 <sup>rd</sup> August 2009   |
| (7) Application of days in lieu (5 and 6 above) on completion of period of Statutory Unpaid Maternity Leave (4 above)                                  | Statutory Unpaid Maternity Leave completed on 23 <sup>rd</sup> October 2009. A total of <b>31 days (30 + 1)</b> applied during the period 24 <sup>th</sup> October 2009 to 14 <sup>th</sup> December 2009 inclusive.<br><br>This is made up by combining days in Lieu in respect of:<br>(a) Maternity Leave – (5) above – <b>30 days</b><br>(b) Statutory Unpaid Maternity Leave – (6) above - 1 day |  |
| (8) Return to work Date  | Tuesday 15 <sup>th</sup> December 2009   |  |
| (9) Return to Work Date in case of Teacher only (not SNA) who wishes to take additional non-statutory unpaid maternity leave to end of the school year | Commencement date of 2010/11 school year   |  |

On Line Claim System - Arrangements for Absence Notification for  
Teachers and Special Needs Assistants

Revised (August 2008) Appendix 3 – Circular 0023/2007

Form: AL 1  
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ADOPTIVE LEAVE WORKSHEET

|  |   |  |
|--|---|--|
| NAME:<br><br>PPS No.:  |   |  |
| (1) Date of Placement:   | In the case of an Irish adoption, a certificate of placement, indicating official date of placement/expected date of placement should be enclosed. In the case of a <b>Foreign Adoption</b> the applicant must give the employer a copy of the declaration of eligibility and suitability (issued pursuant to the Adoption Act, 1991) before the commencement of leave or additional leave (whichever is the earlier). Particulars of the placement must be furnished as soon as is reasonably practicable thereafter.  | Date:                                      |
| (2) Commencement date:   | Leave must commence from the date of placement of the child. Section 1 of the Principal Act defines "day of placement" as:<br>( a ) the day on which the child is placed physically in the care of the adopting parent with a view to the making of an adoption order, or<br>( b ) the day on which the child is placed physically in the care of the adopting parent with a view to the effecting of a foreign adoption, or<br>( c ) in the case of a foreign adoption, where the child has not previously been placed in the care of the adopting parent, the day on which the child has been so placed following the adoption  | Date:                                      |
| (3) Leave end date:  | Count 24 weeks from date of commencement (168 days)   | Date:                                      |
| (4) Statutory Unpaid Adoptive Leave  | The amount of unpaid leave applied for by the applicant subject to the maximum statutory unpaid leave allowable is <b>16 weeks (112 days)</b><br>When calculating the return to work date following unpaid adoptive leave, you count the unpaid days consecutively (including weekends and public holidays) and award days from the first working day immediately after the end of unpaid leave in respect of the public holidays occurring during that period of unpaid leave.<br><b>Foreign adoption:</b> where a period of additional leave is required before the day of placement, for the purposes of familiarisation with the child who is to be adopted, some or all of the additional leave may be taken before the day of placement (Ref Section 8 of Principal Act, 1995). | Dates:<br><br>From: _____<br><br>To: _____ |
| (5) No. of Days in lieu due in respect of period of Adoptive Leave*                  | Calculate the number of days the school was closed Mon-Fri between Date of commencement (at 2 above) to end of statutory Adoptive Leave (at 3 above) subject to a maximum of 27 school days.  | No. of Days:                               |
| (6) No. of Days in lieu due in respect of period of Statutory Unpaid Adoptive Leave: | Calculate the number of days the school was closed due to the occurrence of a Bank Holiday during the period specified at (4) above   | No of days                                 |

|   |   |                                    |
|---|---|------------------------------------|
| (7) Application of days in lieu (total of 5 and 6 above) on completion of period of Statutory Unpaid Adoptive Leave (4 above) | Leave in lieu is awarded from the first working day that occurs after the Adoptive leave end date or the Statutory Unpaid Adoptive Leave end date if such leave is taken. It is only awarded on working days that the school is open, for example when awarding back the days in lieu if you come to a public holiday or a school closure e.g. Weekends, Mid term, School Holidays you skip over those closures | Dates:<br>From: _____<br>To: _____ |
| (8) Return to work date:  | This is the date immediately following the last day in lieu. If the applicant is given a date of return that falls on a weekend or school closure the applicant does not have to resume duty until the next working day.  | Date:                              |

**\*Leave in Lieu**

Job-sharing teachers should refer to [Circular Letter 18/98](#) Section 11 paragraph 11.3.

There is no entitlement to days in lieu for the first twelve days of the state examinations.

**1. The following documents must be retained for record and audit purposes**

| Form/Cert  | Attached (Y/N) |
|--|----------------|
| Application for adoptive leave                           |                |
| Certificate of placement                                 |                |
| Application for unpaid adoptive leave (where applicable) |                |

**2. Social and Family Affairs Forms (applicable to A class PRSI contributors)**

AB1 form must be completed (including Part 4 by the School) and forwarded to Adoptive Benefit Section, Department of Social and Family Affairs, St Oliver Plunkett Road, Letterkenny, Co Donegal.

| Form | Date sent to Department of Social and Family Affairs |
|------|--|
| AB1  |  |

**3. Verification by School Authority**

I certify that the worksheet has been fully completed and the corresponding dates have been entered on OLCS, that all the forms listed at 1 above have been retained in the school and Form AB1 (where applicable) has been completed and sent to Department of Social and Family Affairs.

Signature: \_\_\_\_\_ Date \_\_\_\_\_  
(On behalf of School Authority)

**NOTES**

**Adoptive Leave Entitlements**

**A. Statutory Leave**

|  | Adoptive Leave | Additional Unpaid Adoptive leave         | Total leave |
|--|----------------|--|-------------|
| leave commencing on or after 1 <sup>st</sup> March, 2007 | 24 weeks       | 16 weeks if starting unpaid after 1/3/07 | 40 weeks    |

**B. Non-Statutory Adoptive Leave to end of school year (31<sup>st</sup> August) (Teachers Only).**

A teacher who, on completion of leave, additional leave and leave in lieu, as appropriate, may avail of further unpaid leave referred to as “non-statutory leave to the end of the school year” subject to obtaining written sanction from the managerial authority of the school, who should be notified four weeks in advance.

**The period of adoptive leave shall not extend beyond the day on which any fixed term or fixed purpose contract of employment is due to cease.**



## On Line Claim System - Arrangements for Absence Notification for Teachers and Special Needs Assistants

### Revised (August 2008) Appendix 4 – [Circular 0023/2007](#)

#### Calculation of Adoptive Leave which is keyed on or after 1<sup>st</sup> September 2008

#### Example

This example is based on the applicant's Date of placement of 21<sup>st</sup> January 2009 and choosing to take 108 days unpaid leave. The school is closed on the standard school closures and re-opening on the 26th August 2009 after the summer holidays.

|   |   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
|---|---|---------------------|---|-------------|------------------------------|--------------|-----------------------------|--------------|------------------------------|-------|---------|-------|----------|----------------|----------------------|----------------|--|-------------------------------------|--|
| (1) Date of Placement   | 21 <sup>st</sup> January 2009   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (2) Commencement Date   | 21 <sup>st</sup> January 2009   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (3) Adoptive Leave end date   | 7th July 2009<br>(24 weeks from 21 <sup>st</sup> January 2009)  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (4) Statutory Unpaid Adoptive Leave   | 108 days<br><br>8 <sup>th</sup> July 2009 to 23 <sup>rd</sup> October 2009 inclusive  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (5) No of days in Lieu which are due in respect of Adoptive Leave (3 above)   | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Days in Lieu</u></td> <td style="text-align: center;"><u>School Closures from</u><br/><u>21st Jan 2009 to 7<sup>th</sup> July 2009</u></td> </tr> <tr> <td>5 days</td> <td>16<sup>th</sup> – 20th Feb.</td> </tr> <tr> <td>1 day</td> <td>17th March</td> </tr> <tr> <td>10 days</td> <td>6<sup>th</sup> – 17th April</td> </tr> <tr> <td>1 day</td> <td>4th May</td> </tr> <tr> <td>1 day</td> <td>1st June</td> </tr> <tr> <td><u>12 days</u></td> <td>19th June – 7th July</td> </tr> <tr> <td><b>30 days</b></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: center;">Maximum allowable is <b>27 days</b></td> </tr> </table> | <u>Days in Lieu</u> | <u>School Closures from</u><br><u>21st Jan 2009 to 7<sup>th</sup> July 2009</u>         | 5 days      | 16 <sup>th</sup> – 20th Feb. | 1 day        | 17th March                  | 10 days      | 6 <sup>th</sup> – 17th April | 1 day | 4th May | 1 day | 1st June | <u>12 days</u> | 19th June – 7th July | <b>30 days</b> |  | Maximum allowable is <b>27 days</b> |  |
| <u>Days in Lieu</u>   | <u>School Closures from</u><br><u>21st Jan 2009 to 7<sup>th</sup> July 2009</u>   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| 5 days  | 16 <sup>th</sup> – 20th Feb.  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| 1 day   | 17th March  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| 10 days   | 6 <sup>th</sup> – 17th April  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| 1 day   | 4th May   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| 1 day   | 1st June  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <u>12 days</u>  | 19th June – 7th July  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <b>30 days</b>  |   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| Maximum allowable is <b>27 days</b>   |   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (6) No of days in Lieu which are due in respect of Statutory Unpaid Adoptive Leave (4 above)  | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Days in Lieu</u></td> <td style="text-align: center;"><u>Bank Holidays from</u><br/><u>8<sup>th</sup> July 2009 to 23<sup>rd</sup> October</u></td> </tr> <tr> <td><u>2009</u></td> <td></td> </tr> <tr> <td><u>1 day</u></td> <td>3<sup>rd</sup> August 2009</td> </tr> <tr> <td><b>1 day</b></td> <td></td> </tr> </table>   | <u>Days in Lieu</u> | <u>Bank Holidays from</u><br><u>8<sup>th</sup> July 2009 to 23<sup>rd</sup> October</u> | <u>2009</u> |                              | <u>1 day</u> | 3 <sup>rd</sup> August 2009 | <b>1 day</b> |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <u>Days in Lieu</u>   | <u>Bank Holidays from</u><br><u>8<sup>th</sup> July 2009 to 23<sup>rd</sup> October</u>   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <u>2009</u>   |   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <u>1 day</u>  | 3 <sup>rd</sup> August 2009   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| <b>1 day</b>  |   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (7) Application of days in lieu (5 and 6 above) on completion of period of Statutory Unpaid Adoptive Leave (4 above)                                  | <p>Statutory Unpaid Adoptive Leave completed on 23<sup>rd</sup> October 2009. A total of <b>28 days (27 + 1)</b> applied during the period 24<sup>th</sup> October 2009 to 9th December 2009 inclusive.</p> <p>This is made up by combining days in Lieu in respect of:</p> <p>(b) Adoptive Leave – (5) above – <b>27 days</b><br/> (b) Statutory Unpaid Adoptive Leave – (6) above - <b>1 day</b></p>  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (8) Return to work Date   | Thursday 10 <sup>th</sup> December 2009   |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |
| (9) Return to Work Date in case of Teacher only (not SNA) who wishes to take additional non-statutory unpaid adoptive leave to end of the school year | Commencement date of 2010/11 school year  |                     |   |             |                              |              |                             |              |                              |       |         |       |          |                |                      |                |  |                                     |  |