

1. PURPOSE

It is the policy of The Children's Sunshine Home / CSH Childcare Services also known as LauraLynn Ireland's Children's Hospice, (hereinafter referred to as "the Service") that, as an employer, we fulfil our responsibilities to employees regarding their maternity leave entitlements.

2. SCOPE

2.1 This Policy and Procedure applies to all employees of the Service.

2.2 All members of staff on fixed term contracts have maternity rights under the 1994 and 2004 Acts. Where a contract is due to expire during the maternity or health and safety leave period, protection under the Acts also expires on that date.

3. DEFINITION

Maternity Leave is defined as a period of absence from work before and after the birth of a child.

4. RESPONSIBILITIES

The Management Team and HR are responsible for implementing this policy.

5. POLICY

5.1 Statutory Maternity Leave

In accordance with the Maternity Protection Acts of 1994 and 2004, all eligible female staff members are entitled to 26 weeks leave of which at least two weeks must be taken before the end of the week in which her baby is due (medically certified) and at least four weeks after that week.

5.2 Additional Maternity Leave

An additional 16 weeks unpaid leave may also be availed of - these weeks must be taken immediately following the 26 weeks maternity leave period, even where the original leave was extended due to a late birth. Apart from pay and superannuation all employment rights (e.g., calculating annual leave or incremental credit) of a staff member on additional maternity leave will be protected.

5.3 Additional Maternity Leave and Sickness

Subject to Management approval a staff member may terminate additional maternity leave in the event of her becoming ill. In such instances the staff member may, if approved, avail of the Sick Leave Policy. A doctor's certificate confirming the illness must be submitted to the HR Department. A request for termination by the staff member must be made in writing to the HR Department. The staff member will not be entitled to resume their unpaid

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additional maternity leave after this period of sick leave.

5.4 Pregnancy Related Sick Leave

If a member of staff is medically certified as unfit for work due to pregnancy related illness prior to the commencement of maternity leave and that staff member has exhausted their entitlement to paid sick leave at half pay then this staff member will be granted extended pregnancy related sick leave at the rate of half pay (less any social welfare benefit to which she may be entitled on foot of her social welfare contributions) for the duration of her pregnancy related illness.

A woman who has exhausted her access to paid sick leave due to pregnancy-related sick leave (PRSL) in the previous 4 years may have access to additional paid sick leave at the half rate of pay for non-pregnancy related sick leave. Under this arrangement all PRSL (regardless of whether paid sick leave was at the full rate or the half rate of pay) may be credited back to staff members at the half rate of pay within the normal sick leave limits (e.g., 183 days).

Under this arrangement, the number of additional days allowed:

- will be the equivalent number of days taken due to pregnancy-related sick leave in the 4 years.
- must not exceed normal sick leave limits (183 days or 365 days for cases which are approved under the Critical Illness Protocol) for non-pregnancy-related sick leave when aggregated with other non-pregnancy-related sick leave in the previous 4 years.

5.5 Ante and Post Natal Medical Care

All eligible female staff members are entitled to time off without loss of pay during working hours to attend medical or related antenatal appointments. Eligible staff will also be entitled to attend, in total, one set of antenatal classes. Expectant fathers are entitled on a once-off basis only to time off with pay to attend the last two antenatal classes. Written evidence of appointments will be necessary.

Eligible female staff members are entitled to time off for post-natal care for medical examinations/tests. These appointments must take place within 14 weeks of the birth of the baby.

Staff should give their Line Manager at least two weeks' written notice, where possible, of ante/post-natal appointments and produce her appointment card or other appropriate documents if required.

5.6 Staff on Probation

Where a staff member has not completed her probation period prior to commencing maternity leave her probation period will be suspended for the duration of the leave. On her

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return from maternity leave the employee will be expected to complete the remainder of her probation.

5.7 An Early Confinement

Should the baby be born earlier than expected, when the mother is already on maternity leave there is no need to notify the Service of any changes. Should the baby be born at least four weeks prematurely and the mother is not yet on maternity leave, the 26 weeks leave will commence from the day on which the baby is born. The staff member must notify the HR Department in writing of the changed dates within 14 days of the birth.

5.8 A Late Confinement

In general, if the baby is born later than expected, no extension of maternity leave is given. However, if the late birth means that the staff member has less than 4 weeks maternity leave remaining following the birth, the staff member may extend her leave to give her a full 4 weeks leave following the birth. Any such extension is treated as maternity leave and payments from the Department of Social Protection (DSP) will be made for this extended period. The staff member must notify the HR Dept. as soon as is possible in writing when an extension is required.

5.9 Miscarriage

There is no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. There is entitlement to full statutory maternity leave to any confinement occurring after the 24th week, even if it does not result in a live birth.

5.10 Postponement of Maternity Leave in Cases of Serious Illness

A staff member who is pregnant or on maternity leave who receives a diagnosis of a serious illness have the option to postpone their maternity leave until treatment is concluded.

The maternity leave can be postponed for between 5 and 52 weeks, on certification from their doctor. Postponing maternity leave will not affect your entitlement to unpaid maternity leave and parents leave.

A serious illness is defined as a health condition that:

- Entails a serious risk to the life or health, including the mental health (where inpatient hospital treatment is required), of an employee, and,
- In order to address the risk requires necessary medical intervention that is ongoing for a period of time to be carried out in respect to the employee.

A staff member who wishes to avail of this entitlement to postpone must apply to do so to their Department Manager in writing. The staff member may postpone all or part of their maternity leave for a minimum of 5 weeks and a maximum of 52 weeks. The notification must specify the date on which the postponement is to commence and end and include a

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certificate from a medical practitioner confirming the dates. Applications must be made a minimum of 2 weeks prior to commencement.

Written notification must be provided once the staff member's maternity leave recommences.

If a member of staff requires a second postponement of their leave they may, only once, notify their Department Manager of their intention to take a further postponement of their maternity leave. This must be accompanied by a medical certificate confirming the postponement.

A second postponement must immediately commence on the end date of the first postponement. The staff member may not return to maternity leave and then take a second postponement. Any further postponements will not be approved.

Where a postponement of leave is approved, the member of staff will be subject to the terms and conditions of the sick pay scheme.

5.11 Hospitalisation of Child

Where the child for whom the staff member is on maternity leave, is hospitalised, the staff member may opt to split or postpone the maternity leave/additional maternity leave until such time as the child is discharged from hospital. The remainder of the maternity leave may continue thereafter. Maternity leave may only be split/postponed if the member of staff has taken at least 14 weeks maternity leave, four of which would have to be taken after the end of the week of confinement.

The decision to postpone the maternity leave/additional maternity leave is subject to the agreement of the Service. If/when approved the staff member must return to work on the date agreed between both parties. The remaining leave is postponed and the staff member will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital. The remaining leave must be taken in one block. The maximum period of postponement of leave will be six months from the return-to-work date.

5.12 Employment Protection

During any period of leave or time off under the Act, a staff member remains employed by the Service.

Protective leave comprises of maternity leave, additional maternity leave, leave for fathers on the death of the mother, and leave on health and safety grounds. Absences on protective leave, natal care absences and time off for breastfeeding count as reckonable service for annual leave purposes.

A staff member will retain her entitlement to public holidays occurring during her maternity

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leave, additional maternity leave and leave for fathers. A member of staff on health and safety leave will not have this entitlement.

A staff member on maternity leave and additional maternity leave will continue to accrue annual leave.

5.13 Fathers Leave

Should the mother of an employee's child die during or after childbirth, the staff member will be entitled to the remainder of the mother's maternity leave or additional maternity leave.

This leave will begin within 7 days after the mother's death. The father must notify the HR Department in writing as soon as is possible, of his intention to take the leave and the duration. The employee must also notify the HR Department of his intention to take additional maternity leave four weeks before he is expected to return to work.

The Service may request a copy of either the mother's death certificate or the baby's birth certificate as soon, as is practical to do so.

5.14 Payment During Maternity Leave

During maternity leave, staff members who have the necessary Pay Related Social Insurance (PRSI) contributions are entitled to maternity benefit from the Dept of Social Protection (DSP).

The Service operates a maternity pay scheme which is available to eligible staff members. This payment is made at the discretion of the Service's management.

To qualify for the maternity pay scheme, staff must first have a minimum of 12 months' continuous service. This qualifying period will be extended by the duration of any extension to a probation period a new staff member may experience. Where a maternity leave commences at any stage within the above designated period then the staff member may avail of maternity leave in accordance with the Maternity Protection Acts 1994 and 2004. However, she will not receive payment from the maternity pay scheme for the entire duration of the maternity leave.

It is the responsibility of the staff member to apply to the DSP to ascertain entitlement to maternity welfare payments. Any member of staff not entitled to welfare payments must produce documentary evidence of this to the HR Department. It is recommended that staff members apply at least six weeks before the start date of their maternity leave. Claims should be made using the necessary forms which are available from your doctor or social welfare offices.

Members of staff who are eligible for payments under the maternity pay scheme are entitled

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to full pay less any payments received from the DSP. During the 16-week period of additional leave, no payment is made by the DSP or the Service.

Please note that the salary of a staff member on maternity leave will be reduced by the amount equal to the maternity payments received by the member of staff from the DSP. These deductions will be made whether the staff member receives maternity benefit or not from the DSP.

Employees on a fixed term contract are entitled to a full 26 weeks paid maternity leave except where the termination date of the contract falls during the leave, in which case the maternity pay ends on that day.

5.15 Health & Safety

The Service has a duty of care to staff members i) during their pregnancy, ii) who have recently given birth, iii) are breastfeeding and iv) who have informed the Service of their condition.

Once notified of the pregnancy by the staff member their Line Manager will carry out a health and safety risk assessment. If a risk or hazard is identified and cannot be removed, the Service will endeavour to place the staff member in another unit/department/division, where the risk/hazard is removed or make adjustments to her working hours. Where this is not feasible, a staff member may be given health and safety leave.

5.16 Night Work

In situations where a medical certificate specifies that night work is a risk to the staff member's safety or health, she will not be required to perform night work during pregnancy or for the 14 weeks following childbirth. The member of staff will either be transferred onto day work or if that is not possible, will be granted health and safety leave.

5.17 Health and safety leave lasts up to -

- the first day on which the employee becomes entitled to maternity leave or
- the date on which the fixed term contract expires or
- Seven days following receipt of written notification stating that the risk no longer exists, that suitable alternative work is now available or earlier if she returns to work earlier.

A staff member is entitled to 21 calendar days' pay (including any normal allowance) from the Service while on health and safety leave. Any subsequent payments will be made by the DSP. The staff member will remain on health and safety leave until the maternity leave commences or the risk no longer exists.

Payment for health and safety leave does not include additional amounts a staff member

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would receive for night work, overtime, working unsociable hours, or on-call allowances.

An employee whose health and safety leave extends beyond 21 days may be entitled to health and safety benefit from the DSP, subject to her PRSI contributions. Employees who are eligible to claim health and safety benefit are entitled to full basic pay plus any allowances normally paid, less social welfare benefit.

During health and safety leave, an employee is treated as if she is still in work and continues to accrue entitlements based on actual service. However, she has no entitlement to any public holidays that may occur during this period.

5.18 Breastfeeding

The Service will provide, without loss of pay, adequate time (one hour break per day) and suitable facilities (where possible) in the workplace for breastfeeding mothers up to the child's second birthday. You must provide a copy of your child's birth certificate as proof of age. The one-hour break may be split into shorter periods of time totaling one hour.

5.19 Procedures for Maternity Leave

A staff member must advise their Head of Dept. of their pregnancy as soon as possible. When applying for maternity leave a staff member should:

- Inform their Head of Dept. of their intention to take maternity leave. This will allow time to plan work schedules during the staff member's absence.
- **Maternity Leave:** Complete a "Maternity Leave Form" (page 8). The form, along with the form given to you by your doctor confirming the expected date of the birth should be submitted to the HR Department. The HR Department will complete the employer section of the Department of Social Protection (DSP) form and will return it to you for forwarding on. Please note that any applications to the DSP must be made before the 24th week of pregnancy.
- The Maternity Leave Form must be submitted to the HR Department as early as possible or no later than 4 weeks before the commencement of maternity leave.
- Complete the DSP form to apply for maternity benefit available from their doctor confirming the expected date of the birth. Please note that any applications to the DSP must be made before the 24th week of pregnancy.
- **Additional Maternity Leave:** A staff member wishing to take up to 16 weeks additional unpaid maternity leave must notify, in writing, their Head of Dept. or the HR Department of her intention to take such additional leave not later than four weeks

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before the end of the maternity leave period. A staff member can change her mind about taking additional maternity leave but only where she notifies the Service of her intention to do so 4 weeks before she wishes to return to work.

- A staff member must give written notification to her Head of Dept. of her intention to return to work at least 4 weeks before the date on which she is due to return to work.

6 EVALUATION & AUDIT

This policy and associated procedure will be amended as necessary to reflect any changes to best practice, law or substantial organisation changes. It is reviewed and evaluated for appropriateness and effectiveness every two years at a minimum/according to expiry and unless otherwise stated.

7 APPENDIX

Link to HR31 Application for Maternity Leave – ***Please download a copy prior to adding any detail and forward the completed referral to FBroxson@lauralynn.ie.***

[HR31 Application for Maternity Leave.docx](#)

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