

Reference No: E109/188/98 ; **Date:** 19/10/2002

Circular 39/2002:- Amendments to Parental Leave Entitlement (age & disability)

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19 November 2002

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A Dhuine Uasail,

1. The Parental Leave Act 1998 and the European Communities (Parental Leave) Regulations 2000

set out the statutory entitlement to Parental Leave. The main provisions of this entitlement are set out in

Circular 22/98: Parental Leave and Circular 22/2000: Extended Entitlement to Parental Leave.

2. The *Programme for Prosperity and Fairness* provided for the review of the Parental Leave Act.

The report of the Working Group was published. The report of the Working Group was published in

April 2002 and a number of recommendations were made to Government following on from the review.

In advance of the Government decision on changes in legislation required to give statutory effect to these

recommendations, agreement has been reached at the Equality Subcommittee of General Council to

implement two of the recommendations for Civil Servants.

Maximum age of the child increased from 5 to 6 years

3. The maximum age of the child in respect of whom employees may take parental leave is increased from

5 to 6 years. In the case of an adopted child, where an adopted child is three or more years but less than eight

years at the time of the adoption, the parental leave must be taken within two years of the date of the adoption

order. In the case of an adopted child under three at the time of the adoption, the parental leave must be taken

before the child is six years.

Maximum age raised to 16 years in the case of a child with a disability

4. The maximum age of the child in respect of whom employees may take parental leave is increased to 16 years

in the case of a child with a disability. This provision applies to a child in respect of whom a Domiciliary Care

Allowance (DCA) is payable, or would be payable if the child satisfied the means test for DCA.

See Appendix for further information on DCA.

Operative date

5. These changes come into effect from **1 January 2003**.

To: All Departments, Offices etc.

APPENDIX

Note on Domiciliary Care Allowance.

The Domiciliary Care Allowance (DCA) is a monthly allowance paid and administered by Health Boards in respect of children who are physically or intellectually disabled, and require care and attention in excess of that usually required by a child of the same age.

DCA is available to eligible children from the date of application up to sixteen years of age.

The child's disability must be present at the time of the application and be likely to continue for at least one year. Health Boards review eligibility from time to time as the child grows up.

The allowance may be discontinued if a child no longer requires this high level of care and attention.

While the means of the parent(s)/guardian are not taken into account, any income the child, might have, e.g. court settlements, is taken into account. The allowance is not paid in respect of children maintained on a full time basis in special residential schools/institutions. However, DCA will be paid on a pro-rata basis for the periods spent at home, e.g. weekends or holidays, by eligible children who attend special residential schools or institutions. It is a matter for the Senior Area Medical Officer in the relevant Health Board to decide whether a child with a particular condition qualifies for DCA. Enquiries about DCA should be directed to the relevant Health Board.

An application form for the allowance can be found on the Eastern Regional Health Authority

(ERHA) web site: **www.erha.ie**. Completed forms should be returned to your local Community Care Head Office.

You may apply online for Domiciliary Care Allowance - **[Access reachservices.ie](http://Access.reachservices.ie)**