



Polasaí agus Nósanna Imeachta/Policies and Procedures

Code	QA159
Title	Paternity Leave Policy
Policy Owner	Director of Human Resources
Date	05/09/2017; Latest review date: 18/09/2023
Approved By	University Management Team

1.0 Purpose

With effect from 1 September 2016, paternity leave is available to new parents (other than the mother of the child) to allow them time off from work around the birth or adoption of their child or the child of their spouse or partner. This policy aims to inform staff members of their contractual and statutory paternity rights. It sets out the University's policy on paternity leave and provides additional guidance on issues surrounding paternity leave.

2.0 Scope

This policy covers all eligible part-time and full-time employees of the University.

3.0 Description

3.1 Eligibility to take Paternity Leave

Paternity leave is available to employees who are deemed to be the "relevant parent" of a child. Only one person who is a "relevant parent" in relation to a child can be entitled to paternity leave in respect of that child. There is no qualifying period for entitlement to paternity leave.

Relevant Parent – the term relevant parent refers to a staff member (other than the mother of the child) who is the

- father of the child
- spouse /civil partner /cohabitant of the birth or adopting mother of the child
- spouse/civil partner/ cohabitant of the sole male adopter of the child
- parent of the child, under Section 5 of the Children and Family Relationships Act 2015, where the child is a donor-conceived child

3.2 Leave Entitlement

- Paternity leave will apply to births/placements that take place on or after the 1 September 2016.
- An employee who is a relevant parent may avail of a period of two consecutive weeks paid paternity leave. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.
- Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in their written notification. It should be noted that paternity leave cannot commence earlier than the expected date of birth or date of placement of the child and cannot commence later than 26 weeks after the date of birth or the date of placement of the child.



- In the case of multiple births, or where two or more children are being adopted at the same time, only a single two-week block of paternity leave applies.
- The entitlement to paternity leave is subject to the condition that it must be used to assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.
- A relevant parent on paternity leave is deemed for all purposes to be in employment. Time spent on paternity leave is fully reckonable for all other purposes including seniority, progression on the incremental salary scale, accumulation of annual leave and public holiday entitlement. A relevant parent absent on paternity leave may not engage in any other type of paid employment.
- A job sharing staff member who is a relevant parent will be entitled to paternity leave on a pro-rata basis.
- A relevant parent may not avail of paternity leave where they are availing/have availed of adoptive leave, with the exception of where the leave may be transferred on the death of the other relevant parent.

4.0 Operating Procedures

A relevant parent who intends to avail of paternity leave must:

1. Provide written notification to the University of their intention to take paternity leave not less than 6 weeks before commencing the leave using the [application form](#). A medical certificate confirming the expected date of birth/placement must accompany the application. The request must specify the commencement date of the period of leave. If the leave commences after the date of birth/placement a copy of the birth certificate/certificate of placement must be provided.
2. Apply to the Department of Social Protection for Paternity Benefit via the [Department of Social Protection website](#), uploading the PB2 form once completed by the HR Office along with any other relevant paperwork at least 3 weeks before commencing the leave.

Employees who are pre-1995 and are on class D PRSI do not need to submit a paternity benefit application to the Department of Social Protection.

An employee must forward notification from the Department of Social Protection to the HR Office confirming the amount of paternity benefit they will receive. Otherwise, full benefit, currently valued at €274 per week, will be deducted from the employee's salary.

The Human Resources Office will confirm dates of paternity leave by email to the employee and copy the line manager within 10 working days.

4.1 Postponement of Paternity Leave

Early Confinement

Where the birth of the child occurs 4 or more weeks prematurely, the employee must notify the HR Office of their intention to commence paternity leave in writing within 7 days of the birth. In such circumstances, the employee will be deemed to have complied with the notification requirements of the Act.

Postponement of paternity leave due to late birth/adoption placement

An employee may postpone a period of paternity leave where the date of birth occurs after the date selected by a relevant parent in their notification to the University or where the date of placement is



postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

Postponement of paternity leave due to illness of the relevant parent

In the event that an employee becomes ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by the HR Office as soon as possible after becoming ill and must be accompanied by a medical certificate. The employee must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins. The leave may be postponed until such time as the relevant parent is no longer sick. The period of postponed leave must commence not later than 7 days after the relevant parent is no longer sick or another date as agreed between the relevant parent and the University, but must end not later than 28 weeks after the date of birth or day of placement. The employee must notify the University when they intend to take the postponed paternity leave not later than the day the employee commences the leave.

Postponement of paternity leave when the child is hospitalised

If the child is hospitalised, the employee may request in writing to postpone all or part of their paternity leave. Postponement of paternity leave in such circumstances is subject to approval by the University. The University will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where the University agrees to a postponement, the leave will be postponed with effect from a date agreed by both parties. The employee will return to work on a date agreed by the University and the employee. The postponed leave must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the employee and the University. The employee must notify the University when they intend to take the postponed paternity leave not later than the day the employee commences the leave.

It is important to note that if the employee falls ill during the period of postponement of paternity leave, and requests to be viewed as being on sick leave from work, the employee will forfeit the remainder of the paternity leave which cannot be taken at a later date following the period of sick leave.

4.2 Entitlement to Paternity Leave on the Death of the Relevant Parent

In the event of the death of the relevant parent entitled to the paternity leave within a period of 28 weeks after the birth or placement of the child and before availing of some or all of the paternity leave, then the leave shall transfer to the surviving parent.

In such circumstances and in the event that the surviving parent is a staff member, they must notify their line manager in writing of the following, but not later than the day on which the transferred paternity leave begins

- of the death of the relevant parent
- their intention to take the transferred paternity leave
- the length of the leave they believe they are entitled to, and
- if requested by the line manager, provide a copy of the death certificate



In the case of a surviving parent being entitled to maternity leave, a period of transferred paternity leave will commence immediately after the end of the maternity leave. In the case of adoptive leave, paternity leave will commence immediately after the end of the adoptive leave concerned.

4.3 Termination of Paternity Leave

Paternity leave may be terminated by the University if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child or to provide support to the relevant adopting parent or mother of the child.

Before terminating the leave, the line manager is obliged to

- notify the relevant parent in writing that the matter is under consideration and invite the relevant parent to make representations within 7 days
- consider any representations from the relevant parent before making a final decision
- notify the relevant parent in writing of the decision summarising the grounds.

The final decision notification should inform the relevant parent of their obligation to return to work on a specified date.

5.0 Public Holiday Entitlement

Any entitlements in respect of public holidays occurring while on paternity leave will be addressed by additional leave.

These leave entitlements are to be taken at a time outside of the period of paternity leave.

6.0 Pay Arrangements and Paternity Benefit

Continuation of salary during paternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme.

Any action which necessitates an adjustment to a relevant parent's pay should be notified to the Line manager immediately.

Under the Department of Social Protection regulations, PRSI contributors at the modified rate (Class D) have no entitlement to Paternity Benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.

Under the Department of Social Protection regulations any Paternity Benefit payable to PRSI contributors at the full rate (Class A) will issue directly to the relevant parent in question. Information about this benefit and how to apply for it is available from the Department of Social Protection. A deduction from salary equivalent to the maximum weekly rate of Paternity Benefit payable to the relevant parent will be applied by the employer.

If the amount of benefit payable to the relevant parent is less than the maximum, or if a staff member is not entitled to any Paternity Benefit, they should notify the HR Office immediately to ensure that the salary adjustments are correct. Changes to the automatic deduction can be made provided the relevant parent furnishes a copy of the written notice of the actual Benefit rate applicable, if any, to HR. Deductions, where appropriate, will be made during the period of Paternity leave. If the absences are recorded late any arrears due will have to be deducted from salary after the date of notification.

Paternity Benefit payment is a taxable income.



7.0 Correspondence Address

The line manager will address all necessary correspondence to the staff member at the address last notified by the staff member and no fault shall lie with the line manager in the event that the staff member does not receive such correspondence.

8.0 Compliance and Employment Protection

An employee who is absent on paternity leave will be treated as if the employee had not been absent. At the end of the paternity leave, the employee will be entitled to return to their original job under terms and conditions no less favourable than those that would have applied if they had not been absent.

All staff members/line managers must adhere to the regulations and procedures set out in this circular. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary in the case of staff members. All documentation relating to paternity leave must be retained by the line manager with the relevant personnel records for 8 years. These records may be selected for inspection by nominated officials.

9.0 Responsibilities

Name	Responsibility
Director of Human Resources	Policy Owner
All Staff	Give six weeks' notice of intention to avail of this leave, completing the appropriate application form
Line Manager	Initial approval of leave application; Read and comply with this leave policy and ensure the leave application is reviewed and submitted to HR promptly
Human Resources Office	Final approval of leave application; Review this policy on a regular basis in light of any changes in legislation

10.0 Related Documentation

- [Paternity leave application form](#)
- [Paternity benefit application form](#)