



Paternity Leave - Policy

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1. Purpose

To define the University's implementation of Paternity Leave in line with the Paternity Leave and Benefit Act 2016.

2. General

2.1. Paternity Leave is a period of two consecutive weeks leave available to a relevant parent¹ on the birth/adoption of a child, where the date of birth/day of placement falls on or after 1st September 2016. This leave is to allow the relevant parent to assist in the care of the child or to provide support to the mother/relevant adopting parent of the child.

2.2. A staff member on Paternity Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. The absence therefore is fully reckonable for all other purposes including seniority and progression on the incremental salary scale.

2.3. As part of the University's commitment to equality, diversity and inclusion, State Paternity Benefit will be topped up to full salary (once certain criteria are met). A staff member on Paternity Leave will continue to receive net pay at the rate payable prior to the commencement of the Paternity Leave, based on existing tax credits.

2.4. Staff granted Paternity Leave must claim such State Paternity Benefit as they are entitled to receive. Payment of State Paternity Benefit will be made directly to staff who meet the qualifying conditions, and the amount of benefit receivable will be deducted from the monthly/weekly salary payment at source the month after the Parental Leave has been taken. Eligible staff who are not entitled to State Paternity benefit will not as a result lose entitlement to full pay during Paternity Leave. Applications for State Paternity Benefit must be submitted to the Department of

¹ Please see Point 3 for definition.

Social Protection at least three weeks before the date on which the Paternity Leave is to commence. ²

- 2.5.** Line Managers should record Paternity Leave on the staff member's leave record. Anonymous records of the uptake of Paternity Leave will be maintained by Human Resources for resource planning, and equality, diversity and inclusion purposes.
- 2.6.** Any entitlements in respect of public holidays occurring while on Paternity Leave will be addressed by additional annual leave.

3. Definitions

Under the Paternity Leave and Benefit Act 2016 a "relevant parent" is defined as:

- (a) in the case of a child who is, or is to be, adopted –
- (i) where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - (ii) in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole adopter of the child,

Or

- (b) in any other case;
- (i) the father of the child,
 - (ii) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - (iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act.

4. Eligibility and Entitlement to Paternity Leave

- 4.1.** Paternity Leave with pay is available to all members of staff who have completed at least 26 weeks of continuous employment³ with no break in service. Continuous

² Please see Paternity Leave Procedure document for details on how and where to submit application for State Paternity Benefit.

³ Please note that the 26 weeks continuous employment requirement applies to all new staff as and from 28/02/2018. For staff who were in employment on or before the 28/02/2018 the continuous employment rule comes into effect on the 01/09/2016.

employment is broken upon the expiry of a fixed term/specific purpose contract and the non re-engagement of the staff member within 4 weeks.

4.2. If there is a break in service for more than 4 consecutive weeks then the entitlement to paid Paternity Leave will accrue after the staff member has completed 26 weeks consecutive service from the start date of their most recent contract of employment.

4.3. Continuous employment is not broken by the following: sickness or injury, paternity leave, maternity leave, additional maternity leave, adoptive leave, parental leave, carers leave or annual leave.

4.4. Staff members returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks service prior to the expected birth date in order to qualify for paid paternity leave.

4.5. The commencement date of the leave must not be earlier than the date of birth/day of placement of the child and no later than 26 weeks after that date.

4.6. Only one period of Paternity Leave shall be granted in respect of each birth regardless of the number of children born. In the case of multiple births/adoptions the maximum period of 2 weeks still applies.

4.7. In general, only one person who is a relevant parent in relation to a child shall be entitled to Paternity Leave in respect of that child.

4.8. A job sharing or part time employee who is a relevant parent will be entitled to Paternity Leave on a pro-rata basis.

4.9. The entitlement to Paternity Leave is subject to the condition that it is used for the provision of care to the child or to provide support to the relevant adopting parent or mother of the child concerned as the case may be, or both.

4.10.

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.

5. Paternity Leave in Fixed Term/Specific Purpose Contracts

5.1. Paternity Leave period coincides with the end date of a Fixed Term/Specific

Purpose Contract:

Where the Paternity Leave has commenced and the relevant parent is employed under a fixed term/specific purpose contract and the contract is due to expire during the two week period of Paternity Leave, then the last day of the contract shall be the last day of the Paternity Leave.

6. The Relevant Parent is on sick leave which coincides with the Paternity Leave period.

6.1. In the event of illness of the relevant parent immediately prior to the commencement of his/her Paternity Leave, the Paternity Leave may be postponed.

6.2. The relevant parent must immediately inform the employer and must provide written notification of the postponement of the leave due to illness, and include appropriate medical certification. Such absences shall be treated in the same manner as an absence from duty due to illness.

6.3. It should be noted that such postponed leave can be resumed on a date which is agreeable to the relevant parent and the Head of School, Discipline or Area, to be taken not later than 7 days after the relevant parent has been certified fit to resume, and provided that the postponed leave is taken within the time limit of 26 weeks after the date of birth or placement of the child.

7. Postponement of Paternity Leave on Hospitalisation of the Child

7.1. In the event of the hospitalisation of the child a request may be made for a postponement of the Paternity Leave.

7.2. Postponement of the leave will require the absent relevant parent to resume duties during the period of postponement.

7.3. An application for postponement must be made in writing to the Head of School, Discipline or Area, accompanied by certification from the hospital in which the child is hospitalised. The staff member is to be notified, in writing, as soon as possible of the decision. If the leave is to be postponed the date of return to work must be agreed at that point.

7.4. The relevant parent must provide their Head of School, Discipline or Area with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.

7.5. The postponed leave shall be taken as a continuous period beginning not later than 7 days after the child is discharged from hospital or such other date as may be agreed with the Head of School, Discipline or Area.

8. Entitlement to Parental Leave on the Death of the Relevant Parent

8.1. In the event of the death of the relevant parent entitled to the Paternity Leave within a period of 26 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.

8.2. In such circumstances and in the event that the surviving parent is a staff member, the staff member must notify their Head of School, Discipline or Area and Human Resources 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

8.3. In the case of the 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, the transferred Paternity Leave will commence immediately after the end of the adoptive leave concerned.

9. Termination of Paternity Leave

9.1. Paternity Leave may be terminated 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 other parent of the child.

9.2. Before terminating the leave Human Resources will:

- 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 and specify the return to work date.

10. Relevant Legislation/Background

10.1. Paternity Leave and Benefit Act 2016.