



Trinity College Dublin

Coláiste na Tríonóide, Baile Átha Cliath

The University of Dublin

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Paternity Leave Policy and Procedure



1. Purpose

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

2. Scope

Scope	Paternity Leave is a period of two consecutive weeks' leave available to a relevant parent 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 to relevant parent to assist in the care of the child or to provide support to the mother/relevant adopting parent of the child.
Relevant Parent	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 – - 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 - 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: - The father of the child, - The spouse, civil partner or cohabitant, as the case may be, of the mother the child, or - 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.



3. Eligibility

Service Criteria	Paternity Leave with pay is available to all members of staff who have completed at least 26 weeks of continuous employment with no break in service prior to the commencement of the Paternity Leave.¹ Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non-re-engagement of the employee within four weeks.
Break in Service	If there is a break in service for more than four 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. Continuous employment is not broken by the following: sickness or injury, Paternity Leave, Maternity Leave, Additional Unpaid Maternity Leave, Adoptive Leave, Parental Leave, Parent's Leave, Carer's Leave, or Annual Leave. Employees 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 or placement date to qualify for paid Paternity Leave.
Adoptive Leave	A relevant parent may not avail of Paternity Leave where they are availing or have availed of Adoptive Leave, with the exception of where the leave may be transferred on the death of the other relevant parent.

¹ The 26 weeks of continuous employment requirement applies to all new staff as of and from 28/02/2018. For staff who were in employment on or before 28/02/2018 the continuous employment rule comes into effect on 01/09/2016.



4. Entitlement

Entitlement	Paternity Leave is a period of two consecutive weeks available to a relevant parent on the birth/adoption of a child, where the date of birth/day of placement falls on or after 1st September 2016, within the first 26 weeks of the child's birth/placement. Part-time employees who are a relevant parent are entitled to Paternity Leave on a pro-rata basis. 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.
Provision of Care	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.
Multiple Births	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 two weeks still applies.

5. Conditions of Paternity Leave

Commencement date	The commencement date of the leave must not be earlier than the date of birth/placement of the child, and no later than 26 weeks after that date.
Termination of Paternity Leave	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/other parent of the child. 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 seven days. • Consider any representations from the relevant parent before making a final decision. • Notify the relevant parent in writing of the decision summarizing the grounds and specify the return-to-work date.
Recording Paternity Leave	Line Managers should record the Paternity Leave on the employee's leave record.

6. Employment Rights during Paternity Leave

Employment rights	An employee on Paternity Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. The absence is therefore reckonable for all other purposes including seniority and progression on the incremental salary scale.
Paternity Leave and fixed term/specified purpose contracts	Where the Paternity Leave has commenced and the relevant parent is employed under a fixed term/specified 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 Paternity Leave.
Public Holidays	Any entitlements in respect of public holidays occurring while on Paternity Leave will be discharged immediately after the full period of Paternity Leave.

7. Salary and Paternity Benefit

Topped-up Salary	As part of the University's commitment to equality, diversity and inclusion, State Paternity Benefit will be topped up to full salary (once the criteria outlined in (3) above are met). A staff member on Paternity Leave will continue to receive net pay at
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	the rate payable prior to the commencement of the Paternity Leave, based on existing tax credits.
Paternity Benefit	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/fortnightly salary payment at source the month the Paternity 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. The process for applying for Paternity Benefit is outlined later in this document.

8. Changes to the Paternity Leave Period

Where the child is born earlier than expected	Where the date of birth occurs four weeks or more before the expected date of birth, the relevant parent shall inform their Head of School, Discipline or Area immediately and will be deemed to have complied with the notification period. The formal Paternity Leave procedure must be completed, and the forms submitted within seven days commencing on the day of birth.
Where the child is born or placed later than expected	Where, as the case may be, the date of placement is postponed or the date of birth occurs after the date requested by a relevant parent in their official application, the relevant parent is entitled to select another date on which the Paternity Leave shall commence. The relevant parent must agree to revised dates with their Head of School, Discipline or Area, provide a copy of the birth certificate/official placement order, and inform HR within seven days of the original start date of Paternity Leave.
	In the event of illness of the relevant parent immediately prior to



In the case of Sick Leave	the commencement of their Paternity Leave, the Paternity Leave may be postponed. 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. 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/Area, to be taken not later than seven days after the relevant parent has been certified fit to resume work, 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.
In the case of hospitalization of the child	In the event of the hospitalisation of the child, a request may be made for a postponement of Paternity Leave. Postponement of the leave will require the absent relevant parent to resume duties during the period of postponement. An application for postponement must be made in writing to the Head of School/Discipline/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. The relevant parent must provide their Head of School, Discipline or Area with a letter or other appropriate documentation from the hospital or child's doctor confirming the child's discharge date. The postponed leave shall be taken as a continuous period



	beginning not later than seven days after the child is discharged from the hospital or such other date as may be agreed with the Head of School, Discipline or Area.
In the case of the death of the relevant parent	In the event of the death of the relevant parent entitled to 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. 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/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 leave they believe they are entitled to 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. Employees considerations for discharging Paternity Leave

Discharging Paternity Leave before Parent's Leave	If an employee who is eligible for Paternity Leave is also eligible for Parent's Leave, it is recommended that Paternity Leave is discharged first as employees may only avail of this leave within the first 26 weeks of their child's life/placement.
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10. Policy Review

This policy will be reviewed after three years and/or in accordance with relevant legislative updates.

11. Relevant Legislation

- Paternity Leave and Benefit Act 2016.

END POLICY



THE APPLICATION AND APPROVAL PROCESS

Documents Required	The following documents are required to apply for Paternity Leave: • The Paternity Leave application form, completed by the employee and signed by their Head of School, Discipline or Area at least four weeks before the proposed first day of leave, <u>AND</u> • Relevant birth certificate in the case has already been born and is under 26 weeks of age, <u>OR</u> • A medical certificate confirming the estimated due date which has been signed by a registered medical practitioner in the case the child has not yet been born, <u>OR</u> • Declaration/official placement order in the case of adoption, <u>OR</u> • Placement certificate where the application is being made after the date of the placement. In the case of a foreign adoption, the adopting staff member must obtain a Declaration of Suitability and Eligibility certificate from the Adoption Authority of Ireland, in advance of the date of placement. As soon as possible after the date of placement the adopting staff member should provide written confirmation of placement. Please note the application form will be returned to the applicant if it is incomplete or unsigned.
Applying for Paternity Leave	Send the above documents to HR@tcd.ie for processing four weeks in advance of the start of the proposed leave.



	On receipt, HR will review the application. If the application is approved, HR will confirm, and a stamped and signed PB2 form will be returned to the employee to facilitate the application of Paternity Benefit from the Department of Social Protection.
Applying for Paternity Benefit	Employees must deal directly with the Department of Social Protection in applying for Paternity Benefit. This can be done online via the MyWelfare website. If staff are unable to apply online, they can contact the Paternity Benefit Section by emailing paternityben@welfare.ie or by calling 0818 690 690.² A postal application consisting of the PB1 and PB2 form can be sent to: Paternity Benefit Section, Department of Social Protection, McCarter's Road, Buncrana, Donegal, Co. Donegal, F93 CH79. Employees must submit their application for Paternity Benefit four weeks in advance of the start of their proposed period of leave.
Salary Deduction	HR will apply a salary deduction equal to the Paternity Benefit payment that is made directly to the employee. This deduction will take place in the month that the employee avails of leave.

END PROCESS

² If calling outside of the Republic of Ireland, please call +353 1 471 5898.



PATERNITY LEAVE APPLICATION FORM

(Under Paternity Leave and Benefit Act 2016)

Please return this application along with relevant documentation to HR@tcd.ie six weeks in advance of the leave start date. Incomplete applications will not be processed.

Section 1: To be completed by Applicant

Name of applicant:			
Staff Number:		PPSN:	
Department:			
Email Address:			
Expected/Actual Date of Birth or Placement of Child:			
Proposed Leave Start Date:			
Proposed Leave End Date:			

Please also enclose one of the following:

- A medical certificate confirming the child's expected birth date **or**
- The child's birth certificate **or**
- The child's adoption certificate/placement order.

I agree to the terms and conditions as laid out in the University's Paternity Leave Policy.

Signature of applicant	
Please print name	
Date	

Section 2: To be completed by Head of School, Discipline or Area

I confirm that I have approved the above leave in accordance with the scheme as set out in the University's Paternity Leave Policy.

Signature of Head of School, Discipline or Area	
Please print name	
Date	