

Policy Name: Paternity Leave

Policy Title:	Paternity Leave
Description:	To define the Marino Institute of Education implementation of Paternity Leave in line with the Paternity Leave and Benefit Act, 2016.
Author (Position):	Human Resources
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Paternity Leave Policy

1. Context

Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its activities. This policy document aims to set out in easy-to-follow terms how to apply for Paternity Leave and to provide guidelines on timelines.

2. Purpose

To define the Marino Institute of Education (MIE) implementation of Paternity Leave in line with the [Paternity Leave and Benefit Act, 2016](#).

3. Benefits

All staff will have a clear understanding of the process and timeframes involved in requesting Paternity Leave.

4. Principles

- 4.1. MIE wants to make Relevant Parents feel comfortable and confident in requesting Paternity Leave.
- 4.2. MIE is committed to dealing with the matter in a confidential and timely manner.

5. Definitions

Under the [Paternity Leave and Benefit Act 2016](#) a “relevant parent” is defined as:

- 5.1. In the case of a child who is, or is to be, adopted¹ –
 - i. where the child is, or is to be, adopted¹ 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 child¹,

Or

- 5.2. In any other case;

¹See [Adoptive Leave](#)

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- 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.

6. Policy

- 6.1. Paternity Leave is a period of two consecutive weeks leave available to a relevant parent on the birth/adoption² 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 adopting² parent of the child.
- 6.2. A staff member on Paternity Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation (once certain criteria are met). The absence therefore is fully reckonable for all other purposes including seniority and progression on the incremental salary scale.
- 6.3. As part of MIE's commitment to equality³, diversity and inclusion, State Paternity Benefit will be topped up to full salary (once certain criteria are met).
- 6.4. 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.
- 6.5. Applications for State Paternity Benefit must be submitted to the Department of Employment Affairs and Social Protection at least four weeks before the date on which the Paternity Leave is to commence.

² See [Adoptive Leave](#)

³ See [MIE Equality Policy](#) and [Staff Equality Policy](#)

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- 6.6. The relevant Head of Department should record Paternity Leave on the staff member's leave record⁴. Anonymous records of the uptake of Paternity Leave will be maintained by Human Resources (HR) for resource planning, and equality, diversity and inclusion purposes.
- 6.7. Any entitlements in respect of public holidays occurring while on Paternity Leave will be addressed by additional annual leave.
- 6.8. 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. Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non-re-engagement of the staff member within four weeks.
- 6.9. 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.
- 6.10. Continuous employment is not broken by Paternity Leave.
- 6.11. 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/placement date in order to qualify for paid Paternity Leave.
- 6.12. 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.
- 6.13. 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/adoptions⁵ the maximum period of two weeks still applies.
- 6.14. 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.
- 6.15. A job sharing or part time employee who is a relevant parent will be entitled to Paternity Leave on a pro-rata basis.

⁴ See [Record Management Policy](#) and [MIE Records Retention Schedule](#)

⁵ See [Adoptive Leave](#)

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- 6.16. 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 adopting⁶ parent or mother of the child concerned as the case may be, or both.
- 6.17. A relevant parent may not avail of Paternity Leave where they are availing/have availed of adoptive leave⁶, with the exception of where the leave may be transferred on the death of the other relevant parent.
- 6.18. Paternity Leave in Fixed Term/Specific Purpose Contracts
- i. Paternity Leave period coincides with the end date of a Fixed Term/Specific Purpose Contract:
 - ii. 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 term of the contract and not the end of the two week paternity leave period.
- 6.19. The Relevant Parent is on sick leave⁷ which coincides with the Paternity Leave period.
- i. In the event of illness⁷ of the relevant parent immediately prior to the commencement of Paternity Leave, the Paternity Leave may be postponed.
 - ii. The relevant parent must immediately inform their Head of Department and must provide written notification of the postponement of the leave due to illness⁷ and include appropriate medical certification. Such absences shall be treated in the same manner as an absence from duty due to illness.
 - iii. It should be noted that such postponed leave can be resumed on a date which is agreeable to the relevant parent and their Head of Department, to be taken not later than seven days after the relevant parent has been certified fit to resume, and provided that the postponed leave is taken within the time limit of 28 weeks after the date of birth or placement of the child.

⁶ See [Adoptive Leave](#)

⁷ See [Illness Policy](#)

6.20. Postponement of Paternity Leave on Hospitalisation of the Child

- i. In the event of the hospitalisation of the child a request may be made for a postponement of the Paternity Leave.
- ii. Postponement of the leave will require the absent relevant parent to resume duties during the period of postponement.
- iii. An application for postponement must be made in writing to the staff member's Head of Department, 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.
- iv. The relevant parent must provide their Head of Department with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.
- v. The postponed leave shall be taken as a continuous period beginning not later than seven days after the child is discharged from hospital or such other date as may be agreed with the relevant Head of Department.

6.21. Entitlement to Paternity Leave on the Death of the Relevant Parent

- i. 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.
- ii. In such circumstances and in the event that the surviving parent is a staff member, the staff member must notify their Head of Department and HR in writing of the following, but not later than the day on which the transferred Paternity Leave begins:
 - a. The death of the relevant parent
 - b. Their intention to take the transferred Paternity Leave
 - c. The length of the leave to which they believe they are entitled.
- iii. 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

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[Maternity Leave](#). In the case of [Adoptive Leave](#), the transferred Paternity Leave will commence immediately after the end of the [Adoptive Leave](#) concerned.

6.22. Termination of Paternity Leave

- i. 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 parent⁸ or other parent of the child.
- ii. Before terminating the leave HR will:
 - a. Notify the relevant parent in writing that the matter is under consideration and invite the relevant parent to make representations within seven days
 - b. Consider any representations from the relevant parent before making a final decision
 - c. Notify the relevant parent in writing of the decision summarising the grounds and specifying the return to work date.

7. Responsibility

The responsibility for maintenance of this policy rests with HR.

8. Related Documents

- 8.1. The Contract of Employment
- 8.2. [Adoptive Leave](#)
- 8.3. [Maternity Leave Policy](#)
- 8.4. [Illness Policy](#)
- 8.5. [Record Management Policy](#)
- 8.6. [MIE Records Retention Schedule](#)
- 8.7. [MIE Equality Policy](#)
- 8.8. [Staff Equality Policy](#)

⁸See [Adoptive Leave](#)