



TITLE: *PATERNITY LEAVE POLICY*

Effective Date	13 December 2017	Version	01
Approved By	Management Board	Date Approved	13 December 2017
		Review Date	13 December 2020 <i>or as required</i>
Superseded or Obsolete Policy / Procedure(s)		Owner	
		Human Resources	

1. Purpose

Carlow College, St. Patrick's (hereafter Carlow College) is committed to providing an inclusive and diverse environment in which all staff members are valued and supported, both in the workplace and in family life. Therefore, the purpose of this *Paternity Leave Policy* is to offer time off for new parents in accordance with the *Paternity Leave and Benefit Act 2016*. Paternity leave is available to eligible members of staff 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 may change from time to time to reflect existing legislation and/or organisational practice.

2. Scope

This policy covers all staff whilst in the employment of Carlow College, St. Patrick's. Paternity leave is available to those 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. The financial contribution to be made by the College for Paternity Leave is 50% of the difference between the gross weekly/monthly salary figure less any social welfare benefit, which is available to all employees who have completed at least twenty-six weeks of continuous employment prior to commencing the leave (with no break in service).

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 male 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*

*** Note: As of 1 August 2016, Section 2(1)(b)(iii) of the *Paternity Leave and Benefit Act 2016* has not yet commenced.**

4. Policy Statement

This Policy has been developed to provide staff with details on the entitlements to paid paternity leave, the protection of a staff member's rights whilst on paternity leave, the periods of notification of leave, and returning to work when leave has ended. A relevant parent who works part-time will be entitled to paternity leave on a pro-rata basis.

5. Roles and Responsibilities

The Human Resources Office holds responsibility for this policy and any subsequent practices and procedures thereafter. While HR processes Paternity Leave applications, information pertaining to this leave will be recorded by Administration and Finance.

5.1 Manager Responsibilities

- a. To ensure employees are aware of their paternity leave entitlements
- b. To facilitate the employee to take their paternity leave entitlements
- c. To ensure a discussion takes place with the employee in preparation for the leave to minimise any disruption to service
- d. To sign any necessary documentation
- e. To promote an environment of equality, diversity and inclusion which support family friendly initiatives.

5.2 Employee Responsibilities

- a) To provide reasonable notice to the manager in order for a plan to be put in place to avoid/minimise any disruption to service.
- b) To complete the form within the timelines as laid out in the policy and submit to the relevant parties.
- c) To obtain/provide the necessary documentation: i.e. Birth Certificate etc.

5.3 Human Resources

- d) To provide advice/guidance and training to managers regarding paternity leave.
- e) To provide advice to employees regarding their application for paternity leave

- f) To process requests received.
- g) To advise managers on the process if required.
- h) To notify Administration and Payroll for processing.

5.4 Administration

- a) To collaborate with Human Resources in updating the individual leave calendars.

5.5 Payroll

- b) To process the relevant Paternity Leave payment on receipt of leave calendar dates from Administration.

6. Associated Documentation

- Appendix 1: Paternity Leave: Practice & Procedures
- Appendix 1.1: Paternity Leave Notification Form.

7. Referenced Policies

Staff may wish to view additional family related policies such as:

- *Parental Leave Policy*
- *Force Majeure Policy*
- *Maternity and Adoptive Leave Policy*

8. Monitoring and Review

The Policy will be formally reviewed on an annual basis by the HR Office to reflect any legislative changes. Staff will be informed through regular email communication and through the staff portal regarding any updates to same.

Appendix 1: Paternity Leave: Practice & Procedures



Paternity Leave: Practice & Procedures

Carlow College fosters a culture that embraces equality, diversity and inclusion for all individuals in our community. This leave seeks to support those with parental caring responsibilities to balance their work and family life. It also encourages a more equitable sharing of parental responsibilities to allow for more equality of opportunity in the workplace.

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. The amount payable by the College to augment the social welfare benefit paid will be 50% of the difference between the employee’s normal gross weekly pay (salary only) and the amount of the social welfare benefit. The following *conditions* apply to taking paternity leave:

- a. Subject to eligibility and notification criteria being met, paternity leave will apply to births/placements that take place on or after the 1 September 2016.
- b. An employee who is a relevant parent may avail of a continuous period of two weeks’ paternity leave.
- c. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave. A relevant parent who works part-time will be entitled to paternity leave on a pro-rata basis.
- d. Paternity leave can begin at the time of the birth/adoption or within twenty-six weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in his/her 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 twenty-six weeks after date of birth or the date of placement of the child.
- e. 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.
- f. Paternity leave 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.

2. Notification/application for paternity leave

- a) Notification of your intention to take paternity leave should be submitted in writing to your Line Manager and Human Resources at least four weeks before the date on which you intend to commence your paternity leave. This can be done utilising the *Paternity Leave Notification Form* (Appendix 1.1).

- b) A medical certificate confirming the date of expected date of birth/certificate confirming the expected day of placement must accompany this notice. The request must specify the commencement date of the period of leave.

The following details must be provided to the organisation:

In the case of a birth:

- a) a copy of the medical certificate or other appropriate certificate from a registered medical practitioner confirming the pregnancy and specifying the expected date of birth of the child concerned or
- b) a copy of the birth certificate where notification is given after the birth and / or a medical certificate confirming the date of birth.

In the case of an adoption:

- a. a declaration/official placement order
 - b. a copy of the placement certificate where notification is given after the date of placement
 - c. in the case of foreign adoption, the adopting parent must obtain a Declaration of Suitability and Eligibility from the Adoption Authority of Ireland, in advance of the date of placement.
 - d. As soon as possible after the date of placement, the adopting parent should provide written confirmation of the placement to your Line Manager and Human Resources.
- g. Following receipt of your application for paternity leave, you will receive written confirmation from Human Resources of the exact dates of your Paternity Leave.
 - h. Notification may be withdrawn in writing by you to your Line Manager and Human Resources not later than four weeks before the commencement of such leave.

3. Early confinement

Where the birth of the child occurs four or more weeks prematurely, the employee must notify the organisation i.e. your Line Manager and HR, of their intention to commence paternity leave in writing, within seven days of the birth. In such circumstances, the employee will be deemed to have complied with the notification requirements of the Act.

4. Postponement of paternity Leave

A. Postponement of paternity leave due to late birth/postponed adoption placement

An employee who is a relevant parent 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 company 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.

B. Postponement of paternity leave due to illness of the relevant parent

- a. In the event that an employee becomes ill before a period of paternity leave has commenced, the period of leave may be postponed.

- b. Notification of a request to postpone the leave due to illness must be received by the organisation as soon as possible after becoming ill and must be accompanied by a medical certificate.
- c. 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 end not later than twenty-eight weeks after the date of birth or day of placement.
- d. The employee must notify the College when they intend to take the postponed paternity leave not later than the day the employee commences the leave.

C. 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 organisation. The company will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where the company agrees to postpone the leave, 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 company and employee. The postponed leave, which must be taken in a continuous block not later than seven days after the discharge of the child from hospital or such other date as may be agreed upon between the employee and the company. The employee must notify the company 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.

D. Transferred paternity leave

Where a relevant parent entitled to paternity leave in relation to when a child has died, an employee who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to twenty-eight weeks after the date of birth or day of placement of the child.

E. Payment during leave

As stated earlier in the policy, the financial contribution to be made by the College for Paternity Leave is 50% of the difference between the gross weekly salary figure less any social welfare benefit.

For e.g.

If Maria's gross weekly pay is €500.00, you then deduct the weekly social welfare payment of €235.00 which equals €307.00, which you then divide by 2 which equals €132.50.

500.00 (Gross)	
-	235.00 (Social Welfare payment) – based on current rate only and is subject to change

$$= 265.00 \div 2 = \text{€}132.50$$

F. Notification to payroll

Staff are required to notify payroll re their social welfare entitlement. This can be done by requesting a letter from the Department of Social Protection (social welfare). This letter should then be sent to payroll.

Payroll will be unable to process the top up amount without this information.

During paternity leave, relevant parents who have the necessary PRSI contributions are entitled to paternity benefit from the Department of Social Protection. Claims should be made on a PB2 form, which are available from the Department of Social Protection.

The relevant parent must have a Public Services Card to apply for Paternity Benefit. If the relevant parent does not already have a Public Services Card, he/she can make an appointment to get one at www.mywelfare.ie. The organisation will complete the employers section of the form when it has been completed by the employee.

G. Annual leave and public holidays

While on paternity leave employees retain the right to accrue annual leave and public holidays as if the employee had not been absent from work.

H. Paternity leave and annual leave

It is at the discretion of the College to permit the taking of annual leave in conjunction with Paternity Leave. All such requests must go through the standard annual leave request process and must be approved by your Line Manager and Human Resources (in these instances). Approval of all such requests must take into consideration the business needs of the College.

I. Abuse of paternity leave

Where the organisation has reasonable grounds for believing that an employee who is on paternity leave is not using the leave for the purpose for which it is intended, the organisation may, by notice in writing given to the employee, terminate the leave and the notice will contain a statement in summary form of the grounds for terminating the leave and will specify the day by which the employee must return to work. If, following an investigation, an employee is found to have abused this leave, he or she may be subject to disciplinary action, up to and including dismissal.

J. 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.

K. Correspondence address

Human Resources will address all necessary correspondence to the relevant parent at the address last notified by them and no fault shall lie with the organisation in the event that the staff member does not receive such correspondence.

L. Queries

Any queries in relation to this policy should be directed to your Line Manager in the first instance. For further information, / queries in relation to the above, you can contact the HR Office on:

- hr@carlowcollege.ie
- T: 059 91 53 293

M. Further details regarding paternity benefit are available from the Department of Social Protection:

Paternity Benefit Section Department of Social Protection

McCarter's Road

Buncrana

Donegal

Ireland

Tel:(01) 471 5898/ 1890 690 690

Homepage: <http://www.welfare.ie>

Appendix 1.1 Notification of Intention to take Paternity Leave

Notification of Intention to take Paternity Leave

1. Employees may avail of a continuous period of two weeks' paternity leave following the birth/placement* of their child.
2. The financial contribution to be made by the College for Paternity Leave is 50% of the difference between the gross weekly salary figure less any social welfare benefit.

For e.g.:

If Maria's gross weekly pay is €500.00, you then deduct the weekly social welfare payment of €235.00 which equals €307.00, which you then divide by 2 which equals €132.50.

$$\begin{array}{r}
 500.00 \text{ (Gross)} \\
 - \quad 235.00 \text{ (Social Welfare payment) – based on current rate only and is subject to change} \\
 \hline
 = \quad 265.00 \div 2 = \text{€}132.50
 \end{array}$$

3. Paternity Leave must be taken in one continuous block of two weeks within the twenty-six weeks following the birth/placement of your child, except in exceptional circumstances.
4. Applications for paternity leave must be made at least 4 weeks in advance of the date that you wish to avail of the leave. In the event of an earlier than expected birth/placement date, applications can be made within a 4-week period but are limited to these exceptional circumstances.
5. Employees who are entitled to paternity benefit from the Dept. of Social Welfare. (e.g. Class A PRSI employees) must claim this benefit as outlined on <https://www.welfare.ie/en/Pages/Paternity-Benefit.aspx>. Failure to claim the benefit if eligible could impact your salary.
6. **Documents Required:**
 - o A copy of the medical certificate from a registered medical practitioner showing the expected date of birth of the child is required. The birth certificate can be provided where the child is born before the expected date.
 - o In the case of an adoption, a copy of the certificate of placement is required. In the case of an inter country adoption, a copy of the declaration of eligibility and suitability should be submitted in the first instance followed by a copy of the certificate of placement when available.
7. If you intend taking annual leave following paternity leave, this must be agreed in advance with your Line Manager in consultation with Human Resources.
8. This form, and the aforementioned documentation relevant to your paternity leave, should be completed and returned to: The Human Resources Office.

***Please attach the relevant documentation as mentioned above with this form**

Employee Details Section 1

I hereby notify the College of my intention to take Paternity Leave

Employee Name:	
Department/Function:	
Manager:	
Expected due date of baby: or Childs date of birth: or	
Date of Placement (adoptions):	
Commencement date of Paternity Leave	
Proposed date of return to work:	
Are you taking annual leave following your paternity leave?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If you are taking annual leave, please specify the dates here:	
<i>*Please note that approval must be sought for this</i>	From: _____ To: _____
Employee Signature:	Date:

Approval Section 2

Manager Approval and Signature:	Date:
HR Approval and Signature:	Date:

***Please refer to our Paternity Leave Policy**