

10 things you need to know about Paternity Leave

1. What is Paternity Leave?

With effect from 1 September 2016, 'relevant parents' (other than the mother of the child) are entitled to paternity leave from employment or self-employment following birth or adoption of a child. The [Paternity Leave and Benefit Act 2016](#) provides for statutory paternity leave of 2 weeks. The provisions apply to births and adoptions on or after 1 September 2016. You can start paternity leave at any time within the first 6 months following the birth or adoption placement.

Paternity Leave is available for stillbirths after 24 weeks of pregnancy. This leave is available to permanent/fixed-term/non-casual substitutes and regular part-time teachers.

2. What circular outlines the provisions of the Paternity leave Scheme for Primary teachers?

[Circular 57/2016](#) outlines the provisions of the scheme. It is available on the INTO and the DES websites.

3. Who is a 'relevant Parent'?

Under the Act, a "relevant parent" for the purposes of paternity leave entitlement includes:

- The father of the child
- The spouse, civil partner or cohabitant of the mother of the child
- The parent of a donor-conceived child

In the case of an adopted child, the relevant parent includes:

- The nominated parent in the case of a married same-sex couple or
- The spouse, civil partner or cohabitant of the adopting mother or sole male adopter

4. How much Paternity leave is a 'relevant parent' entitled to, and when can I take it?

Paternity Leave is a single period of 2 consecutive weeks paid 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.

The leave is to allow the relevant parent to provide or assist in the care of the child or to provide support to the mother or adopting parent of the child concerned as the case may be, or both.

You can choose to take paternity leave at any time in the 26 weeks following the birth or adoption. You must notify your employer in writing that you intend to take paternity leave and provide your intended dates no later than 4 weeks before your proposed leave.

5. How do I apply for Parental Leave?

There are 2 steps in applying for Paternity Leave

Step 1 - Written Notification

The relevant parent must notify their employer of their intention to take paternity leave not less than 4 weeks before the commencement of such leave and provide for the employer's inspection the following:

In the case of a birth:

- a copy of the medical certification as provided by the mother to her employer or other appropriate certificate from a registered medical practitioner confirming the pregnancy and specifying the expected date of birth of the child concerned or
- a copy of the birth certificate where notification is given after the birth.

In the case of an adoption:

- a declaration/official placement order in the case of an adoption
- a copy of the placement certificate where notification is given after the date of placement
- in the case of foreign adoption, the adopting teacher must obtain a *Declaration of Suitability and Eligibility* from the Adoption Authority of Ireland, in advance of the date of placement. As soon as possible after the date of placement the adopting teacher should provide written confirmation of placement to their employer.

Step 2 - Completion of Application Form

The relevant parent must complete the Application Form at Appendix A (circular 57/2016) as soon as possible, as but no later than 7 days after commencement of the leave and forward it to the employer with a copy of the birth certificate/official placement order for the child.

6. Can I postpone my paternity leave?

The Paternity Leave and Benefit Act 2016 provides for postponement of paternity leave in certain circumstances only. For example, if the birth is later than expected or if the date of placement of an adopted child is postponed, you may postpone the date of the leave.

Under Section 11 of the Act, if you are sick before your paternity leave starts, you may postpone the paternity leave until you recover. You should notify your employer in writing and provide evidence of your illness.

If your baby is hospitalised, you can ask your employer in writing if you can postpone all or part of your paternity leave. (Full details are on postponed leave are set out in circular 57/2016).

7. Can the BOM appoint a replacement teacher for the teacher on Paternity Leave

The employer may appoint a substitute teacher, paid by the Department/ETB while a relevant parent is absent on paternity leave and this can be keyed via the OLCS/appropriate ETB system.

8. Am I entitled to be paid while on Paternity Leave?

A relevant parent 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, access to the redeployment panel, progression on the incremental salary scale and notification regarding posts of responsibility.

9. Am I entitled to Paternity Benefit?

If a teacher meets the Department of Social Protection regulations for the award of Paternity Benefit this payment will issue directly to the teacher. A deduction from salary equivalent to the maximum weekly rate of Paternity Benefit payable to the relevant parent will be applied by the Department/ETB.

In order to claim this benefit, a teacher must hold a [Public Services Card](#). The application process for a Public Services Card involves a face to face interview, by appointment in a local office. Teachers who intend to apply for paternity benefit early in the new school year are advised to apply for a Public Services Card as soon as possible.

The applicant is responsible for completion of the PB2 (Paternity Benefit 2 Form) and should ensure that the school completes the employer's portion before forwarding to the DSP at least 6 weeks prior to the start date. The PB2 Form should **NOT** be sent to the Department of Education and Skills.

If the amount of benefit payable to the relevant parent differs to the maximum, or if a teacher is not entitled to any Paternity Benefit, they should notify their payroll section 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 DSP's written notice of the actual Benefit rate applicable, if any, to the appropriate payroll. 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.

10. What action does a school have to take where a teacher is applying for paternity leave?

The school must:

- Record the absence on the OLCS
- Appoint a substitute for the period of the absence
- Where the teacher is claiming Paternity Benefit, complete the employer's section of the form PB2. This form should be returned to the Department of Social Protection at least 6 weeks prior to the start date of the leave.