

CHAPTER 4 – PATERNITY LEAVE SCHEME

(Should be read in conjunction with the [General Provisions for All Schemes, and Definitions](#))

1. Paternity Leave Scheme

- 1.1 The Paternity Leave Scheme is regulated by the Paternity Leave and Benefit Act 2016.
- 1.2 The purpose of Paternity Leave is to allow the relevant parent paid leave to provide, or assist in, the care of the child or to provide support to the mother or adopting parent of the child as the case may be, or both.

The term relevant parent refers to a teacher (other than the mother of a child) who is one of the following:

- father of the child
- spouse/civil partner/cohabitant of the birth mother/adopting parent of the child
- spouse/civil partner/cohabitant of the sole male adopter of the child
- parent of the child, under Section 5 of the Children and Family Relationships Act 2015, where the child is a donor-conceived child
- The nominated parent in the case of a married same-sex couple (in the case of an adopted child)

2. Entitlement to Paternity Leave

- 2.1 Paternity Leave is a single period of 2 consecutive weeks (i.e. 14 consecutive days including weekends, school closures and days on which a teacher is not timetabled for attendance within that period).
- 2.2 Paternity Leave may commence at any time from the date of birth or date of placement of the child to 26 weeks thereafter, except where the leave is postponed in the event of hospitalisation of the child.
- 2.3 In the case of multiple births, or where more than one child is being adopted at the same time the maximum of 2 consecutive weeks leave still applies.
- 2.4 Paternity Leave is available in the case of stillbirths which occur after the 24th week of pregnancy.
- 2.5 Only one person who is a relevant parent in relation to a child shall be entitled to Paternity Leave in respect of that child.
- 2.6 A teacher may not avail of Paternity Leave where they are availing/have availed of Adoptive Leave for the same child with the exception of where the leave has been transferred on the death of the other parent.

3. Application Procedures

There are 2 steps in applying for Paternity Leave

3.1 Step 1 – *Written Notification*

The teacher must notify his/her employer in writing of their intention to take Paternity Leave at least 4 weeks prior to the planned commencement date of such leave accompanied by the following documents:

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 Eligibility and Suitability* 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.

3.2 Step 2 – *Completion of Application Form*

The teacher must complete the Application Form at [Appendix A](#) as soon as possible, 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.

3.3 If the day of placement is postponed or the date of birth occurs after the date selected by the teacher in his/her notification given to the employer, the teacher shall be entitled to select another date on which the Paternity Leave shall commence.

3.4 Notification may be withdrawn in writing by the teacher to his/her employer not later than 4 weeks before the commencement of such leave.

3.5 Where the birth occurs 4 weeks or more before the expected date of birth, the teacher shall inform the employer immediately and will be deemed to have complied with the notification period if they intend to take the leave

at that time. The formal written notification must be given within 7 days commencing on the day of birth.

- 3.6 In order to avail of statutory Paternity Leave, the teacher must complete the DEASP PB1 Form and should ensure that the employer completes the employer's portion of the PB2 form. The completed form must be forwarded to the DEASP by the teacher at least 6 weeks prior to the leave commencement date. The PB1 Form should not be sent to the Department.
- 3.7 Alternatively, the teacher may make an online application for Paternity Benefit by logging on to <https://services.mywelfare.ie/>. In order to complete an online application, the teacher should ensure their employer has completed the DEASP PB2 Form.

4. Notification and Recording of Leave

- 4.1 The Paternity Leave absence must be notified by the employer to the Department/ETB via the OLCS/relevant ETB system immediately following receipt of the completed Application Form.

5. Pay Arrangements and Paternity Benefit

- 5.1 Continuation of salary during Paternity Leave is not a statutory entitlement and any action which necessitates an adjustment to a teacher's pay should be notified to the Paymaster immediately.
- 5.2 Paternity Benefit payment is a taxable income.
- 5.3 Under the DEASP regulations, the following are the arrangements for PRSI contributors:
- Full rate (Class A): Any Paternity Benefit payable by the DEASP will issue directly to the teacher. A deduction from salary equivalent to the maximum weekly rate of Paternity Benefit will be applied by the Paymaster.
 - Modified rate (Class D): No entitlement to Paternity Benefit. Therefore, no deduction is applied to the teacher's salary and they remain on their ordinary salary.
- 5.4 If the amount of Paternity Benefit payable to the teacher is less than the maximum, or if a teacher is not entitled to any Paternity Benefit, they should notify the Paymaster immediately to ensure that they can remain on the appropriate salary.
- 5.5 Changes to the automatic deduction can be made provided a copy of the DEASP's written notice of the actual Paternity Benefit rate applicable, if any, is furnished by the teacher to the Paymaster. Deductions, where appropriate, will be made fortnightly during the period of Paternity Leave.

If the Paternity Leave absences are recorded late on the OLCS/relevant ETB system, any arrears will be deducted from the teacher's salary.

6. Status during Paternity Leave

- 6.1 A teacher on Paternity Leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. Paternity Leave is fully reckonable for seniority and progression on the incremental salary scale.

7. Replacement Teacher

- 7.1 The employer may appoint a substitute teacher, paid by the Paymaster while a teacher is absent on Paternity Leave and this must be recorded by the employer via the OLCS/relevant ETB system.

8. Employment while on Paternity Leave

- 8.1 A teacher absent on Paternity Leave may not engage in any type of teaching or other paid employment.

9. Postponement of Paternity Leave through Illness

- 9.1 In the event of illness of the teacher immediately prior to the commencement of his/her Paternity Leave, the Paternity Leave may be postponed.
- 9.2 The teacher 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 accordance with the Sick Leave Scheme.
- 9.3 The postponed leave must be taken not later than 7 days after the teacher has been certified fit to resume duty or such other date as may be agreed between the teacher and the employer provided that the postponed leave shall end not later than 28 weeks after the date of birth or placement of the child.

10. Postponement of Paternity Leave through Hospitalisation of the Child

- 10.1 In the event of the hospitalisation of the child a request may be made to the employer for a postponement of the Paternity Leave.
- 10.2 Postponement of Paternity Leave will require the absent teacher to resume duties in the school during the period of postponement.
- 10.3 An application for postponement must be made in writing to the employer, accompanied by certification from the hospital in which the child is

hospitalised. The employer must notify the teacher in writing as soon as possible of its decision. If the leave is postponed, the employer and the teacher must agree the date of return to work.

10.4 The teacher must provide the employer with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.

10.5 The postponed leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the teacher and the employer.

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

11.1 In the event of the death of the relevant parent within a period of 28 weeks following the birth/adoption, Paternity Leave entitlement, or any remainder of that entitlement, shall transfer to the surviving parent:

- in the case of adoption, the leave shall transfer to the adopting parent,
- in any other case, the leave shall transfer to the birth mother who has availed of Maternity Leave in respect of that child/children

11.2 In such circumstances and in the event that the surviving parent is a teacher, he/she must notify the employer 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 and
- if requested by the employer, provide a copy of the death certificate.

11.3 In the case of a surviving parent being entitled to Maternity Leave, a period of transferred Paternity Leave will commence immediately after the end of all Maternity Leave. In the case of Adoptive Leave, immediately after the end of all Adoptive Leave concerned.

12. Termination of Paternity Leave

12.1 Paternity Leave may be terminated by the employer 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 adopting parent or mother of the child.

12.2 Before terminating the leave the employer is obliged to:

- a) notify the teacher in writing that the matter is under consideration, and invite the teacher to make representations within 7 days.
- b) consider any representations from the teacher before making a final decision.
- c) notify the teacher in writing of the decision summarising the grounds for termination.

12.3 The final decision notification should inform the teacher of his/her obligation to return to work not later than the date specified on the Application Form but no earlier than 7 days after receipt of the notice.

Appendix A - Application Form for Paternity Leave

The Application Form should be fully completed and submitted to the employer within 7 days of commencement of the Paternity Leave.

If the teacher pays Class A PRSI contributions, a completed [PB1 Form](#) should be submitted to the DEASP. This form is available from DEASP offices or online at www.welfare.ie. Online applications for Paternity Benefit may also be made at <https://services.mywelfare.ie/>

PART 1A – TEACHER APPLICATION

Teacher's Name: _____ Contact No.: _____

Home Address: _____

E-mail Address: _____

PPSN: _____

School Name: _____ Roll No.: _____

PART 1B – DETAILS OF THE CHILD

Date of birth of the child: _____

Date of placement of the child (in the case of adoption): _____

Proposed commencement date of Paternity Leave: _____

Declaration

I wish to apply for Paternity Leave in accordance with the Paternity Leave Scheme as set out in Circular 0054/2019 titled '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'.

I confirm that the information provided in the application is true and accurate.

Signature of Teacher: _____ Date: _____

Data Protection Privacy Statement

The main purpose for which the Department requires you to provide this personal data to your employer is to enable your Paternity Leave application to be processed. Your employer will retain your application form and accompanying documents in accordance with their Data Protection policy. Further information in relation to this policy is available on request from your employer.

The Privacy Notice outlining further information in relation to this application form can be found at: <https://www.education.ie/en/The-Department/Data-Protection/gdpr/gdpr.html> Full details of the Department's Data Protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at <https://www.education.ie/en/The-Department/Data-Protection/>. Details of this policy are also available in hard copy from Teacher/SNA Terms & Conditions, Department of Education & Skills, Cornamaddy, Athlone, Co. Westmeath, N37 X659, upon request.

PART 2 – EMPLOYER DECISION

I certify that I have approved/refused (delete as appropriate) Paternity Leave in accordance with the Paternity Leave Scheme as set out in Circular 0054/2019 titled '*Leave Schemes for Registered Teachers Employed in Recognised Primary and Post Primary Schools*'. The following documents will be retained for audit purposes:

- | | | |
|----|--|--------------------------|
| 1) | Written notification of intention to take Paternity Leave | <input type="checkbox"/> |
| 2) | Application for Paternity Leave | <input type="checkbox"/> |
| 3) | Copy of medical certificate confirming expected date of birth <u>or</u>
Certificate confirming date of birth/date of placement of the child | <input type="checkbox"/> |

Approved Paternity Leave has been recorded on the OLCS/relevant ETB system

Signature: _____ Date: _____

(Employer)

Application Form/Supporting Documentation should NOT be submitted to the Department of Education and Skills. They should be retained in the school/ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.