

Paternity Leave

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Paternity Leave

1. Purpose

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.

2. Scope

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. There is no qualifying period for entitlement to paternity leave.

Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as:

In the case of a child who is, or is to be, adopted:

- 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.
- 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.

In any other case:

- The father of the child.
- The spouse, civil partner or cohabitant, as the case may be, of the mother of the child.
- 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. Policy

3.1. Entitlements and conditions

The following conditions apply to taking paternity leave.

An employee who is a relevant parent may avail of a continuous period of 4 weeks paternity leave. The leave entitlement can be taken as a block of 4 weeks or can be taken as separate blocks of 2 weeks that can be taken within 52 weeks of the birth/placement of the child. Please note at least two weeks of this leave must be taken within the first 26 weeks of the birth/placement of the child.

Paternity leave can begin at the time of the birth/adoption or within 52 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in their 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 52 weeks after date of birth or the date of placement of the child.

In the case of multiple births, or where two or more children are being adopted at the same time, only a single 4-week block of paternity leave applies.

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.

3.2. Applying for paternity leave

The line manager / Head of Department must be notified, in writing, by the employee, at least four weeks before the employee intends to take the leave. 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.

Forms can be requested from the [Human Resources Department](#) and will be completed through BambooHR.

3.3. Early confinement

Where the birth of the child occurs four or more weeks prematurely, the employee must notify the Law Society, 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.

3.4. 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 Law Society 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.

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

In the event that an employee becomes ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by the Law Society as soon as possible after becoming ill and must be accompanied by a medical certificate. 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 commence not later than seven days after the relevant parent is no longer sick, or another date as agreed between the relevant parent and the Law Society but must end not later than 28 weeks after the date of birth or day of placement. The employee must notify the Law Society when they intend to take the postponed paternity leave not later than the day the employee commences the leave.

3.6. 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 Law Society. The Law Society will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where the Law Society 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 Law Society and employee. The postponed leave, which must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the employee and the Law Society. The employee must notify the Law Society 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.

3.7. Payment during leave

During paternity leave, relevant parents who have the necessary Pay Related Social Insurance (PRSI) contributions are entitled to paternity benefit from the Department of Social Protection. Claims should be made on a PB1 form, which is available from the Department of Social Protection or online at www.gov.ie, and the Law Society will complete form PB2 confirming eligibility to Paternity Leave.

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, they can make an appointment to get one at www.mywelfare.ie.

Subject to the employee having completed 12 months' service on the date the paternity leave commences; the Law Society will make up the shortfall between the social welfare paternity benefit payment and the employee's salary for the 4 weeks of paternity leave.

3.8. Transferred paternity leave

Where a relevant parent entitled to paternity leave in relation to a child dies, an employee who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

3.9. 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.

3.10. Misuse of paternity leave

Where the Law Society 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 Law Society 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, they may be subject to action under the disciplinary procedure, up to and including dismissal.

3.11. 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.

4. Review

This Policy will be reviewed from time to time and may be subject to change. For information on potential reviews please contact the [Human Resources Department](#)

Version History

Date	Amendment	By	Version no.	Review Due
29/05/2025	Service requirement for paid leave reduced from 24 months to 12 months. Entitlement to paternity leave increased from 2 weeks to 4 weeks.	HR Administrator	V1.0	10/10/2027