

Statutory Paternity Leave and Pay

STATUTORY PATERNITY LEAVE

The Laws

England, Wales and Scotland	Northern Ireland
The Employment Rights Act 1996	The Employment Rights (Northern Ireland) Order 1996
The Paternity and Adoption Leave Regulations 2002	The Paternity and Adoption leave Regulations (Northern Ireland) 2002
The Additional Paternity Leave Regulations 2010	The Additional Paternity Leave Regulations (Northern Ireland) 2010

Overview

Ordinary paternity leave allows eligible employees to take either one or two weeks of consecutive leave. Employees may also be eligible for up to 26 weeks of additional paternity leave, depending on how much unused maternity leave your partner has. Employers are free to offer additional paternity leave beyond statutory requirements.

Ordinary Paternity Leave	Additional Paternity Leave
1 or 2 Weeks	Up to 26 Weeks

Ordinary Paternity Leave Eligibility

Ordinary paternity leave cannot start before birth and must end within 56 days after birth.

In order to take ordinary paternity leave, the employee must:

- Have responsibility in the upbringing of the child as either the:
 - Father of the child, or
 - Husband or partner of the mother.
- Have worked for the employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth.
- Give the employer proper notice.

Ordinary Paternity Leave Notice

An employee must give notice to the employer at least 15 weeks before the expected due date. The notice should include:

- The expected week of child birth
- Whether one or two weeks of leave will be taken, and
- The date on which the leave will start. Any subsequent change to the start date requires 28 days' notice.

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Additional Paternity Leave Eligibility

Additional paternity leave can start 20 weeks after the birth and it must stop by the child's first birthday. In order to take additional paternity leave, the child's mother must have qualified for maternity leave, statutory maternity pay or maternity allowance. The mother must have returned to work and have stopped receiving any of the prior benefits. The employee must also:

1. Have responsibility in the upbringing of the child as either the:
 - Father of the child, or
 - Husband or partner of the mother.
2. Have worked for the employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth.
3. Still be employed by the employer the week before additional paternity leave starts.
4. Give the employer proper notice.

Additional Paternity Leave Notice

An employee must give the employer at least eight weeks' notice before the chosen start date. The notice should include:

1. The expected week of child birth
2. The actual date of birth
3. The dates chosen on which the leave is proposed to start

An employee declaration and a mother's declaration will also need to be submitted. Any change to the start date requires six weeks' notice.

Employment Rights

While on ordinary or additional paternity leave, employees retain their employment rights, such as employment terms and conditions protection, holiday accrual and return to work. An employee's redundancy rights do not change while on paternity leave. Selection for redundancy must be in a fair manner and redundancy procedures remain the same. If there is suitable available job, the employee has a right to be offered alternative employment.

STATUTORY PATERNITY PAY

The Laws

England, Wales and Scotland	Northern Ireland
The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002	The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002
The Additional Statutory Paternity Pay (General) Regulations 2010	The Additional Statutory Paternity Pay (General) Regulations (Northern Ireland) 2010

Overview

Employees that qualify for ordinary paternity pay and additional paternity pay are paid out a weekly rate of £138.18 or 90 per cent of their average weekly wage, whichever is lower. Taxes and National Insurance are deducted from these amounts.

Additional paternity pay is only paid out for time remaining on a partner's statutory maternity pay or maternity allowance. Any additional paternity leave taken after the end of statutory maternity pay or maternity allowance is unpaid. Employees can take unpaid additional paternity leave if they are eligible for leave but not pay.



Statutory Paternity Leave and Pay

Ordinary Paternity Pay Eligibility

In order to qualify for ordinary paternity pay, employees must:

1. Meet all qualifications of the ordinary paternity leave eligibility (above).
2. Earn at least £111 a week (gross) in an eight-week relevant period.
3. Be employed up to the date the child is born.
4. Provide proper notice. Notice is similar to the ordinary paternity leave notice requirements except employees must request paternity pay at least 28 days before they want it to start.

Additional Paternity Pay Eligibility

In order to qualify for additional paternity pay, employees must:

1. Meet all qualifications of the additional paternity leave eligibility (above).
2. Earn at least £111 a week (gross) in an eight-week relevant period.
3. Ensure their partner has at least two weeks left of maternity or adoption pay.
4. Provide proper notice. Notice is similar to additional paternity leave notice requirements. Employees must also submit a proper employee declaration and a mother's declaration.

ADDITIONAL INFORMATION

GOV.UK provides the following paternity leave and pay application forms online:

Ordinary paternity leave/pay form: www.hmrc.gov.uk/forms/sc3.pdf

Additional paternity leave/pay form: www.hmrc.gov.uk/forms/sc7.pdf

