

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 and additional time through Shared Parental Leave, depending on how much unused maternity leave the employee's partner has used. Employers are free to offer additional paternity leave beyond what is required by law.

Ordinary Paternity Leave	Additional Paternity Leave	Shared Parental Leave
One or two Weeks	Up to 26 Weeks	Depending on how much maternity leave is used by the employer's partner

Employees must use their paternity leave all at once. A 'week' for purposes of paternity leave is determined by each employee's work schedule. For example, a week of leave for an employee that normally works five days a week is five days, while a week for an employee that normally works only three days a week is only three days.

Ordinary Paternity Leave Eligibility

Ordinary Paternity Leave cannot start before the child's birth and must end within 56 days after the birth.

In order to take Ordinary Paternity Leave, an individual must:

1. Be an employee, not a worker;
2. Have responsibility in the upbringing of the child as either the:
 - Father of the child, or
 - Husband or partner of the mother.
3. Have worked for the employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth.
4. Give the employer proper notice.

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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 childbirth
- 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. Employees who are planning to take paternity leave for the birth of a child are not required to provide a specific date; instead, they can specify that they want to take leave beginning on the day of the birth, one week after birth and so forth. Notification rules may be different for [adoptions](#).

Gov.UK has made a [paternity leave planner](#) available that employees can use to work out when they want to take their leave.

Additional Paternity Leave Eligibility

An eligible employee can get between two and 26 weeks of Additional Paternity Leave, depending on how much maternity leave his partner has already used. Employers must confirm the start and end dates when an employee claims his paternity leave.

Additional Paternity Leave can start 20 weeks after the birth, adoption or arrival of the child to the United Kingdom (in cases of overseas adoptions) 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:

- 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;
- Still be employed by the employer the week before Additional Paternity Leave starts;
- Take leave to look after the child or his or her partner; and
- 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:

- The expected week of childbirth;
- The dates chosen on which the leave is proposed to start (employees can change the desired start date with 28 days' notice); and
- The amount of leave.

Notice does not need to be in writing, unless the employer requires it. [Form SC3](#) is available for employees who want to submit written 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.

In addition, 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.

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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 £139.58 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.

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. Have worked for the that is employer paying the benefits for at least 26 continuous weeks by the end of the 15th week before the expected week of childbirth (known as the qualifying week);
3. Earn at least £112 a week (gross) ; and
4. Provide proper notice. (Must provide employer [Form SC3](#) or equivalent at least 15 weeks before the week the baby is expected. [Different rules](#) apply for adoptions).

Additional Paternity Pay Eligibility

To receive Additional Paternity Pay, employees must provide their employers with at least eight weeks' notice. The form used for providing notice depends on the type of leave scenario:

- Having a baby ([Form SC7](#));
- Adopting in the United Kingdom ([Form SC8](#));
- Adopting overseas ([Form SC9](#)); or
- Caring for a child whose mother or adopter has died ([Form SC10](#)).

Employers have the right to request a copy of the child's birth certificate or adoption matching certificate and details pertaining to the mother's (or adopter's) employment to confirm eligibility.

Employers may refuse an employee's application for paternity pay if the employee does not qualify. Employers must send a [Form SPP1](#) to an employee **within 28 days** if his application for paternity pay is refused (employer should also keep a copy of this form for its records). Employees also have the right to request a written statement explaining the employer's decision to deny the application for parental pay. These statements, if requested, must be provided **within seven working days**.

PATERNITY LEAVE AND PAY RECORD-KEEPING

Employers must keep a record of:

- The date Statutory Paternity Pay started;
- Paternity payments made (including dates);
- [Reclaimed](#) payments;

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- Any weeks when payments were not made, along with an explanation of why payments were not made; and
- If adopting, a letter from the adoption broker or a matching certificate.

These records must be kept for **three years** beginning on the end of the tax year they relate to.

ADDITIONAL INFORMATION

Contact **Crendon Insurance Brokers Ltd** for more information on parental leave and pay in the United Kingdom.