

## Paternity Leave

When you take time off because your partner's having a baby, adopting a child or having a baby through a surrogacy arrangement you might be eligible for:

- 1 or 2 weeks' paid Paternity Leave
- Paternity Pay
- Shared Parental Leave and Pay
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## Employment rights when on leave

Your employment rights are protected while on paternity leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

You can get time off to accompany your partner (or the surrogate mother) to 2 antenatal appointments.

If you're adopting a child, you can get time off to attend 2 adoption appointments after you've been matched with a child.

## Leave

You can choose to take either 1 or 2 weeks. You get the same amount of leave if your partner has a multiple birth (such as twins).

You must take your leave in one go. A week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.

## Start and end dates

Leave cannot start before the birth. It must end within 56 days of the birth (or due date if the baby is early).

You must give your employer 28 days' notice if you want to change your start date.

You do not have to give a precise date when you want to take leave (for example 1 February). Instead you can give a general time, such as the day of the birth or 1 week after the birth.

## Shared Parental Leave

You may also be eligible for Shared Parental Leave (SPL). You cannot take Paternity Leave after you take SPL.

## Leave for antenatal appointments

You can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if you're:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother

- the intended parent (if you're having a baby through a surrogacy arrangement)

You can take up to 6 and a half hours per appointment. Your employer can choose to give you longer.

You can apply for leave immediately if you're a permanent employee. You'll need to have been doing a job for 12 weeks before you qualify if you're an agency worker.

## Pay

The statutory weekly rate of Paternity Pay is £172.48, or 90% of your average weekly earnings (whichever is lower).

Any money you get is paid in the same way as your wages, for example monthly or weekly. Tax and National Insurance will be deducted.

## Start and end dates

The money is usually paid while you're on leave. Your employer must confirm the start and end dates for your Paternity Pay when you claim it.

To change the start date you must give your employer 28 days' notice.

## How it works

You and your partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you're:

- having a baby
- using a surrogate to have a baby
- adopting a child
- fostering a child who you're planning to adopt

You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

You need to share the pay and leave in the first year after your child is born or placed with your family.

You can use SPL to take leave in blocks separated by periods of work, or take it all in one go. You can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, you and your partner need to:

- meet the eligibility criteria - there's different criteria for birth parents and criteria for adoptive parents or parents using a surrogate
- give notice to your employers
- give up some of your maternity or adoption leave and pay

## Giving up maternity and adoption leave and pay

To get SPL and ShPP you or your partner has to:

- take less than the 52 weeks of maternity or adoption leave and use the rest as SPL
- take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as ShPP
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For example, if you're the mother and you've taken 22 weeks of Maternity Leave and Statutory Maternity Pay, you can share 30 weeks of SPL and 17 weeks of ShPP with your partner.

## Eligibility for birth parents

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both parents must:

- share responsibility for the child at birth
- meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay

You're not eligible if you started sharing responsibility for the child after it was born.

The eligibility criteria are different if you're adoptive parents or parents using a surrogate.

You can check if you can get SPL and ShPP. You'll need to know:

- your child's due date or birth date
- your and your partner's employment status and earnings
- if you and your partner can get Statutory Maternity Pay or Statutory Paternity Pay

## If both parents want to share the SPL and ShPP

Both parents must meet the same eligibility criteria to get SPL and ShPP. You must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until you start your SPL

To be eligible for SPL, you must be 'employees' (not 'workers') - check your employment status. If either of you is a 'worker', you might be able to share ShPP but not SPL.

To be eligible for ShPP, you must each earn on average at least £123 a week. If you usually earn an average of £123 or more a week each, and you only earned less in some weeks because you were on furlough under the Coronavirus Job Retention Scheme (CJRS), you may still be eligible.

## If the mother's partner wants to take the SPL and ShPP

For the mother's partner to take SPL and ShPP, both the mother and the mother's partner must meet some eligibility requirements.

The mother must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)

- have earned at least £390 in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

The mother's partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL
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To be eligible for SPL, the partner must be an 'employee' (not a 'worker') - check their employment status. If the partner is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the partner must earn on average at least £123 a week.

If either the mother or their partner earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

### **If the mother wants to take the SPL and ShPP**

For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria.

The mother's partner must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

The mother must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the mother must be an 'employee' (not a 'worker') - check their employment status. If the mother is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the mother must earn on average at least £123 a week.

If either the mother or their partner earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

### **Your rights**

As an employee you're allowed time off to deal with an emergency involving a dependant.

A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

## How much you get

You're allowed a reasonable amount of time off to deal with the emergency, but there's no set amount of time as it depends on the situation.

### Example

If your child falls ill you could take time off to go to the doctor and make care arrangements. Your employer may then ask you to take annual leave or parental leave if you want to look after your child for longer.

Tell your employer as soon as possible how much time you'll need so it can be agreed.

### Limits on time off

There are no limits on how many times you can take time off for dependants. Your employer may want to talk to you if they think time off is affecting your work.

### Pay

Your employer may pay you for time off to look after dependants but they do not have to. Check your contract, company handbook or intranet site to see if there are rules about this.

### Exceptions

You cannot have time off if you knew about a situation beforehand. For example you would not be covered if you wanted to take your child to hospital for an appointment. You might get parental leave instead.

Check your employment status to see if you're classed as an 'employee'.