



Paternity and pay

There should be a recognised procedure from your employer in dealing with paternity leave and pay.

The procedure should normally be referred to in your contract of employment or staff handbook. You must read your employer's procedure where it is available.

Below we have outlined your rights and responsibilities, and those of your employer where you wish to exercise paternity leave for the purpose of caring for your child or supporting the child's mother (in case of birth) or adopter (in case of adoption) following the birth or placement of the child.

These rights and obligations do not apply if you are an agency worker or a self-employed consultant.

Paternity leave

Paternity leave is exercisable for the purpose of caring for a newborn child or to support the child's mother, (in the case of birth) or adopter (in the case of adoption).

In order to qualify for Statutory Paternity Leave (SPL) you must be:

- continuously employed with 26 weeks' qualifying service by the start of the 15th week before the expected week of birth
- or where you are an adoptive parent be continuously employed for at least 26 weeks ending with the week in which notification of the adoptive match occurs

SPL is not available to a step parent. You must either be:

- the father of the child or married to, or the partner of, the child's mother (but not the child's father) and have, or expect to have, the main responsibility for the upbringing of the child (excluding relatives of the mother)
- married to, or the partner of, the child's adopter and have, or expect to have, the main responsibility for the upbringing of the child

In order to qualify for paternity leave you must notify your employers of the following information, not later than the end of the 15th week before your expected week of childbirth, (EWC) or if you are adopting, no more than seven days after the date that you are notified of having been matched with the child :

- that you wish to take SPL
- the EWC or in case of adoption the date of notification of having been matched with the child and the expected date that the child will be placed with the adoptive parent/s
- the length of the period of leave you have chosen to take
- the date you want the paternity leave to start
- provide a declaration that you are eligible to receive Statutory Paternity Pay (SPP) and that SPL is to be taken for the purpose of caring for the child or supporting the child's mother or adopter

In the case where you are adopting a child, you must also provide a declaration that you have elected to receive SPP and not Statutory Adoption Pay (SAP).

Should you decide to take two weeks SPL then these weeks must run consecutively, within 56 days of the child being born (except where the child arrives early when the SPL must be taken between the birth and 56 days from the first day of the expected week of birth).

In the case of adoptive parents SPL can be taken during the first 56 days following the child's placement with the adopter.

Changes to start date

You are only entitled to vary the date upon which your period of leave will begin under certain circumstances. You must consult with your employer immediately if you are intending to do this.

Terms and conditions during paternity leave

Your contract of employment will continue throughout your paternity leave with the exception of remuneration. You will continue to receive all your contractual benefits such as holiday accrual, car allowance and professional subscriptions.

You are not normally entitled to participate in any other business during your paternity leave and must continue to observe the relevant terms and conditions of your contract of employment, including, in particular those relating to confidentiality.

Communication during paternity leave

Your employer must maintain communication with you if you are on paternity leave and your employer will agree with you, before you start your paternity leave, how much contact you wish to have with them whilst you are on leave. You should keep in touch with your employer during your paternity leave and to respond promptly to all their correspondence.

Statutory Paternity Pay

You are entitled to a maximum of two weeks' SPP if you satisfy the eligibility criteria and in addition you satisfy the lower earnings limit for National Insurance contributions in the eight weeks up to and including the qualifying week. Your employer should advise you if you are eligible for SPP or not.

In the case of adoption only, you have elected to receive SPP and not Statutory Adoption Pay.

The rate of SPP is paid at 90% of your average weekly earnings or at a flat rate if this is more. Your employer should advise you of the current SPP flat rate as, this increases each year.

The grievance procedure

You must not be unfairly treated on grounds of paternity issues. You must approach your employer with any concerns you may have as your employer must not tolerate discrimination or harassment of any staff member concerning paternity leave.

Any grievance with regard to your paternity rights should be made through your employer's grievance procedure.

If you require further information, please contact the Employment Team on **03700 86 86 86**.