

# Paternity leave and pay

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## What is paternity leave?

Employees may be entitled to paternity leave and pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

If eligible, employees will be entitled to either one or two weeks of paid paternity leave. A week is the same amount of days that the claimant normally works in a week, for example - if they only work on Mondays and Tuesdays, a week's paternity leave is 2 days.

The leave must be taken as a whole week or two consecutive weeks. The amount of leave does not increase if it is a multiple birth.

Paternity leave is in addition to normal holiday allowance.

Statutory Paternity Leave is paid. Employees can get more leave or pay if:

- their partner returns to work and they qualify for Shared Parental Leave and pay
- their company scheme offers more than statutory

Paternity pay is paid by the employer. They will deduct tax and National Insurance contributions before paying the claimant.

Paternity pay is treated as earnings and as a result is subject to the Work Allowance (if applicable) and the Earnings Taper.

## Eligibility

To qualify for Statutory Paternity Leave the claimant must be the:

- father

- spouse or partner of the mother (or adopter) child's adopter intended parent (if they are having a baby through a surrogacy arrangement)

The claimant must have worked for their employer for at least 26 continuous weeks before:

- the 15th week before the baby is due
- the end of the week in which the adoption agency matched them with a child
- the date the child enters the UK or when they want their pay to start (overseas adoptions)

The claimant must be earning a minimum amount per week before tax and continue to work for their employer until the child is born (or is placed with them).

They must be taking the time-off to look after the child or their partner and be responsible for the child's upbringing.

If the claimant doesn't qualify for paternity leave and pay, they can consider requesting annual leave or unpaid paternity leave.

### **Claiming paternity leave**

The claimant must inform their employer that they are going on paternity leave, and request paternity pay at least 15 weeks before the baby's due date.

If the claimant is adopting a child, the employer must be notified of the paternity leave request:

- within 7 days of the claimant being told by the adoption agency that they have been matched with a child
- 28 days before they want their paternity pay to start

If the claimant is having a baby through a surrogacy arrangement, they must notify their employer at least 15 weeks before the due date:

- when the baby is due, and
- when they want to start their leave

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