

## Paternity Leave

The right to Paternity Leave is in addition to any rights for Parental Leave – see our separate factsheet on Parental Leave. Paternity Leave is intended to enable people to have a period of time to help care for the child and/or to support the mother following childbirth.

### When do employees qualify for statutory paternity leave and pay?

To qualify an employee must:

- have been in continuous employment with the same employer for 26 weeks ending with the 15th week before the baby is due
- be the biological father of the child or be the mother's or adopter's partner and expect to have responsibility for the child

### How does an employee notify their employer and what information is required?

In order to take Paternity Leave employees are required to notify their employers, in writing, providing the following information at least 15 weeks before the expected week of childbirth:

- the expected week of childbirth
- the length of the period of leave required and the date from which leave is requested

### How long is paternity leave and when does it have to be taken?

The maximum period of paternity leave that an employee can take is 2 weeks; this can either be taken in a block of 2 weeks or 1 single week. It cannot be taken as separate periods, odd days or as separate weeks. The leave can start on any day of the week. However, see also our section on the new Additional Paternity Allowance provisions. The leave must be

taken within 56 days of the date of the child's birth or if the child is born earlier then the leave must be completed within 56 days of the first day of that week.

### Statutory Paternity Pay

The rate is £139.58 (increased from £138.18 on 6th April 2015) per week or 90% of average weekly earnings, whichever is lower. To be eligible for paternity pay employees must be earning an average of £90 per week (at least) before tax. In order to receive statutory paternity pay the employee is required to provide a completed self certificate which confirms that he is the father of the child and/or the husband, civil partner or partner of the mother and:

- is taking leave either to care for the child and/or to support the mother, and
- has, or expects to have, responsibility for the upbringing of the child

The employee must give their employer a completed self-certificate to confirm their entitlement and must do so at least 28 days before they want the pay to begin. Fathers and Partners also have the right to Shared Parental Leave. Please see our separate factsheet for further information. The above information is not intended to be a complete or definitive statement of the law. For more information or advice please contact our Employment Law team.