

## Becoming a parent

If you want to take time off work to support the mother of the baby or look after the baby you may be entitled to:

- Statutory Paternity Pay (SPP) – at least part of your wages will be paid for two weeks. You will get the weekly rate of SPP current at the time of your paternity leave, or 90% of your average weekly earnings, whichever is less
- paternity leave – up to two weeks time off.

Please read through the terms and conditions below and if you think you might qualify, fill in the form opposite and complete the declaration on page 2. If you need help, please contact any HM Revenue & Customs office. You can find the phone number in *The Phone Book* under 'HM Revenue & Customs'.

## Terms and conditions

SPP and paternity leave are available to:

- a biological father
- a partner, husband or civil partner that is not the baby's biological father.

You must be able to declare that:

- you are
  - the baby's biological father, **or**
  - married to or in a civil partnership with the mother, **or**
  - living with the mother in an enduring family relationship, but are not an immediate relative, **and**
- you will be responsible for the child's upbringing, **and**
- you will take time off work to support the mother or care for the child.

You must be continuously employed by the same employer during the whole of the pregnancy.

To get SPP you must also have average earnings over a set period above a set amount – your employer will work this out for you. You cannot start your paternity leave before the child is born.

You can choose to take one or two whole weeks leave, but not two separate weeks, which must end by the 56th day after the date of birth. If the baby is born early you can choose to take your leave any time between the actual date of birth and the end of an eight week period starting from the Sunday of the week the baby was originally due. You cannot take odd days off work, but the weeks can start on any day, for example, from Tuesday to Monday.

You must discuss your leave plans with your employer and tell them what time off you want by the 15th week before the week the baby is due. Your employer can tell you when this is if you are not sure.

You can change your mind, but you must give your employer 28 days notice of the dates. If you do change your mind, you and your employer may find it helpful if you filled in a new form SC3 *Statutory Paternity Pay/paternity leave*.

If you cannot tell your employer what time off you want in time, or the baby is born sooner or later than expected, please discuss the situation with your employer. If you are unable to resolve any disagreement contact any HM Revenue & Customs office for advice.

## Your dates for pay and leave

Give the date the baby is due.

*If the baby has already been born, give the date the baby was due and the actual date of birth.*

Due date *DD MM YYYY*

     

Actual date of birth *(if applicable)*

     

I would like my SPP and/or paternity leave to start on the date the baby is born

No  Yes

If 'No', I would like my SPP to start within eight weeks of the date the baby was born starting on or around

     

If 'Yes', you cannot attend work for any part of that day.

I want to be away from work for

One week

Two weeks

Surname or family name

First name(s)

National Insurance number

      

Please turn over

## Your declaration

You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.

I declare that:

- I am
  - the baby's biological father, or
  - married to or in a civil partnership with the mother, or
  - living with the mother in an enduring family relationship, but am not an immediate relative, **and**
- I will have responsibility for the child's upbringing, **and**
- I will take time off work to support the mother or care for the child.

Signature

Date DD MM YYYY

Give this form to your employer, but keep a copy of the terms and conditions for your records.

## Disagreements

If your employer tells you that you are not entitled to SPP and/or paternity leave you can challenge that decision. If you need help with this, for:

- SPP – contact any HM Revenue & Customs office
- paternity leave – phone the Advisory Conciliation and Arbitration Service (Acas) Helpline number **08457 47 47 47**. In Northern Ireland, phone the Labour Relations Agency on **028 9032 1442**.

## Penalties

Penalties may be charged where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to statutory adoption, paternity, maternity or sick pay.

## Further information and help

We have not covered all of the law that relates to SPP and paternity leave on this form. So if you are in any doubt about your entitlement talk to your employer or contact any HM Revenue & Customs office.

Depending on your circumstances you may not qualify for SPP and/or paternity leave. Your employer will let you know. If this is the case you will get more advice and information at the time.

You can also:

- go to [www.direct.gov.uk/workandfamilies](http://www.direct.gov.uk/workandfamilies) or
- contact any Advisory Conciliation and Arbitration Service (Acas) office for more information about paternity leave and other employment rights. Phone Acas on **08457 47 47 47** or go to [www.acas.org.uk](http://www.acas.org.uk)

The Department for Work and Pensions publication NI17A *A guide to Maternity Benefits* also has details of other booklets covering social security benefits and some brief information on paternity. Go to [www.dwp.gov.uk/advisers/#techguides](http://www.dwp.gov.uk/advisers/#techguides)

Information on all aspects of employment legislation is also usually available from any Citizens Advice Bureau, low pay units and Trade Unions. If you are not entitled to SPP you may be entitled to other government help. Contact any Jobcentre Plus office for further information.