

Paternity leave and pay in UK

Please find below the key points you must consider as an employer as soon as your employee is requesting some paternity leave:

1. Paternity Leave

The employee might be eligible for paternity leave if he is responsible for the child's upbringing and either:

- Is the biological father
- His/her partner is having a baby, adopting a child or having a child through surrogacy

If the employee has a same-sex partner, it's still called paternity leave. One partner can take paternity leave and the other can take maternity leave or adoption leave.

The employee can choose to take up to 2 weeks. His gets the same amount of leave if the partner has a multiple birth (such as twins).

His must take his leave in one go. A week is the same number of days that he normally works in a week - for example, a week is 2 days if he only works on Mondays and Tuesdays.

To be eligible for paternity leave he must:

- be legally classed as an employee
- give the correct notice
- have worked for the same employer for at least 26 weeks ending with the 15th week before your baby is due

Start and end dates

- Leave cannot start before the birth.
- It must end within 56 days of the birth.
- he must give to his employer 28 days' notice if he wants to change the start date.

He does not have to give a precise date when he wants to take leave (for example 1 February). He can give a general time, such as the day of the birth or 1 week after the birth.

The rules are different if he adopts.

The employment rights are maintained while on paternity leave such as:

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

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Shared Parental Leave

He may also be eligible for Shared Parental Leave (SPL). He cannot take Paternity Leave after he takes SPL.

Leave for antenatal (before Brith) appointments

He can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if he is eligible (cf above).

He can take up to 6 1/2 hours per appointment. The employer can choose to give longer. He can apply for leave immediately if he is a permanent employee. He will need to have been doing a job for 12 weeks before he qualifies if he is an agency worker.

2. Statutory Paternity Pay (SPP)

The statutory weekly rate of Paternity Pay is £156.66 (2022), or 90% of the average weekly earnings (whichever is lower).

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

There are extra conditions the employee need to meet to qualify for leave and pay.

To be eligible for paternity pay, your employee must:

- be employed by the employer up to the date of birth
- earn at least £120 a week (before tax)
- give the correct notice
- have been continuously employed by the employer for at least 26 weeks up to any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due. This is different if you adopt.

Start and end dates

The money is usually paid while he is on leave. The employer must confirm the start and end dates for his Paternity Pay when he claims it.

To change the start date, the employee must give his employer 28 days' notice.

He could get more pay if his employer has a company paternity scheme – the employer cannot offer him less than the statutory amounts.

3. Extra time: If the employee wants to take more than 2 weeks' leave

If he is not taking Shared Parental Leave and want more paternity leave to care for his new baby or child, he could talk with his employer about taking:

- holiday
- parental leave, which is usually unpaid

N'hésitez pas à nous contacter pour toutes questions !

Sources: www.Gov.uk & Acas

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