

Paternity leave and pay

1 . Paternity leave rights

Paternity leave allows an employee to spend time with a new child and support their partner.

How much paternity leave an employee can take

If an employee is eligible for statutory paternity leave, by law they can choose to take 1 or 2 weeks.

This is the same even if they're having more than 1 child, for example twins.

It might be written in their contract that they get more than statutory paternity leave. This can be called 'enhanced' or 'contractual' paternity leave.

Who can take statutory paternity leave

Someone must be [legally classed as an employee](#) to take paternity leave.

Anyone [legally classed as a worker](#) is not entitled to paternity leave, but they can take time off. They might be entitled to [statutory paternity pay](#).

Agency workers

Someone who works through an agency might be legally classed as an employee or a worker.

An agency worker who is not entitled to statutory paternity leave might want to take time off after a birth or adoption. In this case the agency and employer should make an arrangement with them. This could be paid holiday, unpaid leave or special leave.

Eligibility for statutory paternity leave

The employee must have or expect to have responsibility for bringing up the child.

They must be one or both of the following:

- the child's father
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They must have been continuously employed by the same employer for at least 26 weeks up to any day in the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born.

Eligibility criteria are different for:

- [adoption](#)
- [having a child through surrogacy](#)

To check eligibility, you can [use the paternity leave and pay checker tool on GOV.UK](#).

If they're no longer with their partner

If the employee has separated from their partner but has ongoing parental responsibility for their child, they can still get statutory paternity leave and pay.

How the law protects employees taking paternity leave

An employer must not cause an employee 'detriment' for taking, or planning to take, paternity leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- their employer reduces their hours
- they experience [bullying](#)
- they experience [harassment](#)
- the employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities

If an employee believes they've experienced detriment because of paternity leave, they can raise this with their employer. It's usually best to first raise the problem informally by [talking to their employer](#).

If this is not possible or it does not resolve the problem, they can [raise a grievance](#). This is where they make a formal complaint to their employer.

If the problem still does not get resolved, they could [make a claim to an employment tribunal](#).

Holiday and paternity leave

Employees still build up their usual [holiday entitlement](#) during statutory paternity leave.

They cannot take holiday while on statutory paternity leave, but they could agree with their employer to take it before or after.

It's a good idea for the employer and employee to:

- agree whether the employee will take their holiday leave before or after their paternity leave
- keep an up-to-date note or other record of what's agreed

Other types of leave

Parents might also be entitled to:

- shared parental leave
- ordinary parental leave

Shared parental leave

Employees can decide to take shared parental leave. This gives more choice in how 2 parents can take leave when they're having a child.

Shared parental leave allows maternity or adoption leave to end early and the remaining leave be shared between the parents.

One parent can take shared parental leave instead of paternity leave or after they've taken paternity leave.

[Find out more about shared parental leave](#)

Ordinary parental leave

Parents have the right to unpaid time off work when they need to look after their children.

This is called 'ordinary parental leave' or unpaid parental leave.

An employee might want more time off than the statutory 2 weeks' paternity leave. They can take up to 4 weeks' unpaid parental leave starting on the day their:

- baby is born
- adoption placement starts

They can then take their statutory paternity leave afterwards. Employers cannot refuse employees taking parental leave in this way.

[Find out more about ordinary parental leave](#)

Contact the Acas helpline

If you have any questions about paternity leave, you can [contact the Acas helpline](#).

2. Taking paternity leave

The law on statutory paternity leave and pay is changing on 6 April 2024.

This means there are different rules depending on when someone's baby is due.

It might be written in their contract that they get more than statutory paternity leave. This can be called 'enhanced' or 'contractual' paternity leave.

If the baby is due on or before 6 April 2024

An employee can choose to take either 1 or 2 weeks' statutory paternity leave. They must take the leave all in one block.

Information to provide before the 'qualifying week'

To take statutory paternity leave, the employee must tell their employer:

- that they're having a baby
- how much paternity leave they plan to take
- the date they want to start their leave

The employee must give this information to their employer before the end of the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

For example, Sam's baby is due on 1 March 2024. The qualifying week starts on Sunday 12 November 2023 and ends on Saturday 18 November 2023. Sam must give their employer the relevant information before Saturday 18 November 2023

When an employee can start paternity leave

If their baby is due on or before 6 April 2024, an employee can choose to start statutory paternity leave:

- on the day their baby is born, or the day after if they're at work on that day
- on an agreed date after their baby is born
- a set number of days after their baby is born – for example 1 week after

An employee must take their statutory paternity leave within 8 weeks (56 days) of the birth.

They cannot start statutory paternity leave before the birth. But they could agree with their employer to take another type of leave before paternity leave, for example holiday.

If the baby is due on or after 7 April 2024

An employee can choose to take either 1 or 2 weeks' statutory paternity leave.

They can take the leave as either:

- 2 weeks together
- 2 separate blocks of 1 week

Information to provide before the end of the 'qualifying week'

To take statutory paternity leave, the employee must tell their employer:

- they're having a baby
- they're planning to take paternity leave
- the expected week of childbirth

The employee must give this information to their employer before the end of the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

For example, Alex's baby is due on 1 May 2024. The qualifying week starts on Sunday 14 January 2024 and ends on Saturday 20 January 2024. Alex must give their employer the relevant information before Saturday 20 January 2024.

An employee must also tell their employer in writing that they are one or both of the following:

- the child's father
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They can do this in either:

- a letter or email
- the form [statutory paternity pay and leave: becoming a birth parent \(SC3\) on GOV.UK](#)

Information to provide at least 28 days before starting leave

If their baby is due on or after 7 April 2024, an employee must also tell their employer the dates of their leave.

They must do this at least 28 days before each period of leave. They do not have to do this in writing. However it's helpful to put it in writing to have a record. This could be in a letter or an email.

For example, an employee wants to take 1 week of leave straight after the baby is born and 1 week at another time. They must give their employer at least 28 days' notice for each period of leave.

They must also tell their employer in writing that they will use the leave to care for either or both of the following:

- the child
- the child's mother or birth parent

They can do this in either:

- a letter or email
- the form [statutory paternity pay and leave: becoming a birth parent \(SC3\) on GOV.UK](#)

When an employee can start paternity leave

An employee can take their statutory paternity leave at any time in the first 52 weeks after the birth. This is if their baby is due on or after 7 April 2024.

They cannot start statutory paternity leave before the birth. But they could agree with their employer to take another type of leave before paternity leave, for example holiday.

If an employee cannot provide information in the required time

It might not always be possible for an employee to give their employer information in the required time. The employer should talk with them to check why. The employee must give the information without any further delay.

How the employer should respond

The employer should respond in writing confirming the dates the employee has requested. This can help keep everything clear.

If an employee is not eligible for [statutory paternity pay](#) while they're on paternity leave, the employer must tell them in writing.

The employer should do this within 28 days and can use the form [non-payment of statutory paternity pay \(SPP1\) on GOV.UK](#).

If the employee is not asking for paternity pay, the employer should still respond in writing. For example, sending the employee an email or letter to confirm the dates of their paternity leave.

Changing the start date

If the employee wants to change the date they start paternity leave, they must usually give the employer 28 days' notice. This does not have to be in writing unless the employer requests it. However, it's helpful to put it in writing to have a record. This could be in a letter

or email.

In some circumstances it may not be possible for the employee to give 28 days' notice of the change, for example if the baby is born early or late.

If the baby is born early or is sick

An employee might need to change the date they start paternity leave if their baby:

- is born early
- is born prematurely – more than 3 weeks before the date they were expected to be born (before 37 weeks)
- needs to stay in hospital for a time after birth

For example, they might decide to start it once their baby is home from hospital.

They will need to tell their employer the new date they're starting paternity leave.

The employer should be supportive of any difficult circumstances. They could allow for someone other than the employee to tell them, such as the employee's friend or family member.

The employee does not have to give the employer any formal evidence of the date of birth. But some employers might have a policy that asks for staff to contact work as soon as possible.

If the baby is due on or after 7 April 2024 but arrives early

The law on statutory paternity leave is changing on 6 April 2024.

An employee's baby might be due on or after 7 April 2024 but arrive early, on or before 6 April 2024.

In this case, the new law applies. This means that:

- the employee can take statutory paternity leave from the date the baby is born
- their leave must end within 52 weeks of the start of the week the baby was due

If the baby is born late

If the baby is born late, the employee must tell their employer the new date they're starting their paternity leave as soon as they can. This does not have to be in writing unless the employer requests it.

If the employee wants to take time off before the birth, they could agree with their employer to take another type of leave, for example holiday.

If the baby is due on or before 6 April 2024 but arrives late

The law on statutory paternity leave is changing on 6 April 2024.

An employee's baby might be due on or before 6 April 2024 but arrive late, on or after 7 April 2024. In this case, the current law applies. The employee must take their statutory paternity leave within 8 weeks (56 days) of the birth.

If there's a stillbirth or death soon after birth

If there's a stillbirth or the baby dies soon after birth, it might be difficult for the employee to tell their employer. The employer should allow for someone else to tell them, for example the employee's family member or friend.

The employer should offer support for the employee. When the employee is ready, they can talk about what time off they think they'll need.

Their paternity rights still apply if their baby:

- is stillborn after 24 weeks of pregnancy
- is born alive at any stage of the pregnancy but only lives for a short time

They can take paternity leave:

- at the time it was planned for – if they had already booked the leave before the baby died
- within 8 weeks of the baby's death – if they had not already booked paternity leave

If the employee is eligible for [parental bereavement leave and pay](#), they have the right to take this after they finish their paternity leave.

Talking about paternity leave

The legal name for the time off is 'statutory paternity leave'. If the employee is not comfortable calling it paternity leave, they can let the employer know so they can support them.

Employers should be sensitive to the employee's preference and be led by them when having conversations about leave.

If the employer needs to discuss anything work-related with the employee, they could arrange with someone else, such as their friend or family member:

- when this communication happens
- how it happens, for example whether any urgent communication can be emailed to a friend or family member

If there's a miscarriage

A miscarriage means a pregnancy loss in the first 24 weeks.

Employees are not entitled to statutory paternity leave after a miscarriage. However, many people would still consider miscarriage a bereavement. The employer should still consider offering time off at what can be an extremely difficult time, both physically and emotionally.

Find out more about:

- [if an employee or their partner has a stillbirth or miscarriage](#)
- [supporting an employee after a death](#)

Get more advice and support

If you have any questions about paternity leave, [contact the Acas helpline](#).

You can also:

- [check if you can get paternity leave or pay on GOV.UK](#)
- [use the paternity calculator for employers on GOV.UK](#)

3. Statutory paternity pay

By law, an employer must pay statutory paternity pay to an employee or worker if they're eligible for it.

Statutory paternity pay is either of the following, whichever is lowest:

- £184.03 a week
- 90% of their average weekly earnings

Statutory paternity pay is for up to 2 weeks. The employer starts paying it on the date agreed with the employee or worker.

It might be written in their contract that employees and workers get more than statutory paternity pay. This can be called 'enhanced' or 'contractual' paternity pay.

[Use the statutory paternity pay calculator on GOV.UK](#)

Eligibility for statutory paternity pay

To be eligible for statutory paternity pay, the employee or worker must be one or both of the following:

- the father of the expected baby
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They must also:

- have been continuously employed by the same employer for at least 26 weeks up to any day in the 'qualifying week'
- be employed by the same employer at the time of the birth
- earn on average at least £123 a week over the 8-week period ending with any day in the qualifying week

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born.

Eligibility criteria are different for:

- [adoption](#)
- [having a child through surrogacy](#)

Claiming statutory paternity pay

An employee or worker must ask for statutory paternity pay in writing. This must be no later than 15 weeks before the baby is expected to be born.

The employee should use either:

- their employer's form for claiming statutory paternity pay, if there is one
- the form [statutory paternity pay and leave: becoming a birth parent \(SC3\) on GOV.UK](#)

It might not always be possible for an employee to give notice in the required time. The employer should talk with them to check why and the employee must give the notice without any further delay.

If someone is not eligible for statutory paternity pay

If an employee or worker is not eligible for statutory paternity pay, their employer must tell them in writing. The employer must do this within 28 days of receiving the person's notice.

The employer can use the form [non-payment of statutory paternity pay \(SPP1\) on GOV.UK](#).

Someone [legally classed as an employee](#) who is not entitled to statutory paternity pay might still be entitled to statutory paternity leave.

Someone [legally classed as a worker](#) who is not entitled to statutory paternity pay can still arrange to take time off after a birth. For example, holiday or special leave that's paid or unpaid.

If an employee does not return to work after paternity leave

The employee does not have to pay back statutory paternity pay if they do not return to work after paternity leave.

If they received enhanced or contractual paternity pay, their contract might say they must pay it back. The contract must be clear about the circumstances when an employee must do this.

Before the employer starts paying enhanced paternity pay to an employee, they should remind them of any repayment conditions.

Contact the Acas helpline

If you have any questions about paternity pay, [contact the Acas helpline](#).

4. Attending appointments

By law, an employee who will be taking statutory paternity leave can take time off work to attend 2 pregnancy-related or adoption appointments.

These can include attending pregnancy appointments with a surrogate.

Pregnancy-related appointments can be called 'antenatal' appointments. They can include medical appointments, scans or other pregnancy care.

The employee can take up to 6.5 hours for each appointment. This time includes travel to and from the appointment.

There's no legal entitlement to pay for this time off. However, an employer might offer pay or more time off for these appointments. Check your organisation's policy or the employment contract.

If the employee does not want to take unpaid time off, they could ask their employer to take it as holiday or make up the hours later. Both the employer and employee need to agree on this.

Who can take time off for appointments

To be entitled to time off for pregnancy-related or adoption appointments, the employee must be one of the following:

- the partner of someone who's pregnant
- an intended parent in a surrogacy – they will be applying for a parental order
- the 'secondary adopter'

Contact the Acas helpline

If you have any questions about paternity leave, [contact the Acas helpline](#).

5. Adoption

When a couple adopt a child, one person is the 'main adopter' and one is the 'secondary adopter'.

The main adopter can take [adoption leave and pay](#). The secondary adopter can take paternity leave.

They cannot change or swap which one they're taking once they have informed their employers.

Eligibility for statutory paternity leave

For someone to be eligible for statutory paternity leave for adoption, they must be:

- married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- taking the leave to care for the child or support their partner
- [legally classed as an employee](#)

They must also have been employed continuously by the same employer for at least 26 weeks. The 26 weeks must end with:

- the week the employee is notified that they've been matched with a child – for UK adoptions
- the week the child enters Great Britain (England, Scotland or Wales) or when the employee wants the pay and leave to start – for overseas adoptions

Giving notice to take paternity leave

An employee must give their employer the correct notice to take statutory paternity leave.

The notice requirements will depend on:

- whether it is a UK or overseas adoption
- when the placement is starting – this is because the law on statutory paternity leave is changing on 6 April 2024

If a UK adoption placement starts on or before 5 April 2024

Within 7 days of being notified by an approved adoption agency that they've been matched with a child, an employee must tell their employer:

- the date they were notified of being matched with the child
- when they expect the placement to start, or when it started if it's already started
- how much paternity leave they want to take
- the date they want their paternity leave to start

If their employer asks for it, the employee must also tell them in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter
- the purpose of the leave is to care for the child or the child's main adopter, or both

If an overseas adoption placement starts on or before 5 April 2024

An employee must tell their employer:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain

They must give their employer this information within 28 days of either:

- the date of the official notification
- the date they complete 26 weeks of working for their employer

They must use whichever of these dates is later.

The employee must also tell their employer:

- the date they want their paternity leave to start – at least 28 days before they want it to start
- the date the child enters Great Britain – no later than 28 days after they enter

If their employer asks for it, the employee must also tell them in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter
- the child's main adopter has received an official notification of the adoption

They must give this to their employer within 14 days of the request.

If a UK adoption placement starts on or after 6 April 2024

An employee must tell their employer:

- the date they were notified of being matched with the child
- when they expect the placement to start, or when it started if it's already started

They must also tell their employer in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter

For each period of paternity leave the employee wants to take, they must give their employer:

- the date they want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or the child's main adopter, or both

An employee must give their employer all the above information within a specific timeframe. This is within 7 days of being notified that they've been matched with a child.

If an overseas adoption placement starts on or after 6 April 2024

An employee must tell their employer:

- the date the child's main adopter received an official notification of the adoption
- the date the child is expected to enter Great Britain, or if they have already entered Great Britain, the date they entered

They must also tell their employer in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the child's main adopter
- the child's main adopter has received an official notification of the adoption

They must give their employer this information within 28 days of either:

- the date of the official notification
- the date they complete 26 weeks of working for their employer

They must use whichever of these dates is later.

Giving paternity leave dates for overseas adoptions

For overseas adoption placements starting on or after 6 April 2024, an employee must give their employer their leave dates.

For each period of paternity leave the employee wants to take, they must give their employer:

- the date they want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or child's main adopter, or both

They must give this to their employer at least 28 days before they want their paternity leave to start.

If an employee cannot give information in the required time

There might be a good reason why an employee cannot give their employer information within the required time. In this case, the employee must provide the information as soon as possible.

If the employer asks for proof

If the employer asks for proof of adoption, the employee must provide within 28 days either:

- a letter from the adoption agency
- the 'matching' certificate

It might not always be possible for an employee to give notice or proof in the required time. The employer should talk with them to check why and the employee must give the notice without any further delay.

Eligibility for statutory paternity pay for UK adoptions

To be eligible for [statutory paternity pay](#), an employee or worker must be:

- married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- taking the leave to care for the child or support their partner

They must have worked for the same employer continuously:

- for at least 26 weeks ending with the 'relevant' or 'matching' week – the week they're notified of being matched with a child for adoption
- between the relevant week and the day the adoption placement starts

They must have average weekly earnings of at least £123 a week over 8 weeks ending with the relevant week.

If their employment ends before their adoption placement starts, they lose their entitlement.

Eligibility for statutory paternity pay for overseas adoptions

If an employee or worker is adopting a child from overseas, to be eligible for statutory paternity pay they must:

- be married to, the civil partner or partner of the child's main adopter – this includes same-sex partners
- have or expect to have the main responsibility with the main adopter for the child's upbringing
- have given their employer notice within 7 days of being notified that they've been matched with a child

They must have worked for the same employer continuously for at least 26 weeks either:

- ending with the week the main adopter received 'official notification' from the authority in the UK responsible for the adoption
- starting with the week they started working for the employer

This is in case they got the official notification a year or more before the child enters Great Britain and could have changed employers in this time.

The employee must tell their employer:

- the date the child's main adopter received the official notification
- the date the child is expected to enter Great Britain
- when they want to start their paternity leave
- how much paternity leave they plan to take

They must do this within 28 days of either of the following – whichever is later:

- receiving the official notification
- the date they've been employed continuously for 26 weeks by the same employer

The employee must then tell their employer the date the child actually entered Great Britain within 28 days of the child arriving.

If the employer requests it, the employee must give any of these details in writing.

Claiming statutory paternity pay for adoption

To claim statutory paternity pay for adoption, the employee or worker must ask their employer in writing. This must be within 7 days of the date they're told they're matched with a child.

In the notice, they must say:

- the date they were notified of being matched with the child
- the date the placement started or is expected to start
- how much paternity leave they plan to take
- when they want to start that leave

They must put the notice in writing. They could do this:

- in a letter or email
- using the [form statutory paternity pay and leave: becoming an adoptive or parental order parent \(SC4\) on GOV.UK](#)

It might not be possible for the employee to give the required amount of notice as the adoption process cannot always be to a definite timeframe. The employer should be understanding in this situation.

Taking paternity leave and pay

When an employee can take their statutory paternity leave and pay depends on when their adoption placement is starting. This is because the law on statutory paternity leave is changing on 6 April 2024.

If the placement is starting on or before 5 April 2024

Statutory paternity leave and pay must start and end within 8 weeks (56 days) of either:

- the date the adoption placement starts
- the date the child enters Great Britain if it's an overseas adoption

If the placement is starting on or after 6 April 2024

The employee can take their statutory paternity leave and pay at any time in the first 52 weeks after either:

- the date the adoption placement starts
- the date the child enters Great Britain if it's an overseas adoption

If the adoption does not go ahead

If someone's adoption is 'disrupted', meaning it does not go ahead, the employer should still pay statutory paternity pay.

A disrupted adoption placement could be because the child has to return to the adoption agency or foster care, or has died.

Experiencing a disrupted adoption can be very upsetting. Employers should be flexible with who tells them, for example the employee's family member or friend.

The employer should treat anyone affected by the disrupted adoption with care and support. They may want to take time off before returning to work. The employer should discuss the options with them.

[Find out more about supporting an employee after a death](#)

Contact the Acas helpline

If you have any questions about paternity leave and pay for adoption, [contact the Acas helpline](#).

6. Surrogacy

If someone is using a surrogate parent to have a baby and they or their partner have a genetic link to the child, they can apply for a 'parental order'.

A parental order transfers the parental rights from the surrogate so they become the 'intended parents' by law.

If they're eligible, one of the intended parents can take [adoption leave](#) and one can take statutory paternity leave. It is up to the parents to decide which each of them uses.

They cannot change or swap which one they're taking once they have informed their employers.

Eligibility for statutory paternity leave for surrogacy

To take statutory paternity leave, the intended parent must:

- intend to apply for a parental order in the 6 months after the baby's birth and expect it to be granted
- meet the eligibility criteria for statutory paternity leave

If the employer asks for proof

The employer might ask for a 'statutory declaration'.

This is a written statement provided by a solicitor. It confirms the intended parent has been truthful about intending to apply for, and be successful in getting, a parental order.

Eligibility for statutory paternity pay for surrogacy

The intended parents must choose who will take adoption pay and who will take statutory paternity pay. They cannot change or swap which one they're taking once they've told their employers.

The intended parent who has chosen to take statutory paternity pay must:

- be eligible for and intend to apply for a parental order and expect it to be granted, or have one already
- be married to, the civil partner or partner, including same-sex partners, of the other intended parent
- have the main responsibility for the care of the child together with the other intended parent

They must also:

- be [legally classed as an employee](#) or work for the employer through an agency
- have worked continuously for the same employer for at least 26 weeks up to any day in the 'qualifying week'
- continue to be employed by the same employer until the birth of the child
- earn on average at least £123 a week over the 8-week period ending with any day in the qualifying week

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born.

Giving notice to take paternity leave

What information an employee must give their employer and when depends on when their baby is due. This is because the law on statutory paternity leave is changing on 6 April 2024.

If the baby is due on or before 6 April 2024

The intended parent who's taking paternity leave must tell their employer:

- the expected date of birth
- how much paternity leave they want to take
- when they want to start statutory paternity leave

They must give this information to their employer no later than the end of the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

For example, Sam's baby is due on 1 March 2024. The qualifying week starts on Sunday 12 November 2023 and ends on Saturday 18 November 2023. Sam must give their employer the relevant information before Saturday 18 November 2023.

If the employer asks for it, the employee must also tell them in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the other intended parent
- the purpose of the leave is to care for the child or support the other intended parent
- they and the other intended parent are parental order parents of the child

They must give this to their employer within 14 days of when they ask for it.

They can do this in either:

- a letter or email
- the form [statutory paternity pay and leave: becoming an adoptive or parental order parent \(SC4\) on GOV.UK](#)

If the baby is due on or after 7 April 2024

The intended parent who's taking paternity leave must tell their employer the expected date of birth.

They must also tell their employer in writing that:

- they have, or expect to have, responsibility for bringing up the child
- they are married to, the civil partner or partner of the other intended parent
- they and the other intended parent are parental order parents of the child

They must give this information to their employer no later than the end of the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

For example, Alex's baby is due on 1 May 2024. The qualifying week starts on Sunday 14 January 2024 and ends on Saturday 20 January 2024. Alex must give their employer the relevant information before Saturday 20 January 2024.

To give their employer information in writing, an employee can use either:

- a letter or email
- the form [statutory paternity pay and leave: becoming an adoptive or parental order parent \(SC4\) on GOV.UK](#)

Giving the employer the dates of paternity leave

For each period of leave the employee wants to take, they must give their employer:

- the date they want the period of leave to start and how long it will last
- confirmation in writing that the purpose of the leave is to care for the child or the child's other intended parent, or both

They must give this to their employer at least 28 days before they want their paternity leave to start.

When the baby is born

An employee must tell their employer the actual date of birth when the child is born. They must do this as soon as possible after the birth.

If an employee cannot give information in the required time

There might be a good reason why an employee cannot give their employer information within the required time. In this case, the employee must provide the information as soon as possible.

Contact the Acas helpline

If you have any questions about paternity leave and pay for surrogacy, [contact the Acas helpline](#).

7. Keeping in touch and returning to work

Employers and employees should communicate clearly with each other about:

- how they'll keep in touch when the employee is on paternity leave
- the employee's return to work

Keeping in touch

Before they start statutory paternity leave, the employee and their employer should agree how they both want to:

- keep in touch
- cover the employee's work while they're on leave
- arrange the employee's return to work

By law, while an employee is on statutory paternity leave their employer must tell them about any:

- promotion or other job opportunities
- redundancies
- reorganisations that could affect their job

Returning to work

When an employee returns to work after statutory paternity leave, by law their job and its terms must remain the same.

If an employee wants to change how they work

An employee might want to change how they work after having a child. For example, their working hours or working from home.

They might have the right to make a [flexible working request](#).

Time off for emergencies

By law, an employee has the right to a reasonable amount of unpaid time off to look after 'dependants' in an emergency.

This could be to help their child or partner when there's an unexpected:

- illness
- injury
- change in care arrangements

[Find out more about time off for dependants](#)

Taking more time off

There are ways someone can take more time off to be with their child.

Ordinary parental leave

Parents have the right to 'ordinary parental leave'. This is unpaid time off work to be with their child.

Each parent can take:

- up to 18 weeks for each child up to their 18th birthday
- a maximum of 4 weeks a year for each child

[Find out more about ordinary parental leave](#)

Shared parental leave

Eligible parents can get up to 50 weeks of shared parental leave.

[Find out more about shared parental leave](#)

Contact the Acas helpline

If you have any questions about paternity leave, [contact the Acas helpline](#).