

Paternity leave and pay

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](#).