

## **GUIDE TO ORDINARY PATERNITY RIGHTS – BIRTH CHILD**

In order to qualify for Ordinary Paternity Leave employees must:

- Have worked continuously for their employer for 26 weeks leading into the 15<sup>th</sup> week before the baby is due;
- Be the biological father of the child; or the mother's husband or partner;
- Have or expect to have responsibility for the child's up-bringing

### **ORDINARY PATERNITY LEAVE ENTITLEMENT:**

Those eligible will be entitled to take either one or two weeks' Ordinary Paternity Leave. If two weeks are to be taken they must be taken together. Leave cannot be taken as odd days.

Ordinary Paternity Leave must be taken and finished within 56 days (8 weeks) of the child's birth or if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.

Employees must provide a copy of their partner's MATB1 form as soon as possible and complete a 'Becoming a Parent Form' SC3 form which can be obtained from the HMRC website. Completion of the form is mandatory if the employee taking Ordinary Paternity Leave also qualifies for Statutory Paternity pay (SPP).

### **NOTIFICATION OF ORDINARY PATERNITY LEAVE:**

The employee must notify their employer of their intention to take Ordinary Paternity Leave by the 15<sup>th</sup> week before the baby is due, informing you of the due date, when they wish to start their period of leave and whether they wish to take one or two weeks' leave.

Ordinary Paternity Leave can start on any day of the week. If the employee wants to change the date of their Ordinary Paternity Leave they must give the employer 28 days' written notice.

### **STATUTORY PATERNITY PAY (SPP):**

To qualify for Statutory Paternity Pay the employee's earnings must be equal or greater than lower earnings limit for National Insurance contributions purposes. Statutory Paternity Pay is paid at the prevailing statutory rate.

If the employee's earnings are lower than the lower earnings limit they will not qualify for SPP but may be able to get Income Support. Further information is available from your local Jobcentre Plus Office or Social Security office.

If you would like more tailored advice on managing paternity leave or any other employment matter please contact Peopletime on 0845 127 1360 or email [info@peopletime.co.uk](mailto:info@peopletime.co.uk).