

GUIDE TO ORDINARY PATERNITY RIGHTS – ADOPTED CHILD

In order to qualify for Ordinary Paternity Leave employees must:

- Have worked continuously for their employer for 26 weeks by the end of the week in which the employee is notified of being matched with a child for adoption (or in the case of an overseas adoption – receiving official notification from the relevant authority)
- Be married to, or the partner (including same-sex partners) of, the child's adopter
- 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 placement (or in the case of an overseas adoption – within 56 days of the child's entry into Great Britain).

Employees must complete a 'Becoming an adoptive parent' SC4 form (or SC5 form for an overseas adoption) 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, in the case of a child adopted from within the UK, within 7 days of formal notification that they have been matched with a child for adoption; or, in the case of a child adopted from overseas, within 28 days of receiving an official notification of acceptance for adoption by the relevant domestic authority.

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.