

Your paternity leave, pay and other rights

You might be eligible for up to 2 weeks' paternity leave if you're responsible for the child's upbringing and either:

- you're the biological father
- your partner is having a baby, adopting a child or having a child through surrogacy

1. Same-sex parents

If you're 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](#).

You could also choose [Shared Parental Leave](#).

Having a baby through surrogacy

If you're a couple having a baby through [surrogacy](#), one of you can take [adoption leave](#), the other paternity leave.

Eligibility for paternity leave when having a baby

To be eligible for paternity leave when you and your partner are having a baby, including through surrogacy, you must:

- be [legally classed as an employee](#)
- have worked for the same employer for at least 26 weeks ending with the 15th week before your baby is due

If you're not eligible for paternity leave, you still might be able to get [paternity pay](#).

Eligibility for paternity leave for adoption

To be eligible for paternity leave when adopting a child, you must be [legally classed as an employee](#).

You must have worked for the same employer for at least 26 weeks before the end of the week when:

- you're told you've been matched with a child, for adoption in the UK
- the date the child enters the UK, for overseas adoption

If you're not eligible for paternity leave, you still might be able to get [paternity pay](#).

Telling your employer

When having a baby

To get paternity leave when you and your partner are having a baby, including through surrogacy, you must tell your employer:

- when your baby is due
- whether you want to take 1 or 2 weeks' leave
- when you want the leave to start

You must tell your employer no later than the 15th week before your baby is due.

It's a good idea to provide this information in writing.

When adopting

You must tell your employer within 7 days of being matched with a child. You should also tell them:

- the date you're matched with the child
- the placement start date
- whether you want to take 1 or 2 weeks' leave
- when you want the leave to start

It's a good idea to provide this information in writing.

If your employer asks for proof

Your employer might ask for self-certification ('form SC3'), which you must sign and confirm to the best of your knowledge you're:

- eligible for paternity leave
- taking the leave to care for your child

[Find form SC3 on GOV.UK.](#)

If you're worried about telling your employer

Your employer cannot refuse or postpone your paternity leave as long as you have given them the right amount of notice.

It's against the law for your employer to dismiss you or treat you unfairly in any other way just because you tell them you want to take paternity leave.

Agency workers

If you work through an agency, you're not usually entitled to paternity leave, but you might be entitled to [paternity pay](#).

If you're no longer with your partner

If you've separated from your partner but have ongoing parental responsibility for your child, you can still get paternity leave and pay.

You can take either 1 or 2 weeks of paternity leave to care for your baby or adopted child. This is the same even if you have more than one child, for example twins.

You can start paternity leave on one of these dates:

- the date your baby is born
- from an agreed date within 8 weeks after your baby is born or was expected to be born
- the day your adoption placement starts, or from an agreed date within 8 weeks after
- the date your adopted child arrives in the UK or an agreed date after, for an overseas adoption
- the day your surrogate baby is born or the day after

You must:

- take the leave all in one go
- finish it within 8 weeks (56 days) of your baby being born or your adoption placement starting

It's a good idea to make preparations with your employer in case either:

- your baby is born earlier or later than expected
- your adoption placement starts earlier or later than expected

2. Changing when you start paternity leave

If you want to change when you start paternity leave, you must give your employer 28 days' notice. This does not have to be in writing unless your employer requests it.

You cannot start paternity leave before the birth or adoption placement.

All your leave must be taken within 8 weeks of:

- the birth
- the start of the adoption placement

Sharing leave with your partner

If you both have responsibility for a child, you might be able to use Shared Parental Leave (SPL).

This means your partner could end their maternity or adoption leave early and use what's left of their entitlement more flexibly

between you.

[Find out more about Shared Parental Leave.](#)

If you want to take more than 2 weeks' leave

If you're not taking Shared Parental Leave and want more paternity leave to care for your new baby or child, you could talk with your employer about taking:

- holiday
- parental leave, which is usually unpaid

Holiday

You could agree with your employer to take some holiday before or after your paternity leave.

Parental leave

Once you have a child, you have the right to parental leave. This means you can take up to 4 weeks of parental leave before or after your paternity leave. Parental leave is usually unpaid – check your contract.

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

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If you're taking paternity leave, you might be eligible for paternity pay if either:

- you're the biological father
- your partner's having a baby, adopting a child or having a child through surrogacy

You must also be responsible for the child's upbringing.

Paternity pay can include:

- Statutory Paternity Pay (SPP)
- enhanced paternity pay

To find out if you're entitled to enhanced paternity pay, check your contract or talk to your employer.

SPP is the legal minimum your employer must give you.

3. Statutory Paternity Pay

Statutory Paternity Pay (SPP) is currently £151.20 a week, or 90% of your average weekly earnings, whichever is lower.

You can get SPP if you're having a baby and all the following apply:

- you've been working continuously for the same employer for at least 26 weeks before your 'qualifying week'
- you earn at least £120 a week, on average for 8 weeks before your qualifying week

Your qualifying week

Your 'qualifying week' helps you work out if you're eligible for SPP.

To work out your qualifying week, use a calendar to count 15 weeks back from the week your baby is due.

Adoption

To get SPP for adopting a child, you must have worked for the same employer for 26 weeks before the end of the week when:

- you're told you've been matched with a child, for adoption in the UK
- the date the child enters the UK, for overseas' adoption

You must take your paternity leave and pay within 56 days of:

- your placement date, for UK adoptions
- the date the child enters the UK, for overseas' adoptions

Your paternity leave and pay should continue while it was due if your adoption placement does not work out ('disrupted placement'), for example the:

- placement does not go ahead
- child has to return to the agency
- child dies

Agency workers

If you work through an agency, you're not usually entitled to paternity leave, but you might be entitled to up to 2 weeks' SPP, if you're eligible for it.

To get your paternity pay, you should write to your agency at least 28 days before you want paternity pay to start. You should include:

- your full name
- when your baby is due or adoption placement due to start
- when you want your paternity pay to start
- whether you want 1 or 2 weeks' pay

When paternity pay starts

If you're eligible for paternity pay, it starts when you take paternity leave after your:

- baby is born
- adoption placement starts

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4. Time off for appointments

By law, you have the right to go to 2 pregnancy-related ('antenatal') or adoption appointments with your partner if you're:

- the biological father
- the secondary adopter and have been matched with a child
- to be a parent through surrogacy and will be applying for a parental order

Your employer does not have to pay you for this time off – check your contract.

You can take a maximum of 6.5 hours for each appointment, including travel to and from the appointment.

If you want to go to more appointments, you could talk with your employer to see if you could use:

- your holiday
- flexible working
- unpaid leave

If you work through an agency

If you've worked through the same agency for at least 12 weeks, you have the right to attend up to 2 unpaid antenatal appointments with your partner.

If your partner is having a difficult pregnancy

If your partner is having a difficult pregnancy or pregnancy-related illnesses and you want to care for them, there's no entitlement for you to have time off.

But you can talk with your employer and they might agree to you using:

- holiday
- unpaid leave
- flexible working

You might be entitled to time off to help your partner if there's an urgent situation. This is called [time off for dependants](#) and is usually

unpaid.

If your baby is premature or sick

If your baby is born prematurely or needs to stay in hospital for a time after birth, remember you can take your paternity leave within 8 weeks after the date your baby was:

- born
- due to be born, if you'd rather take it once your baby is home from hospital

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as you can.

If there's a stillbirth, miscarriage or your baby dies

You still have the right to paternity leave and pay if your baby is stillborn after the 24th week of pregnancy, or if your baby only lives for a short time after birth.

If you're eligible for [parental bereavement leave and pay](#), you have the right to take this after you finish your paternity leave.

If your baby is miscarried or stillborn before 24 weeks, you're not entitled to paternity leave and pay.

It's a good idea to tell your employer if you feel able to, as they could offer support such as a counselling service or look at how you [return to work](#).

You do not have to give your employer any formal evidence, but your workplace might have a policy that needs you to contact them as soon as you can.

You can get further support from [Child Bereavement UK](#).

If you're treated unfairly because of paternity

If you feel your employer has treated you unfairly because of paternity leave, it's usually best to [raise it informally](#) with them first.

If the issue cannot be resolved, you have the right to [claim to an employment tribunal](#).

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