Paternity Leave and Pay

Why

To help new fathers to care for their new baby, the Paternity Pay scheme offers up to 2 weeks' pay to new fathers when their partner takes Statutory Maternity Leave (SMP) or Maternity Allowance (MA). This is in addition to the right to take up to 10 days off work during the APL period. It is clearly in the interests of the family for fathers to share this period of leave.

Your employee

Your employee must meet certain eligibility criteria in order to be able to claim Paternity Pay:

- They must be the biological father of the baby.
- They must be the employee of your organisation.
- They must have been employed by you for at least 26 weeks by the week before the baby's due date.
- They must be aged between 16 and 65.

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What to do

If your employee wishes to take Paternity Leave and Pay, he must do so within 28 days of being given the opportunity to do so, or before the baby is born, whichever is the earlier. This can be done by giving you written notice of his intention to take Paternity Leave and Pay. He must also give you details of the mother's maternity leave and the day of birth.

You must receive the request in writing and be given information about the baby's name, address of the mother's employer, and it is not reasonable for you to refuse the change. If he doesn't give you 6 weeks' notice of the change you should accept this if reasonable to do so.

If your employee gives you less than a 6 weeks' notice of the change, you must continue to give your employee any contractual benefits he would normally receive as if he were at work.

Your employee

Your employee can agree that he will work up to 10 days during his APL.

Your employee can agree that he will work up to 10 days during his APL.

What you need to know

There is more information about all these issues, including the costs of employment, on the Acas helpline on 08457 47 47 47 or the Department for Business, Innovation & Skills. www.bis.gov.uk

To be eligible for APL your employee:

- must have been employed by you for at least 26 weeks by the week before the baby's due date and remain in your employment until the week before the baby's due date; and
- must not have been away from work for more than 52 weeks during the 52 weeks prior to the week before the baby's due date.

Why

To help a new father care for his new baby, the Paternity Leave and Pay scheme offers up to 2 weeks' pay to the employee of a mother's employer, when she takes Statutory Maternity Leave (SMP) or Maternity Allowance (MA) for the birth of her child.

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What to do

If your employee wishes to take APL, a written request must be made to you at least 6 weeks before the baby is due or 6 weeks before the start of the employee's Statutory Maternity Pay period, whichever is the earlier. The request must also include:

- the employee's name;
- the employee's address;
- the baby's name;
- the baby's date of birth;
- the baby's sex;
- the employee's usual place of work;
- the date on which the employee wishes to take leave;
- any Bearing in Touch Days;
- any request for payment, for any Bearing in Touch Days.

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This leaflet summarises the rights of both pregnant employees and their employers and the responsibilities towards each other.

1. What do you need to do?
   - You must allow your employee to work for the same job on the same terms and conditions for 52 weeks.
   - You must let your employee know if she is pregnant.

2. Talk to your employee about her plans from an early stage. It will help you both, so this leaflet also sets out what you need to do.
   - You must talk to your employee about her plans from an early stage. It will help you both.
   - This leaflet summarises the rights of both pregnant employees and their employers and the responsibilities towards each other.

3. There is a version of this leaflet available for your employee.
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4. Employees helpline on 0845 302 1479. For Maternity Allowance phone HMRC helpline.
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5. A guide for new and expectant mothers can be downloaded from www.hse.gov.uk/mothers or call HSE info Line on 0845 345 0055.
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6. There is a version of this leaflet available for your employee.
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7. You can also get free confidential advice on these issues (apart from turning it down on genuine business grounds or agreeing a different arrangement).
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8. Maternity leave: 50 weeks.
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9. If you need help about Statutory Maternity Pay phone HMRC helpline. It also tells you where to look for information about managing your pregnancy in those 4 weeks.
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10. 21 3 4
    - 21 3 4

11. You can also get free confidential advice on these issues (apart from turning it down on genuine business grounds or agreeing a different arrangement).
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12. You are not obliged to offer them. You cannot demand your employee to keep in touch you should discuss the arrangements including what she will do.
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13. You and your employee can agree that your employee will return in 52 weeks' maternity leave.
    - You and your employee can agree that your employee will return in 52 weeks' maternity leave.

14. Reasonable contact during maternity leave. You should agree with your employee what reasonable contact during maternity leave.
    - Reasonable contact during maternity leave. You should agree with your employee what reasonable contact during maternity leave.

15. Before your employee returns to work
    - Before your employee returns to work

16. Why
    - Why

17. You and your employee must agree to another arrangement. You may be liable not only if you treat your employee unfairly but also if she is dismissed.
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18. What to do
    - What to do

19. Your employee will qualify for SMP if she has worked for your business for at least 26 weeks before her pregnancy.
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22. You must not allow her to work for the same job on terms and conditions at least as good as her.
    - You must not allow her to work for the same job on terms and conditions at least as good as her.

23. You must give your employee back to the same job on terms and conditions at least as good as her.
    - You must give your employee back to the same job on terms and conditions at least as good as her.

24. Before your employee begins her maternity leave and during her leave
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25. Employees helpline on 0845 302 1479. For Maternity Allowance phone HMRC helpline.
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26. If she makes a written request under the same job on terms and conditions at least as good as her.
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27. If your employee is off work because of pregnancy in the four weeks before her pregnancy in the four weeks before.
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28. Your employee can't work during the first two weeks after the birth (or the first two weeks after the birth).
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31. Before your employee returns to work
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Talking to your employer about your plans from an early stage protects your employer, for example making sure they have pay and the right not to be treated unfairly because of your time off for ante-natal appointments, maternity leave and paternity leave when your baby is born and about the new maternity leave for employees balancing work and family responsibilities.

It sets out the key things under the law and what your employee must do if it is not reasonably practicable for her to carry out a risk assessment. You must offer her a suitable alternative job and you must hold her job open. If she is taking more than 26 weeks' maternity leave, she will be entitled to the same job on terms and conditions as if she hadn't been away. If she takes more than 26 weeks' maternity leave but less than 52 weeks, all her seniority of her job (including by other colleagues) must be excluded. If your employee lets you know she will be returning to work after maternity leave, you must pay Statutory Maternity Pay if she is entitled. If she is entitled, your employee must pay back any SMP in a factory after the birth.

There is a version of this leaflet available for your employee. If you do. There is a version of this leaflet available for your employee.

If your employee is off work because of sickness or that of her child. If there is discrimination. This includes dismissal for reasons related to sick leave pregnancy-related illness. If your employee is off work with a pregnancy related illness you may start to plan for her leave, eg by other colleagues. You will let her know about any changes in her pay, including statutory sick pay. This leaflet also tells you where to look for information about managing your pregnancy, your maternity leave and your return to work.

Why

As soon as your employee tells you she is pregnant

What to do

As soon as your employee tells you she is pregnant

What to do

(continued)

Your employee will qualify for SMP if she

What to do

(continued)

Your employee must notify you in writing

What to do

You must allow your employee to take

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You must notify, in writing, your employee

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Presumably, it is helpful to tell a baby what to do. Your employee may notify you in writing that she will be taking the full time? If she is entitled to SMP, your employee has 21 days from when she starts her maternity leave to notify you in writing that she is entitled to SMP. When your employee wants your consent to suggested changes, you must consider her request if reasonable and not a denial.

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**Talking to your employer about your plans from an early stage**

Protect your employer, for example making sure they have sufficient staff and resources. If you have to take time off for your baby, you will need to work out if you need to pay Statutory Maternity Pay (SMP) and how to claim it back.

There is information at the end of this leaflet about where to find out what they need to know.

### How to find out if you need to pay Statutory Maternity Pay (SMP)

Before your employee begins her maternity leave and during her leave, you should find out about claiming back at least 92%. Small employers who pay contributions of 1.4% of their employee's pay for National Insurance purposes pay back almost the full SMP.

### Why you might need to take SMP

You need to pay SMP if you are a small employer who pays contributions of 1.4% of your employee's pay for National Insurance purposes.

### Before your employee begins her maternity leave and during her leave

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### Before your employee begins her maternity leave

Before your employee begins her maternity leave, you must offer your employee a suitable alternative job.

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Talking to your employer about your plans from an early stage pregnancy, child birth or maternity leave. The laws also are available from www.direct.gov.uk/workandfamilies

This guide has no legal force and cannot cover every point and situation. Where you need to take more detailed advice, please contact your local Citizens Advice Bureau, the Acas helpline on 0845 302 1479, or the Employment Rights Advice Line on 0800 055 6688. Acas has a local branch in every region of the UK. For more information on maternity, paternity and adoption leave, you can visit www.jobcentreplus.gov.uk/maternity.

There is information at the end of this leaflet about where to look for more detail and who you can speak to if you need help. The<style>strong</style> Government does not cover every point and situation. It is always a good idea to talk to your local <style>span</style>accreditation employer. Passing it on will make sure your employer can talk to you and your partner or other family member where other support is available. It may be helpful for you to know that you can ask your employer for an appointment card if you ask for one. You must give your employer 28 days' notice when your baby is due or your original employee returns to work.

This leaflet summarises the rights of both pregnant employees and their employers and the responsibilities towards each other. The right to maternity leave also applies to women who have adopted a child or become legal parents in any other way, at least 21 days before the child's birthday.

This leaflet is free to download at www.direct.gov.uk/workandfamilies

Before your employee begins her maternity leave and during her leave

### Before your employee begins her maternity leave

#### What to do

- Find out if your employee is going to have a baby or if she is going to adopt a baby, and when your employee expects the baby to be born.
- If your employee is going to have a baby, find out if she is planning to return to work after her maternity leave. If not, offer her suitable work if she is anxious to work again, and give her written notice that she must return to work at the end of her maternity leave, as laid out in the Employment Rights Act 1996.
- If your employee has signed a contract of employment that states she has agreed to give you at least 28 days' notice, but she has not given you written notice when her maternity leave will end, you can ask her to say when her maternity leave will end.

#### Why

- Understanding how your employee is going to fit her new role into your business can help you manage both your business and your employee, and help with sorting out and readying the workplace for her return.

Before your employee returns to work

#### What to do

- At least 30 days before the end of your employee's maternity leave, check whether your employee still wishes to return to work. Consider your employee's and your business's needs.
- If you do not receive a response within 10 days, and your employee has not given you notice of their return, write to them to ask them if they wish to return.
- If you do not receive a response within 10 days, and your employee has not given you notice of their return, write to them to ask them if they wish to return.

#### Why

- Considering your employee's needs and your business's needs will help you both prepare for your employee's return to work. If your employee's return is unplanned, you might have to request they return to work earlier than planned or ask them to work part-time or flexibly. You can also give your employee written notice, as required by law.

This leaflet is free to download at www.direct.gov.uk/workandfamilies

Before your employee begins her maternity leave and during her leave

#### What to do

- Before your employee begins her maternity leave and during her leave, you must ensure your employee is paid maternity pay (SMP) if you have employed her continuously for at least 26 weeks up to the end of the week before the week in which her baby is due.
- If your employee cannot come back to work because of health reasons, inform your employee promptly about their maternity pay.

#### Why

- In this way you can help your employee to return to work at the earliest possible opportunity.

30 days of matching your employee's dates for maternity leave

#### What to do

- Make sure in your contract of employment you clearly state what pay your employee will receive for the work she does during her maternity leave. If you do not have such a contract, try to reach agreement with your employee about what pay she will receive for the work she does during her maternity leave.

#### Why

- You must tell your employee when her maternity leave will end. If she takes more than 26 weeks' maternity leave, you must inform your employee of the date when her maternity leave will end.

Before your employee returns to work

#### What to do

- Before your employee returns to work you must ensure the workplace is ready to receive your employee, and offer her suitable work if necessary.
- If your employee is going to return to the same job she had before her maternity leave, you must offer her suitable work, if she can do it, and on terms at least as good as those she had before her maternity leave.

#### Why

- Reoffering your employee work must be on terms at least as good as those she had before her maternity leave.

Consider your employee's plans when she returns to work

#### What to do

- Before your employee returns to work, consider your employee's needs and your business's needs. Consider how you can help both of you manage your family responsibilities and their employers, such as ordinary paternity leave and the right to select her for redundancy for reasons of her pregnancy or maternity leave.

#### Why

- If you and your employee do not have such a contract, try to reach agreement with your employee about what pay she will receive for the work she does during her maternity leave.

Before your employee returns to work

#### What to do

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When you are ready for more information.

There is more information about all these leaves, including the rules of earnings and entitlements, online at www.direct.gov.uk/workandfamilies

This leaflet summarises the rights of both pregnant employees and their employers and the responsibilities towards each other. The right to maternity leave also applies to women who have adopted a child or become legal parents in any other way, at least 21 days before the child's birthday.

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When you are ready for more information.

There is more information about all these leaves, including the rules of earnings and entitlements, online at www.direct.gov.uk/workandfamilies
Your employee must be entitled to additional Paternity Leave and Pay if she returns before the end of her maternity leave period. If she returns before the end of her maternity leave period, her partner may be entitled to additional Paternity Leave and Pay.

Your employee can choose to return to work at any time after the baby is born, and she can be off work for up to 18 weeks. Your employee can choose to take up to 6 weeks' leave before the baby is due, and the remaining 6 weeks' leave must be taken after the baby is born.

To be eligible for APL your employee must:
- Be employed by you as an employee at the time the baby is born.
- Give you at least 6 weeks' notice of the intent to go on APL.

Why is it important to your employee if she returns before the end of her maternity leave period?

Your employee's notice of a change you should accept this if her return to work will be given to you as part of your employee's notification.

Your employee may give you less than 6 weeks' notice if it is not reasonable for you to accommodate the change, you can
- Offer your employee any suitable work, or
- Agree to an alternative date before the end of the maternity leave period.

If your employee goes on APL, her partner may be entitled to additional Paternity Leave and Pay, and your employee will receive 90% of their average weekly earnings up to the same amount as SMP. ASPP is paid at 90% of your employee's average weekly earnings up to the same amount as SMP.

You must treat your employee as if he were at work during APL, and you and your employee can continue to give your employee any contractual benefits he would normally receive as if he were at work.

Employee will be entitled to statutory Paternity Pay for any Keeping In Touch Days. Your employee is entitled to 10 days of statutory Paternity Pay which must be taken at the beginning of the 12-week period which begins on the day after the day on which her child is born.

To keep on APL during pregnancy your employee must:
- Be employed by you as an employee
- Notify you in writing and can be on form SC7, available at www.nibusinessinfo.co.uk.

For more detailed information about health and safety for pregnant women and new mothers, see our page on www.businesslink.gov.uk.

Additional Paternity Leave and Pay

What you need to do

You should give your employee the opportunity to return to work at any time after the baby is born, and your employee can be off work for up to 18 weeks. Your employee can choose to take up to 6 weeks' leave before the baby is due, and the remaining 6 weeks' leave must be taken after the baby is born.

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For more detailed information about health and safety for pregnant women and new mothers, see our page on www.businesslink.gov.uk.
What to do

If you're an employer, you may wish to consider offering an Additional Paternity Leave (APL) to some of your employees. This can help to support employees and promote a healthy work-life balance. You may wish to consult your employee's wishes before making a decision.

Your employee continues to be employed throughout the APL period. During this time, the employee can agree that he will work up to 10 days. Your employee will be paid at 80% of his or her usual pay. This is only available if your employee agrees to return to work within 26 weeks of maternity leave and has returned to work at least 2 weeks before the birth of the baby.

If your employee gives you at least 6 weeks' notice of a change, you should act if it is reasonable for your employee to accommodate the change. If he doesn't give you 6 weeks' notice, you can refuse the request. When you want more information, you can ask for additional evidence of your employee's Statutory Maternity Pay you can ask for additional evidence of your employee's Statutory Maternity Pay.

You may have reasonable contact with your employee during the APL period. To ensure a smooth transition, you can agree the terms, including the dates, with your employee. This guide has no legal force and cannot cover every point and situation. Your employee's notice.

What you need to know

There is more information about all these issues, including the costs of covering holiday pay, on www.direct.gov.uk or direct.gov.uk. The employee's Statutory Maternity Pay will be paid in accordance with the terms of the employee's notification at www.businesslink.gov.uk (in Northern Ireland, www.nibusinessinfo.co.uk).

For more detailed information about maternity, child birth or discrimination, you can ask HMRC for advice. She can ask for the name and address of any alternative vacancy.

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