

# Paternity and parental leave

---

When you take time off because your partner's having a baby, adopting a child\*, or having a baby through surrogacy, you may be eligible for paternity leave, paternity pay, and/or shared parental leave and pay.

Your employment rights (right to pay, holidays, returning to a job) are protected whilst on paternity leave.

\*If you are adopting as a couple, one of you can take [adoption leave](#), and the other can take paternity leave. If you are a solo adopting father, you can take adoption leave.

The Labour Government has, in the Employment Rights Bill introduced to Parliament on 10 October 2024, committed to reviewing the parental leave system. Learn more about the intent of the Bill [here](#). Until that review is completed, this factsheet contains the rules as they currently stand.

## What is paternity leave?

Statutory paternity leave is time you can take off work to spend with your newborn baby. If you are eligible, you can take one or two weeks' leave (if you choose to take two weeks, you can take them together or separately).

The amount of leave you are entitled to does not change if you have a multiple birth (i.e. more than one baby).

You do not need to give a precise date for when you will take the leave – you can give a general time, such as day of the birth – but your leave cannot start before the birth and must end within 52 weeks of the birth.



***We are campaigning for a better statutory paternity package for fathers. Find out more and share your story [here](#).***

## What is paternity pay?

Statutory paternity pay is the amount of money you are paid, if you are eligible, whilst on paternity leave. The rate of paternity pay is £184.03 per week OR 90% of your average weekly earnings (whichever is lower). This amount will be paid in the same way as your usual wages, with tax and national insurance deducted.

You may get more money if your employer has a company paternity scheme; they cannot offer you less than the statutory amount.

## Am I eligible for paternity leave and pay?

You must be taking time off to look after the baby, and be one of the following:

- Biological father of the baby
- Partner of the mother (or of the parent taking adoption leave) – this includes same-sex partners
- Intended parent (if having a baby through surrogacy)

To qualify for paternity leave you must:

- Be an employee
- Give at least four weeks' notice
- Have been continuously employed by your employer for at least 26 weeks up to the 'qualifying week' (15<sup>th</sup> week before the baby is due)
  - o Or up to the 'matching week' if adopting: the week you're matched with the child, or the date the child enters the UK

The Employment Rights Bill, introduced to Parliament on 10 October 2024, will remove this final requirement and make paternity leave (but NOT paternity pay) a Day 1 right. Removing the continuity of service requirement brings paternity leave into alignment with other parental leave entitlements, such as maternity and adoption leaves.

To qualify for paternity pay, you must also:

- Be employed by your employer up to the date of the birth
- Earn at least £123/week (before tax)

You can use this [tool](#) to check whether you can get statutory paternity leave and/or pay, and when you need to claim by. If you're not eligible, your employer must tell you within 28 days of your claim (see below) if you do not qualify and why.

## How can I claim paternity leave and pay?

You need to fill in an [online form](#) and send it to your employer. If your employer has their own form, use that instead.

Information you need to include:

- The due date
- When you want your leave to start
- If you want one or two weeks' leave

You do not need to give proof of the pregnancy or birth.

The rules and forms are different if you [adopt or use surrogacy](#).

## What is shared parental leave and pay?

Shared Parental Leave (SPL) is time you can take off work to spend with your newborn baby (or newly adopted child), if you and your partner are eligible, and she wants to share her leave with you. Shared Parental Pay (ShPP) is the amount of money you are paid whilst on SPL.

Your partner can share up to 50 weeks of leave and up to 37 weeks of pay with you, taken within the first year after your child is born (or placed with your family, if adopting).

ShPP is paid at £184.03 per week or 90% of your average weekly earnings, whichever is lower.

You can take SPL in up to three blocks separated by periods of work or take it all in one go. You can choose to be off work at the same time as your partner or stagger the leave and pay.

You and your partner can each work up to 20 days while you're taking SPL (shared parental leave in touch days, or SPLIT) – these are optional, both you and your employers must agree to them.

Currently, you must take paternity leave *before* taking shared parental leave otherwise you will lose your right to take any paternity leave remaining available to you. The Employment Rights Bill, introduced to Parliament on 10 October 2024, will remove this restriction.

## Am I eligible for shared parental leave and pay?

You and your partner need to:

- Share responsibility for the child at birth. You're not eligible if you started sharing responsibility for the child after they were born
- Meet work and pay [criteria](#) – depending on which parent wants to use the leave and pay
- Give your employer at least eight weeks' written notice

Your partner needs to give up some of her maternity leave and pay:

- She must take less than 52 weeks of maternity leave, using up to 50 weeks as SPL
- She must take less than 39 weeks of maternity pay (or Maternity Allowance), using up to 37 weeks as ShPP

Eligibility criteria are different if you're [adoptive parents or parents using a surrogate](#).

You can use this [tool](#) to check whether you can get SPL and ShPP, and how much leave and pay you're entitled to.

## How can I claim shared parental leave and pay?

You need to fill in these [forms](#) and send them to your employer, to:

- Give them notice that you plan to take SPL and ShPP
- Give them notice of when the mother is going to end her maternity leave and stop her maternity pay
- Book your leave dates

If your employer has their own forms, use those instead.

You can change your mind about how much SPL or ShPP you want to take and when, but you must give at least eight weeks' notice of any changes.

You can start SPL once:

- Your baby has been born (or your child placed with your family for adoption)
- The mother has returned to work, ending her maternity leave
  - \*A mother cannot return to work before the end of the compulsory two weeks' of maternity leave
- You can start SPL whilst the mother is still on maternity leave so long as she's given her employer binding notice of the date when she plans to end her leave

You can start ShPP once:

- Your baby has been born (or your child placed with your family for adoption)
- The mother has given her employer notice of the date she plans to end any maternity pay
  - \*If she gets Maternity Allowance, she must give notice to Jobcentre Plus instead
  - \*She cannot restart maternity pay or Maternity Allowance once it's ended

## What about antenatal appointments?

You can take unpaid leave (of up to 6.5 hrs each time) to accompany your partner (or the surrogate mother) to two antenatal appointments.

If you're a permanent employee, you can apply for this leave without needing to have worked for your employer for a minimum period; if you're an agency worker you'll need to have been doing the job for 12 weeks before you qualify.

If you're adopting and taking paternity leave, you can take unpaid leave to attend two adoption appointments after you've been matched with a child. Parents taking adoption leave can take paid leave for five adoption appointments.

## What if we lose our baby?

You are still eligible for paternity leave and/or pay if your baby was stillborn from 24 weeks of pregnancy or was born alive at any point during the pregnancy.

If you lose your baby prior to 24 weeks of pregnancy, you can request a [baby loss certificate](#) from the Government recognising your grief (free, optional).

You can find helpful resources and support for dads and partners who have lost a baby in our [Men and Baby Loss](#) factsheet.