

Factsheet: Paternity Leave Changes

Paternity Leave Changes

The new right to additional paternity leave came into force from 3 April 2011.

This change helps working parents to share the care of the new baby (or adopted child).

The current entitlement for fathers to take either one or two consecutive weeks paternity leave (now called Ordinary Paternity Leave, OPL) is unchanged.

Additional Paternity Leave (APL) now allows fathers (definition of a father under this Regulation covers partner and civil partners of mothers and adoptive mothers) to take up to 26 weeks' paternity leave in the first year of a child's life. This will, in effect allow parents to have 'sharing' plans of the mother's full 52 weeks maternity leave allowing the mother to return to work after six months and leaving the father to take what is left.

If the APL is taken during the mother's maternity pay period, paternity leave will be paid at the same rate as statutory maternity pay, provided the mother (or primary adopter) has not exhausted their entitlement to statutory maternity pay.

Rules Governing Paternity Leave

Fathers will only be able to start their additional paternity leave:

- 20 or more weeks after the child's birth or placement for adoption
- Once their partner has returned to work from statutory maternity leave or statutory adoption leave and/or ended their entitlement to statutory maternity or adoption pay, or maternity allowance

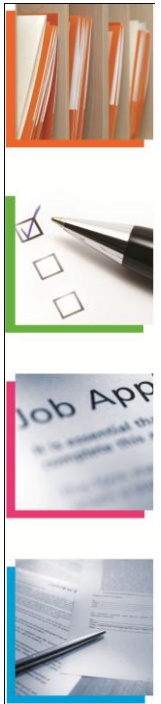
The additional paternity leave must end before the baby's first birthday or placement for adoption.

The qualification for this additional paternity leave is if:

- The partner qualifies for statutory maternity pay, statutory adoption pay or maternity allowance
- They are the father of the child, is married to, or is the partner of, the child's mother
- They expect to have parental responsibility for the child and are taking the leave to care for the child
- They have been continuously employed by the company for 26 weeks ending with the expected week of childbirth and remain in the same employment until they commence the additional paternity leave
- Their earnings are on average at least equal to the lower statutory earnings limit during the 8 weeks prior to the expected week of confinement

However, the differences between OPL and APL are that 8 weeks before the father wishes APL to start, they must provide:

- Notice of when they wish their leave to start
- A declaration stating that they are taking the leave to care for the child
- A declaration from the mother or other adoptive parent stating certain information



How should you prepare?

Employers need to update all maternity and paternity policies to reflect this new right. There are also new request and declaration forms required to be completed. HR Solutions can easily update your policies and provide you with the necessary forms you will need to issue when this APL is requested.