



## *Statutory Paternity Pay/ Paternity Leave*

### **Becoming an adoptive parent**

If you want to take time of work to support your partner who is adopting a child you may be entitled to

- Statutory Paternity Pay (SPP) – at least off your wages will be paid for two weeks. You will get £106 or 90% of your average weekly earnings, whichever is less.
- Paternity leave – up to two weeks' time off.

Depending on your circumstances you may not qualify for SPP and/or paternity leave. Your employer will let you know. If this is the case you will get more advice and information at the time.

If you need help with this form please contact any Inland Revenue office. You will find the number in the telephone book.

Please read through the terms and conditions on page 2 and if you think you might qualify, then

- **Fill in page 3.**
- **Give the completed statement to your employing authority, at least 28 days before the absence is due to begin.**
- **The Employing Authority should immediately complete Part B and forward the form to the Department.**

### **Other help**

The DTI publication *Adoptive Parents – rights to leave and pay – a guide for employers and employees* gives information on these rights, and details of other booklets covering employment protection and related equal opportunities legislation. Available from

- DTI publications on **0870 1502 500**, or
- Go to [www.dti.gov.uk/er](http://www.dti.gov.uk/er)

Go to [www.dwp.gov.uk](http://www.dwp.gov.uk) for details of social security benefits.

You can also contact

- Any Inland Revenue office
- Any Arbitration and Conciliation Advisory Service (ACAS) office (see [www.acas.org.uk](http://www.acas.org.uk) for details)
- [www.tiger.gov.uk](http://www.tiger.gov.uk)

Information on all aspects of employment legislation is also usually available from citizens advice bureaux, low pay units, trade unions and other bodies.

If you are entitled to SPP you should contact your adoption agency to find out if you can get any other help.

## Terms and conditions

On this form we haven't covered all of the law that relates to Statutory Paternity Pay (SPP) and leave. So if you are in any doubt about your entitlement talk to your employer or contact any Inland Revenue office.

SPP and paternity leave are available to any employee (male or female) who is

- the partner of someone adopting a child on their own, or
- adopting a child with their partner.

It is not normally available to foster parents or step-parents who go on to adopt a child, or their partners.

You must be able to declare that

- you are
  - married to the person adopting the child, or
  - living with the person adopting the child in an enduring family relationship, but are not an immediate relative, and
- you will be responsible for the child's upbringing, and
- you will take time off work to support the person adopting the child or to care for the child.

If you and your partner are adopting a child together you must also declare that you have chosen not to receive Statutory Adoption Pay.

You must be continuously employed

- for 26 weeks up to and including the week the person adopting the child is told by the adoption agency that they have been matched with the child, and
- from the week the person adopting the child is told by the adoption agency that

they have been matched with the child until the child is placed with them.

To get SPP you must also have average earnings over a set period above a set amount – your employer will work this out for you.

You can choose to take one or two whole weeks leave any time up to eight weeks after the date the child is placed with the person adopting them. You cannot take odd days off work, but the weeks can start on any day, for example for Tuesday to Monday.

You must discuss your leave plans with your employer and tell them what time off you want within seven days of the date the adoption agency told the person adopting the child that they have been matched with the child. You can change your mind, but you must give your employer 28 days' notice of the new date. You and your employer may find it helpful if you fill in a new version of this form.

If you can't tell your employer what time off you want in time please discuss the situation with your employer. For example, sometimes a child is matched and placed very quickly. If you are unable to resolve any disagreement contact any Inland Revenue office for advice.

## Disagreements

If your employer tells you that you are not entitled to SPP and/or paternity leave you can challenge that decision. If you need help with this, for

- SPP – contact your Inland Revenue office.
- Paternity leave – contact ACAS, you will find the number in the telephone book.

**PART A Your dates for pay and leave**

The adoption agency told the person adopting the child that they had been matched with the child on

The child is expected to be placed on

And, if the child has been placed, please enter the date they were placed

I would like my SPP and/or paternity leave to start on

I want to be away from work for one/two\* weeks  
(\*delete as appropriate)

(Including **Discretionary** paternity leave awarded under Circ 1990/32).  
Discretionary leave from  to

**Your declaration**

Surname

First name(s)

TR Number

**You must tick this box if you are adopting a child with your partner.**

I declare that I am adopting the child with my partner and I want to receive Statutory Paternity Pay and paternity leave not Statutory Adoption Pay and adoption leave.

**You must be able to tick all three boxes below to get Statutory Paternity Pay and paternity leave.**

**I declare that**

- I am 
  - married to the person adopting the child, or
  - living with the person adopting the child in an educating family relationship, but am not an immediate relative, and
- I will have the responsibility of the child's upbringing
- I will take time off work to support the person adopting the child or to care for the child.

Signature

Date

**Part B**

The above-named teacher's paternity leave has been approved.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

On behalf of \_\_\_\_\_  
(Employing Authority)