



## Additional paternity leave and pay

Additional paternity leave and pay is available to the husbands and partners of new mothers and adopters where the mother or adopter does not take their full entitlement to maternity or adoption leave. Under the additional paternity leave scheme, a mother or adopter can transfer some of their remaining maternity or adoption leave to their husband or partner.

Please note: this is only applicable for those with an expected week of childbirth/date of placement on or after 3 April 2011. This is an interim measure pending the introduction of flexible parental leave.

### Who is entitled to additional paternity benefits?

Additional paternity benefits are available to those shown in the table below:

Birth	Adoption
Biological father	Spouse of the adopter
Husband of the mother	Civil partner of the adopter
Civil partner of the mother	Partner of the adopter*
Partner of the mother*	

\*A 'partner' is termed as a non-blood relative living with the mother/adopter in a family relationship, regardless of gender.

### How do I qualify for additional paternity leave?

You qualify for additional paternity leave if you are in employment with the same employer for 26 weeks by the 15th week before the expected week of childbirth or for 26 weeks by the date of notification of placement of a child for adoption. This is the same qualification period as statutory paternity leave.

You must notify your employer of your intention to take additional paternity leave at least eight weeks prior to the start of taking additional paternity leave.

### How long is additional paternity leave?

Additional paternity leave must be at least two weeks. It can be up to 26 weeks. The length of your additional paternity leave will depend on when your partner returns to work and how much of their maternity/adoption leave is left.

### When can I take additional paternity leave?

The mother or adopter must have returned to work. This is defined as having brought her maternity or his/her adoption leave to an end.

You cannot claim additional paternity leave in the first 20 weeks following the birth of the child. You must have ended your additional paternity leave by the child's first birthday.

### Can I take my additional paternity leave at the same time as my partner's maternity/adoption leave?

No. Your partner must have returned to work by ceasing their entitlement to maternity/adoption leave. Your partner cannot be on sick leave, annual leave or parental leave at the start of your additional paternity leave.

### Can I change the start or end date of my additional paternity leave?

Yes, but you must give your employer six weeks' notice of the intention to change the date. It is possible that some employers will agree to changes at shorter notice but the legislation does not require them to do so.

## **Am I paid during additional paternity leave?**

You may be eligible to receive Additional Statutory Paternity Pay (ASPP). This will depend if the mother/adopter has transferred some of their paid maternity/adoption leave to you. The total amount of paid maternity/adoption leave which can be taken is 39 weeks.

For example, the mother/adopter has taken 26 weeks' leave then there is a remaining 13 weeks of maternity/adoption pay which you can receive. Your employer (not your wife or partner's employer) will be responsible for paying this.

To be entitled to any paid additional paternity leave the mother or adopter must transfer at least two weeks of the statutory paid maternity/adoption leave to you.

If you are entitled to receive pay during your additional paternity leave it will be paid at the lower of £138.18 per week (as April 2014) or 90 per cent of your average weekly earnings.

## **Can my employer refuse my request for additional paternity leave?**

No. If you are eligible to take additional paternity leave and have satisfied the notification requirements, then your employer cannot refuse your request to take additional paternity leave. If you have not given the required eight weeks' notice then your employer is able to delay the start of your additional paternity leave until eight weeks after the request has been made.

## **Can I return to my existing job after additional paternity leave?**

Yes. You are entitled to return to the same job after taking additional paternity leave.



### **Need advice?**

Your first point of contact is the ATL rep in your school/college. Your local ATL branch is also available to help, or you can contact ATL's member advisers on 020 7930 6441, email [info@atl.org.uk](mailto:info@atl.org.uk). Don't forget there's lots more advice on ATL's website at [www.atl.org.uk](http://www.atl.org.uk).

© Association of Teachers and Lecturers 2012. All rights reserved. Information on this sheet may be reproduced or quoted with proper acknowledgement to ATL.