

9. Paternity

The legislation on Paternity Rights can be found here.

UK Gov: Maternity and Parental Leave etc. Regulations 1999

UK Gov: The Paternity Leave (Amendment) Regulations 2024

UK Gov: The Paternity Leave (Bereavement) Act 2024

Work and Families Act 2006.

UK Gov: Work and Families Act 2006

Employment Rights Bill: Factsheets.

UK Gov: Employment Rights Bill: factsheets

Protection from Redundancy (Pregnancy and family leave) Act 2023.

UK Gov: Protection from Redundancy Act 2023

The Department for Business Innovation & Skills. Time Off to Accompany a Pregnant Woman to Antenatal Appointments – Employer Guide September 2014.

UK Government Factsheet: Day 1 Bereavement Leave, Unpaid Parental Leave, and Entitlement to Paternity Leave in the Employment Rights Bill.

UK Gov: Bereavement Leave, Unpaid Parental Leave...

Paternity Leave (Bereavement) Act 2024.

UK Gov: Paternity Leave (Bereavement) Act 2024

An employee taking Paternity Leave must be the baby's biological father or the pregnant employee's partner

An employer has a duty of care for its employees, and it is best practice that contracts of employment and company policies set out any contractual Paternity Leave and Pay.

UK Gov: The Shared Parental Leave Regulations 2014



Paternity Rights

Pregnant employees' partners, male or female have the right to take unpaid leave to accompany them to two antenatal care appointments, with a maximum of 6 and a half hours off for each of these appointments.

UK Gov: Antenatal appointments: time off



Ordinary Paternity Leave

Up until April 2024, the statutory basic entitlement of two 2 weeks Paternity Leave must be taken between the baby's actual birth date or commence on any day in that first week, and, within the first 56 days for the baby's birth date.

From 6 April 2025

Only employees have the right to Paternity Leave.

Partners have the right to take 2 weeks Paternity leave. The leave can be taken as a 2 week block, or, it can be split into 2 separate week-long blocks, and can be taken at any point within the 12 months after the birth or placement of the child.

The required notice period for this is 28 days before each intended period of leave. If the father or partner requires to change the dates of any statutory paternity leave weeks, then they must provide 28 days' notice of this in writing to the employer.

Paternity Leave may not be taken after the employee has taken any Shared Parental Leave in relation to the same child.

There is no right to paternity leave if the employee has already taken paid time off to attend adoption appointments.

UK Gov: Employment Rights Act 1996 Section 57ZJ



Annual Leave

During Paternity Leave the employee will continue to accrue normal holiday entitlement.

Pension Contributions

Where an employee is a member of the company pension scheme, the employer must continue to make employer pension contribution for the duration of the period of paid paternity leave.

Statutory Paternity Pay SPP

SSP is paid at the same rate as Statutory Maternity Pay SMP.

From 6 April 2025 Statutory Paternity pay will be £187.18 per week

In order to qualify for SPP the employee must have been continuously employed for 26 weeks by the 15th week before the expected date of child birth, and remain to be continuously employed from the 15th week before the expected date of child birth.

The employee must have average weekly earnings of at least £125 per week to qualify. The average of their weekly gross earnings should be calculated over the 8 week period ending with, and including, the 15th week before the expected week of childbirth.

An employee must also have complied with providing the employer with the correct notice.

UK Gov: Statutory Paternity Pay and Leave



The Government have produced a detailed information on Paternity Leave and Paternity Pay.



If you need more help with employment rights, contact your nearest **Citizens Advice Bureau**.

UK Gov: Paternity pay and leave



ACAS: Paternity leave rights



Employers can normally reclaim 92% of payments for SPP and the rate of reimbursement for small business employers is currently 108.5%. Employers are reimbursed via HMRC.

UK Gov: Get financial help with statutory pay



Right to return to work

Those taking Paternity Leave should not be subjected to detriment and are entitled to return from Statutory Paternity Leave to, the same job, the same terms and conditions of employment or better, they should not be treated unfairly or dismissed resulting from taking Statutory Paternity Leave.

If an employee does not return to work following a period of Statutory Paternity Pay, they won't have to repay any Statutory Paternity Pay.

The government has produced information for employers.

UK Gov: Statutory Paternity Pay and Leave



UK Gov: Get financial help with statutory pay



In cases of adoption or surrogacy the person carrying the baby has the right to the time off.

In cases of surrogacy the intended parent inherits the 'father or partner rights'

Pregnant employees' partners have the right to take two weeks' ordinary paternity leave provided that they have the required continuous service.

IVF

Pre-pregnancy rights to time off for IVF treatments are not covered under rights for antenatal care arrangements, ACAS has provided best practice guidance on this for employers.

ACAS: IVF treatment



ACAS also has produced guidance for employers on a best practice approach for employees who have suffered a miscarriage or stillbirth.

ACAS: Time off work for bereavement



If you need more help with employment rights, contact your nearest **Citizens Advice Bureau**.

In situations where the mother, or a person with whom a child is placed or expected to be placed for adoption dies, The Paternity Leave (Bereavement) Act 2024 gives the bereaved partner the right to take statutory paternity leave without satisfying the qualifying requirements, information is provided in the link below:

UK Gov: Statutory Parental Bereavement Pay and Leave

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023.

Additional redundancy protection for pregnancy, those who suffer a miscarriage and those on maternity leave, adoption leave or shared parental leave (for a defined period) came into force on 6 April 2024.

UK Gov: Protection from Redundancy Act 2023

Shared Parental Leave

Where an employee has opted for Shared Parental Leave, they have the right to work 20 shared parental keeping in touch days. This means that an employee can have up to 30 keeping in touch days, which does not have the effect of ending the maternity leave or shared parental leave. Information of this can be found here:

UK Gov: Employee rights when taking leave

ACAS has produced a guidance on Share Parental Leave and Pay and How Shared Parental Leave and Pay Works.

ACAS: How shared parental leave works

Neonatal Care (leave and Pay) Act 2023

Neonatal Care (Leave and Pay) Act 2023 came into force on 1 April 2025, this provides new rights for parents of babies admitted into hospital before they are 28 days old for stays of at least one week or more will receive 12 weeks of leave, paid at the statutory rate and this will be in addition to their maternity or paternity leave. This is a day one right.

UK Gov: Statutory Neonatal Care Pay and Leave

South of Scotland Employment Rights Advice Service

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