

Becoming a parent

If you want to take time off work to support the mother of a baby or look after the baby you may be entitled to

- Statutory Paternity Pay (SPP) - at least part of your wages will be paid for two weeks. You will get the weekly rate of SPP current at the time of your paternity leave, 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 HM Revenue & Customs office. Look up 'Inland Revenue' or 'HM Revenue & Customs' in your local phone 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 page to your employer.

Other help

The Department for Trade and Industry (DTI) publications *Working Fathers* and *Paternity Leave and Pay - a basic summary* give information on these rights.

The paternity publication also gives details of other booklets covering employment protection and related equal opportunities legislation. These are available from www.dti.gov.uk/workingparents

A Department for Work and Pensions (DWP) publication *A guide to Maternity benefits, NI 17A*, also has details of other booklets covering social security benefits and some brief information on paternity.

Go to www.dwp.gov.uk/advisers/#techguides to see these.

You can also contact

- any HM Revenue & Customs office
- any Advisory, Conciliation and Arbitration Service (ACAS) office (see www.acas.org.uk for details)
- www.tiger.gov.uk (Tailored Interactive Guidance on Employment Rights)

Information on all aspects of employment legislation is also usually available from any Citizens Advice Bureau, low pay units and Trade Unions.

If you are not entitled to SPP you may be entitled to other government help. Contact your local Jobcentre plus or social security office.



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please turn over ►

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Terms and conditions

On this form we have not 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 HM Revenue & Customs office.

SPP and paternity leave are available to

- a biological father
- a partner, husband or civil partner that is not the baby's biological father
- a female partner in a same sex couple.

You must be able to declare that

- you are
 - the baby's biological father, or
 - married to or in a civil partnership with the mother, or
 - living with the mother 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 mother or care for the child.

You must be continuously employed during the whole of the pregnancy.

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 cannot start your paternity leave before a child is born.

You can choose to take one or two whole weeks leave which must end by the 56th day after the date of birth. If the baby is born early you can choose to take your leave any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week the baby was originally due. You cannot take odd days off work, but the weeks can start on any day, for example from Tuesday to Monday.

You must discuss your leave plans with your employer and tell them what time off you want by the 15th week before the week the baby is due. Your employer can tell you when this is if you are not sure. You can change your mind but you must give your employer 28 days notice of the dates. You and your employer may find it helpful if you filled in a new version of this form.

If you cannot tell your employer what time off you want in time, or the baby is born sooner or later than expected, please discuss the situation with your employer. If you are unable to resolve any disagreement contact any HM Revenue & Customs 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 HM Revenue & Customs office
- Paternity leave - contact Advisory Conciliation and Arbitration Service (ACAS), on helpline number **08457 47 47 47**. In Northern Ireland, contact the Labour Relations Agency on **028 9032 1442**.

Penalties

Penalties may be charged where a person, either fraudulently or negligently, gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to Statutory Adoption, Paternity, Maternity or Sick Pay.

Your dates for pay and leave

The baby is due on

If the baby has been born, please enter the actual date of birth and also give the date the baby was due in the above box

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*)

Your declaration

Surname

First name(s)

National Insurance number

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

I declare that

- I am ✓
 - the baby's biological father, or
 - married to or in a civil partnership with the mother, or
 - living with the mother in an enduring family relationship, but am not an immediate relative
- I have responsibility for the child's upbringing
- I will take time off work to support the mother or care for the child.

Signature

Date

Give this page to your employer, but keep the terms and conditions for your records.

Employee's details

Employee's surname

Other name(s)

National Insurance number

Address

Postcode

Why I cannot pay you ASPP

I have ticked the box that applies to you.

I cannot pay you ASPP. I have ticked one (or more) of the boxes below to tell you why.

I cannot pay you any more ASPP after the week which ends on DD MM YYYY

I have ticked one of the boxes below to tell you why I cannot carry on paying you after this date.

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| <input type="checkbox"/> You were not employed by me for long enough. | <p>To get ASPP you must have worked for me continuously:</p> <ul style="list-style-type: none"> • for a baby <ul style="list-style-type: none"> – for 26 weeks ending with the 15th week before the baby is due, and – continue to work for me until the week before the first week of receiving ASPP • for a child that is being adopted in the UK <ul style="list-style-type: none"> – for 26 weeks by the time you were notified of having been matched with the child, and – continue to work for me from the matching week up to the start of the ASPP period • for a child that is being adopted from abroad <ul style="list-style-type: none"> – for 26 weeks by the time the child enters the UK, and – continuously work for me until the start of the ASPP period. |
| <input type="checkbox"/> Your spouse, partner or civil partner has not told their employer that they are returning to work. | <p>To get ASPP the mother or adopter taking maternity or adoption leave needs to have signed the declaration form SC7, SC8, SC9 or equivalent to confirm that they intend to return to work and stop receiving Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP).</p> |
| <input type="checkbox"/> You did not give me acceptable evidence of your entitlement soon enough. | <p>To get ASPP you must give me the signed declaration form SC7, SC8, SC9, SC10 or equivalent, at least eight weeks before you are away from work.</p> |
| <input type="checkbox"/> You are entitled to Statutory Sick Pay. | <p>You cannot get ASPP during any week that you are entitled to Statutory Sick Pay.</p> |
| <input type="checkbox"/> You worked on DD MM YYYY <input type="text"/> <input type="text"/> | <p>You cannot get ASPP as you have used up your 10 Keeping in Touch days or you have worked for a new employer during the ASPP period.</p> |
| <input type="checkbox"/> Your earnings were too low. | <p>To get ASPP your weekly earnings must be at least equal to the Lower Earnings Limit. Your earnings during the relevant period, including those under any Class 1B arrangement, were insufficient for you to qualify for ASPP.</p> |

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| <input type="checkbox"/> You were in prison or detained in legal custody on <i>DDMMYYYY</i> <input type="text"/> <input type="text"/> | <p>You cannot get ASPP from me for any week during part of which you are detained in legal custody on or after the first day of the ASPP period.</p> |
| <input type="checkbox"/> Your spouse, partner or civil partner does not qualify for SMP, MA or SAP. | <p>The mother or adopter of the child taking maternity or adoption leave has not satisfied the qualifying conditions for entitlement to SMP, MA or SAP for you to be entitled to ASPP.</p> |
| <input type="checkbox"/> You have told me that you are no longer taking leave for the purpose of caring for the child. | <p>You cannot get ASPP or additional paternity leave if you do not intend to care for the child during that period.</p> |

Employer's details

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| <p>Employer's signature</p> <input style="width: 100%; height: 30px;" type="text"/> <p>Date <i>DDMMYYYY</i></p> <input type="text"/> <p>Employer's name</p> <input style="width: 100%; height: 20px;" type="text"/> | <p>Employer's address</p> <input style="width: 100%; height: 20px;" type="text"/> <p>Postcode</p> <input style="width: 100%; height: 20px;" type="text"/> <p>Phone number</p> <input style="width: 100%; height: 20px;" type="text"/> |
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What to do if you disagree

If you disagree with this decision, please let me know. My name, address and phone number are above. If you still disagree, phone Statutory Payments Disputes Team on 0191 225 5221.

Further information

For further information on ASPP, go to www.direct.gov.uk/workandfamilies

For further information on making a claim for Child Benefit or tax credits go to:

- www.hmrc.gov.uk or
- www.direct.gov.uk/workandfamilies