

# HOW-TO GUIDE: PATERNITY TOOLKIT

## What you need to know

This Guide to our paternity toolkit will take you through all the steps you need to take when a staff member wishes to take paternity leave. The toolkit itself contains all of the documents that you are likely to need. You can create all of the documents that you are likely to need by completing the toolkit questionnaire. Links are also provided below to relevant parts of the Sparqa Legal guidance which you may find useful.

The Guide specifies whether it's you or your staff member who needs to take a particular step, when it needs to be done and what it involves, and you can tick off actions as you go. Note that the steps are slightly different depending on whether the employee's partner is having a baby, they are adopting or they are having a child via surrogacy; the 'applicable situation' column tells you which of these situations the step applies to.

Note that only employees and agency workers are entitled to paternity leave, so much of the below is irrelevant to other types of staff.

This is a summary only; for full guidance, see [Paternity and shared parental leave](#).

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
<b>Antenatal and pre-adoption appointments</b>						
You	Birth	Employees and agency workers who have worked for you for at least 12 weeks	When requested by your staff member	Allow unpaid time off to attend up to 2 antenatal appointments with the child's mother.	<p>Appointments can last up to 6.5 hours each.</p> <p>Whilst you're not legally obliged to pay staff for time off, you may choose to do so.</p> <p>If you wish, you can ask your employee for confirmation that they reach the eligibility criteria; for a template, create <i>Declaration of eligibility for time off to attend antenatal appointments</i>.</p>	
You	Adoption	Employees and agency workers who have worked for you at least 12 weeks	When requested by your staff member	Allow unpaid time off to attend up to 2 pre-adoption appointments.	<p>Note that this is a right for those who are secondary adopters (ie adopting with their partner and planning to take paternity rather than adoption leave).</p> <p>Appointments can last up to 6.5 hours each. Whilst you're not legally obliged to pay staff for time off, you may choose to do so.</p> <p>If you wish, you can ask your employee for confirmation that they reach the eligibility criteria; for a template. Create <i>Declaration of eligibility for time off to attend pre-adoption appointments</i>.</p>	

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
You	Surrogacy	Employees and agency workers who have worked for you for at least 12 weeks	When requested by your staff member	Allow unpaid time off to attend up to 2 antenatal appointments with their surrogate	<p>Appointments can last up to 6.5 hours each.</p> <p>Whilst you're not legally obliged to pay staff for time off, you may choose to do so.</p> <p>If you wish, you can ask your employee for confirmation that they reach the eligibility criteria; for a template, you can create <i>Employee declaration of eligibility for time off to attend antenatal appointments with surrogate</i>.</p>	

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
<b>Arranging paternity leave</b>						
Staff member	Birth and surrogacy	Employees only*	At least 15 weeks before the expected week of the child's birth, or, if it is not reasonably practicable to do so, as soon as reasonably practicable.	Your employee must inform you that they intend to take paternity leave and claim paternity pay. They must confirm the expected week of the child's birth and their eligibility to take paternity leave.	The employee can use the government's <a href="#">online form</a> to provide this declaration.	

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
Staff member	Birth and surrogacy	Employees only*	28 days before the paternity leave will start	Your employee must inform you of the start date of their leave and its duration.	<p>Employees get up to 2 weeks' paternity leave, which can be taken in one block or as two non-consecutive weeks.</p> <p>Paternity leave must be taken within 52 weeks of the child's birth (or, if the child arrives early, within 52 weeks of the first day of the expected week of childbirth).</p> <p>If the employee wishes to cancel or change the period of leave chosen, they must give at least 28 days' notice.</p>	
Staff member	Adoption (when adopting a child from the UK)	Employees only*	Within 7 days of being matched with a child, or, if it is not reasonably practicable to do so, as soon as is reasonably practicable	<p>Your employee must inform you that they intend to take paternity leave and claim paternity pay and confirm:</p> <ul style="list-style-type: none"> <li>the date they were matched with a child;</li> <li>the date the child is expected to be placed with them;</li> </ul>	<p>The employee can use the government's <a href="#">online form</a>.</p> <p>Employees get up to 2 weeks' paternity leave, which can be taken in one block or as two non-consecutive weeks.</p> <p>Paternity leave must be taken within 52 weeks of the child's placement with the employee.</p> <p>If the employee wishes to cancel or change the period of leave chosen, they must give at least 28 days' notice.</p>	

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
				<ul style="list-style-type: none"> <li>the date they will start their paternity leave and how long it will be; and</li> <li>a declaration that they are eligible for paternity leave.</li> </ul>		
Staff member	Adoption (when adopting a child from overseas)	Employees only*	Within 28 days of receiving the information they're required to give you	<p>Your employee must tell you:</p> <ul style="list-style-type: none"> <li>the date a UK authority notified them that it has sent a certificate to an overseas authority to confirm the employee/their partner has been approved as an adoptive parent; and</li> <li>the date the child is expected to enter Great Britain.</li> </ul>	The employee can use the government's <a href="#">online form</a> .	

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
Staff member	Adoption (when adopting a child from overseas)	Employees only*	At least 28 days before they intend to begin their leave or the date the child is expected to enter Great Britain (if they chose this option).	Your employee must tell you when they want their paternity leave to begin.	<p>The employee can use the government's <a href="#">online form</a>.</p> <p>Paternity leave can begin on the day the child enters Great Britain and must be taken within 52 weeks of that date.</p> <p>If the employee wishes to cancel or change the period of leave chosen, they must give at least 28 days' notice.</p>	
You	Birth, adoption or surrogacy	Employees only*	As soon as possible after receiving notification of intention to take paternity leave	It is good practice to write to the employee to confirm arrangements for their leave.	Use the toolkit to generate a <i>Paternity Arrangements Letter</i> .	
You	Birth, adoption or surrogacy	Employees only*	Within 7 days of receiving notification of intention to take paternity leave	If your employee is not eligible for statutory paternity pay, fill in and give them form <a href="#">SPP1</a> .		

Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
Staff member	Birth and surrogacy	Employees only*	As soon as reasonably practicable following the child's birth	Inform you of the child's birth date.	<p>You can create an <i>Employee notice of date of childbirth</i> for your employee to complete and return to you.</p> <p>If their leave will begin that day, it's good practice to acknowledge this with a response about when their leave will end. You can create <i>Notice of updated return date from paternity leave</i>.</p>	
Staff member	Adoption (when adopting a child from the UK)	Employees only*	As soon as practicable following the date of placement	Confirm the date that placement took place.	<p>If their leave will begin that day, it's good practice to acknowledge this with a response about when their leave will end. Use the toolkit to create a <i>Notice of updated return date from paternity leave</i>.</p>	
Staff member	Adoption (when adopting a child from overseas)	Employees only*	No more than 28 days after the child arrives in Great Britain	Confirm the date that the child arrives.	<p>They can use <i>Adoption – Employee notice of date of arrival</i>.</p> <p>If their leave will begin that day, it's good practice to acknowledge this with a response about when their leave will end. You can use <i>Notice of updated return date from adoption or paternity leave</i>.</p>	



Who is responsible?	Applicable situation	Which staff does it apply to?	When?	Task	Details	✓
<b>During paternity leave</b>						
You	Birth, adoption or surrogacy	Employees only*	Throughout their leave	If they are eligible, pay paternity pay to your employee on their usual pay day and keep records of what you've paid and when.	If you don't have an enhanced paternity pay policy, your employee will get statutory paternity pay which is either £187.18 per week or 90% of their normal weekly earnings, whichever is the <i>lower</i> amount.	

\*Agency workers may also be entitled to paternity leave if they are employed by an agency. However, it will usually be the agency's responsibility to arrange this.