

## Becoming an adoptive parent

If you want to take time off work to support your partner who is adopting a child 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.

Please read the terms and conditions below and if you think you might qualify, fill in the form on the next page. If you need help, phone any HM Revenue & Customs office. You can find the phone number in The Phone Book under 'HM Revenue & Customs'.

## Terms and conditions

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**
- the partner of the adopter (adopting a child with their partner).

You must be able to declare that:

- you are
  - married to or in a civil partnership with 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 cannot start your paternity leave before the date the child is placed with you. You can choose to take one or two whole weeks leave which must end by the 56th day 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 from 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 cannot 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 HM Revenue & Customs office for advice.

## Further information and help

We have not covered all of the law that relates to SPP and paternity leave. So if you are in any doubt about your entitlement, talk to your employer or contact any HM Revenue & Customs office.

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.

## Other help

The Department for Business, Enterprise and Regulatory Reform (BERR) publications *Adoptive Parents – rights to leave and pay – a guide for employers and employees* gives information on these rights. For details of other booklets covering employment protection and related equal opportunities legislation, go to [www.direct.gov.uk/workandfamilies](http://www.direct.gov.uk/workandfamilies)

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

You can also phone:

- any HM Revenue & Customs office. The number is in The Phone Book under 'HM Revenue & Customs'
- any Advisory Conciliation and Arbitration Service (Acas) on **08457 47 47 47** or go to [www.acas.org.uk](http://www.acas.org.uk)

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

## 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 any HM Revenue & Customs office
- paternity leave – phone Acas on **08457 47 47 47**. In Northern Ireland, phone 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.

Please turn over

# Application for Statutory Paternity Pay/paternity leave

## Personal details

Surname or family name

First name(s)

National Insurance number

## Your dates for pay and leave

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

DD MM YYYY

The child is expected to be placed on

DD MM YYYY

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

DD MM YYYY

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

DD MM YYYY

I want to be away from work for

one week

two weeks

## Your declaration

**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 to get Statutory Paternity Pay and paternity leave.**

**I declare that:**

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

Signature

Date

DD MM YYYY

**Give this form to your employer, but keep a copy of the terms and conditions for your records.**