



When to complete this form

If you want to take time off work to support your partner who is adopting a child from abroad you may be entitled to:

- Statutory Paternity Pay (SPP) – at least part of your wages will be paid for one or two weeks. You will get either 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 – one or two weeks time off.

Please read through **these notes** and the **terms and conditions** carefully. Then, if you think you might qualify, complete and sign the form on the next page and give it to your employer.

Terms and conditions

These notes do not cover all of the law that relates to Statutory Paternity Pay and paternity leave when a child is adopted from abroad. 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 any employee (male or female) who is:

- the partner of someone adopting a child from abroad on their own, or
- adopting a child from abroad 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 from abroad, **or**
 - living with the person adopting the child from abroad 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 and your partner can choose who gets Statutory Adoption Pay and adoption leave and who gets Statutory Paternity Pay and paternity leave.

You must declare that you have chosen **not** to receive Statutory Adoption Pay. Whoever chooses to get Statutory Adoption Pay and adoption leave must fill in 'Declaration' on form SC6 to confirm that they have chosen to get Statutory Adoption Pay and adoption leave **not** Statutory Paternity Pay and paternity leave.

You must be continuously employed:

- for 26 weeks up to and including the week the child enters the UK, and
- if you completed your 26 weeks continuous employment before the week the child enters the UK, you must continue to work for the same employer up to the date the child enters the UK.

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 can choose to take one or two whole weeks leave which must end by the 56th day after the date the child enters the UK for the purposes of adoption. 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 filling in 'Dates for pay and leave' on the next page. If you are late telling your employer you may lose your entitlement to SPP and paternity leave.

You must tell your employer:

- the date on which the adopter was sent official notification from the UK authority. Official notification means a written notification, issued by or on behalf of the relevant UK authority, that it:
 - is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or
 - has issued a certificate and sent it to that authority.In either case this confirms that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. You need to ask the person adopting the child from abroad when they received this and tell your employer. You must tell them this within 28 days of the date the official notification from the UK authority was sent if you have already worked for your employer for 26 weeks at that date. If you have not already worked for your employer for 26 weeks when the official notification was sent, you must tell them within 28 days of the Sunday of your 26th working week
- the date the child is expected to enter the UK. You must tell your employer the date the child enters the UK within 28 days of that date
- when you want your SPP and paternity leave to start and whether you want to take one or two weeks at least 28 days beforehand. You can change your mind, but you must give your employer 28 days notice of the new date. If this happens, you and your employer may find it helpful if you fill in a fresh copy of this form. If you cannot tell your employer the time off you require in time, please discuss the situation with them.

Please turn over

Help and advice

If you need help with this form phone any HM Revenue & Customs office. You can find the phone number in The Phone Book under 'HM Revenue & Customs'.

The Department for Business, Enterprise and Regulatory Reform (BERR) publication *Adoptive parents: rights to leave and pay when a child is adopted from overseas* has more information and contact details. Go to www.direct.gov.uk/workandfamilies

Similar guidance for Northern Ireland is available from the *New Rights for Working Parents guidance* page of the Department for Employment and Learning website www.delni.gov.uk

For more information on Statutory Paternity Pay go to:

- www.acas.org.uk
- www.direct.gov.uk/employee

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 may be entitled to other government help and should contact your adoption agency for more information.

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 the Advisory Conciliation and Arbitration Service (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 purposes of claiming entitlement to statutory adoption, paternity, maternity or sick pay.

Application for Statutory Paternity Pay/paternity leave when adopting from abroad

Personal details

Surname or family name

First name(s)

National Insurance number

Dates for pay and leave

On what date was the person adopting the child sent official notification? *DD MM YYYY*

The child *is expected to enter the UK to live with the adopter on / *entered the UK on *DD MM YYYY*

**delete as appropriate.*

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

Declaration

You must tick this box if you are adopting a child with your partner.

I declare that I am adopting a child from abroad 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 below 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 from abroad, **or**
 - living with the person adopting the child from abroad 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.