



CVS Rochdale Policy Briefing

Additional Paternity Leave and Pay

In the *Work and Families Act 2006*, the Government introduced a package of measures to give families more choice and flexibility in caring for their children during the first year of life. The Act included powers to increase fathers' entitlements to paternity leave and pay by providing Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPP). These measures are now going to be implemented for babies due on or after 3rd April 2011.

From 6 April 2010, eligible employees will have the right to take additional paternity leave and pay (APL&P) in the following circumstances:

- their partner is due to give birth on or after 3 April 2011
- they and/or the other adoptive parent receive notification on or after 3 April 2011 that they have been matched with a child for adoption

Additional Paternity Leave (APL) will allow an employee to take up to 26 weeks leave to care for the child.

The employee will only be able to start their APL:

- 20 or more weeks after the child's birth or placement for adoption
- once their partner has returned to work from statutory maternity leave (SML) or statutory adoption leave (SAL) and/or ended their entitlement to statutory maternity or adoption pay, or maternity allowance

The employee's APL will have to have ended by the end of the 52nd week after the child's birth or placement for adoption and it must be taken in a single continuous block (minimum two weeks, maximum 26 weeks).

The employee will only receive **additional statutory paternity pay** (ASPP) during the time their partner would have been receiving statutory maternity or adoption pay, or maternity allowance.

Effectively, this new system allows mothers to pass over a portion of their maternity leave and pay to their partners. Maternity leave and APL cannot be taken at the same time.

The eligibility criteria for APL&P are the same as they are for 'ordinary' paternity leave, so to qualify for APL&P, the parent must be eligible for Statutory Paternity Leave and have been in continuous employment with the employer for at least 26 weeks at the 15th week before the expected week of the child's birth, i.e. for the 60 weeks prior to the start of APL&P.

However, there will be additional notification requirements for employees wishing to take APL&P.

Eight weeks before they wish their APL to start, the employee must provide you with:

- notice of when they wish their leave to start
- a declaration stating that they are taking the leave to care for the child
- a declaration from the mother or other adoptive parent stating

If they are also eligible for ASPP, the employee will also have to state when they expect their ASPP period to begin and end.

During the period of APL, terms and conditions of employment (except for remuneration) will continue and the parent will be entitled to return to the same job on the same terms and conditions at the end of APL.

For more information:

Department for Business, Information & Skills: www.berr.gov.uk
HM Revenue & Customs: www.hmrc.gov.uk