



Paternity Leave

A quick guide



Your rights

Having a baby should be a positive and exciting time.

It might also be a time when you have many questions as you prepare to become a parent.

As a member of the NASUWT, we are committed to supporting you.

This quick guide has been developed to provide you with essential information you need about your rights at work, during this time.

You must notify your employer in writing that you intend to take paternity leave no later than 15 weeks before the expected week of childbirth.

To qualify for paternity rights, you must:

- have a contract of employment;
- have worked for your employer continuously for at least 26 weeks prior to the 'qualifying week', i.e. 15 weeks before the expected week of childbirth;
- have or expect to have responsibility for the child's upbringing;
- be the biological father of the child or the mother's husband or partner, including same-sex relationships, or the intended parent if you are having a baby through a surrogacy arrangement.

Your employer may ask you to provide proof of your child's birth (e.g. birth certificate).

Notifying your employer



Leave from work



An expectant father or the partner of a pregnant woman, including same-sex relationships, who is a permanent employee, is entitled to unpaid time off work to attend up to two antenatal appointments.

The legal maximum amount of time off work that you can take for each appointment is 6.5 hours, which includes travel to and from the appointment and waiting time.

Employers may permit you to have more time off than this.

Commencing paternity leave

Once the child is born, and as soon as is reasonably practicable, you must let your employer know the date of birth. Your paternity leave cannot start before this.

You are entitled to either one or two consecutive weeks' Paternity Leave that must be taken within 56 days of the birth of the child.

You do not have to give your employer a precise date when you wish to take your leave (e.g. 1 February). Instead, you can give a general time (e.g. one week after the birth).

Your employer may have a paternity leave policy which is better than the statutory entitlements.

It is important that you check your contract of employment and request a copy of the paternity leave policy from your employer.

If you are employed by the local authority then you should refer to the Scottish Negotiating Committee for Teachers (SNCT) handbook.





Paternity pay

You are entitled to receive up to two weeks' Statutory Paternity Pay if you:

- have worked for your employer continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week');
- are employed to work for your employer up to the date of birth of your baby;
- earn at least the Lower Earning Limit for National Insurance purposes, which is £112 a week (gross as at February 2015);
- notify your employer at least 15 weeks before the baby is due with the baby's due date, when you wish to start your leave and if you wish to take one or two consecutive weeks' leave;
- give your employer form SC3 (or their own version) at least 15 weeks before the week the baby is expected.

During your paternity leave, your employer has the right to make reasonable contact with you, but this should not be excessive or intrusive. If you wish to return to work on the agreed date, no notice is required.

During your paternity leave, your terms and conditions of employment are protected.

Your employer cannot change your terms and conditions of employment whilst you are on paternity leave without your agreement.

You also cannot be dismissed from employment or subject to unfair treatment because you have taken paternity leave.

If your employer is proposing to make changes that could affect your employment, you should contact the NASUWT immediately.

Other rights during paternity leave



Further advice and guidance



For further advice and guidance, please contact the NASUWT.

We can help with information and advice to support you throughout your paternity leave.

Telephone: **0131 226 8480**

Email: **rc-scotland@mail.nasuwt.org.uk**

We will be happy to discuss your circumstances and answer your questions.

See the NASUWT advice on:

Flexible Working: **www.nasuwt.org.uk/FlexibleWorking**

Paternity Leave: **www.nasuwt.org.uk/PaternityLeave**

Shared Parental Leave: **www.nasuwt.org.uk/SharedParentalLeave**



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