

Becoming an adoptive parent or a parental order parent

If you want to take time off work to support your partner who is adopting a child or planning to adopt a child as part of a 'fostering for adoption' arrangement or you are a parental order parent not taking adoption leave or pay, you may be entitled to:

- Statutory Paternity Pay (SPP) – at least part of your wages will be paid for 2 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 2 weeks time off

A parental order parent is a person who is part of a couple and who has a child through a surrogacy arrangement and is eligible for and intends to apply for a parental order.

Please read the terms and conditions below and, if you think you might qualify, fill in the form on page 2 and 3.

Terms and conditions

SPP and paternity leave are available to any employee (male or female) who is:

- married to or the civil partner of someone adopting a child on their own
- adopting a child with their spouse or partner
- a parental order parent who is not taking adoption pay and leave in relation to the child
- expecting to have the main responsibility for the upbringing of the child together with the adopter

You must be able to declare that:

- you are
 - married to or in a civil partnership with the person adopting, intending to adopt the child or the other parental order parent
 - living with the person adopting, intending to adopt the child or the other parental order parent in an enduring family relationship, but are not an immediate relative
- you will be responsible for the child's upbringing
- you will take time off work to support the person adopting, intending to adopt the child or the other parental order parent to care for the child

If you and your partner are adopting a child or intending to adopt a child together or you are a parental order parent 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 continue to work for the same employer until the child is placed with them.

The intended parent of a child born to a surrogate mother must have worked for their employer for 26 weeks by the end of the 15th week before the week the baby is due and continue to work for the same employer at the date of the child's birth.

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 must fill in this form and give it to your employer at least 28 days before you want to start receiving SPP. If you are a parental order parent you must complete this form and give it to your employer by the end of the 15th week before the week the baby is due. Your employer may accept this written notification late if there is good reason for delay.

You cannot start your paternity leave before the date the child is placed with you or in a parental order parent case the date the child is born. You can choose to take 1 or 2 whole weeks leave which must end by the 56th day after the date the child is placed with the person adopting or intending to adopt them or in the case of a parental order parent the date the child is born. 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 7 days of the date the adoption agency told the person adopting the child that they have been matched with the child. In a parental order parent case its by the end of the 15th week before the week the baby is due. You can change your mind, but you must give your employer 28 days notice of the new date. If you do change your mind, you and your employer may find it helpful if you fill in a fresh copy of this form.

If you cannot tell your employer what time off you want in time, please discuss the situation with them. For example, sometimes a child is matched and placed very quickly.

Further information and other help

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.

If you are not entitled to SPP, go to:

- www.gov.uk/paternity-pay
- www.gov.uk/adoption-pay-leave
- www.acas.org.uk

Disagreements

If your employer tells you that you are not entitled to SPP and/or paternity leave and you have also looked for further information about SPP on the **GOV.UK** website, you can challenge that decision. You must do this within 6 months of the first day that you your employer gives you their decision.

- SPP – if you wish to register a dispute after obtaining further information, see 'Further information and other help', phone HMRC Statutory Payments Disputes Team on **03000 560630**
- paternity leave, phone the
 - Advisory Conciliation and Arbitration Service (Acas) on **0300 123 1100**
 - 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 SPP.

Application for Statutory Paternity Pay/paternity leave – becoming an adoptive parent

Personal details

Surname

First name(s)

National Insurance number

Your dates for pay and leave

Complete this section if you are adopting or intending to adopt a child

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

1 week 2 weeks

Your declaration

You must tick this box if you are adopting or intending to adopt a child with your partner.

I declare that I am adopting or intending to adopt 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 3 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 or intending to adopt the child
 - living with the person adopting the child in an enduring family relationship, but am not an immediate relative
- I will have responsibility for the child's upbringing
- I will take time off work to support the person adopting, intending to adopt 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.

Application for Statutory Paternity Pay/paternity leave - becoming a parental order parent

Personal details

Surname

First name(s)

National Insurance number

Your dates for pay and leave

Complete this section if you are a parental order parent

The date the baby is due DD MM YYYY

If the baby has already been born, give the actual date of birth 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

1 week 2 weeks

Your declaration

You must tick this box if you are the parental order parent

I declare that I am one of the parental order parents of the child and want to receive Statutory Paternity Pay and paternity leave, and not Statutory Adoption Pay and adoption leave.

You must be able to tick all 3 boxes below to get Statutory Paternity Pay and paternity leave.

I declare that:

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