



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're 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'll get the rate of SPP that applies at the time you receive the pay, or 90% of your average weekly earnings, whichever is less
- paternity leave – one or two weeks (this is your choice)

You'll only qualify for SPP if you're an employee and you'll normally receive the SPP in the week or weeks that you're on paternity leave.

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.

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 or partner (including same sex couples) of someone adopting a child on their own
- adopting a child with their spouse, civil partner or partner (including same sex couples)
- 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 caring for the child together with the adopter

You must be able to declare that:

- you're
 - married to or the civil partner or a partner (including same sex couples) 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 aren't an immediate relative
- you'll be responsible for caring for the child
- you'll 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 civil partner or partner (including same sex couples) are adopting a child or intending to adopt a child together or you're 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've 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 qualifying week (the end of the 15th week before the week the baby is due – if you're not sure when this is your employer can confirm the date for you) and continue to work for the same employer at the date of the child's birth.

To get SPP you must earn at least the lower earnings limit in the 8 week test period – 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're a parental order parent you must fill in this form and give it to your employer by the end of the qualifying week. Your employer may accept this written notification late if there's good reason for delay.

You can't 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 one or two whole weeks of SPP and leave but not 2 separate weeks. The weeks of pay and leave must be in the first 8 weeks following 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 can't take odd days off work, but the weeks can start on any day, for example, from Tuesday to Monday.

You should discuss your pay and 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've been matched with the child. In a parental order parent case its by the end of the qualifying week. You can change your mind about the dates for pay and leave, but you must give your employer at least 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 can't tell your employer what time off you want in time, 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'll get more advice and information at the time.

If you're 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're not entitled to SPP and/or paternity leave and you've 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.

For disagreements about SPP

If you wish to register a dispute, after obtaining further information (see 'Further information and other help' in the left hand column), phone HMRC Statutory Payments Disputes Team on **03000 560630**

For disagreements about paternity leave

Phone the:

- Advisory Conciliation and Arbitration Service (Acas) on **0300 123 1100**
- Labour Relations Agency on **028 9032 1442** if you're in Northern Ireland

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

Fill in this section if you're 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 spouse, civil partner or partner (including same sex couples) and I want to receive SPP and paternity leave, not Statutory Adoption Pay and adoption leave.

You must be able to tick all 3 boxes below to get SPP and paternity leave.

I declare that:

- I am
 - married to or in a civil partnership or partner (including same sex couples) 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 caring for the child
- 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

Fill in 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're 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 or partner (including same sex couples) 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 caring for the child
- 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.