

The Working Families helpline team answers your questions on new paternity rights

Confused about Additional Paternity Leave and your rights as a working father? The Working Families charity is here to help.

The Working Families helpline team answers the most frequently asked questions on new paternity rights. New and expectant parents can call the charity's helpline for advice on 0800 013 0313.

What does 'OPL' and 'APL' mean?

OPL is Ordinary Paternity leave: the two weeks that many men can take off around the time of the birth. APL is Additional Paternity Leave: this is the new scheme where some men can have some of the mother's maternity leave transferred to them. APL can only be taken once the mother has gone back to work, and only once the baby is 20 weeks old.

Who can take APL?

People who qualify for OPL also qualify for APL. Broadly this means the father of the child, or the spouse, civil partner or partner (including same sex partner) of the mother as long as they are employees and have been working for the same employer since approximately before the woman got pregnant. In addition to this, the woman must be entitled to maternity leave and/or pay and have brought her maternity leave and/or pay to an end (see below)

Can I take APL while the mother is still off work?

The woman must bring her maternity leave to an end, and the government advice is that this means a physical return to work for at least a day. She should have also used up all of her 'Keeping in Touch Days'. If you want to take APL while the mother is on holiday or off sick get advice from the Working Families helpline as the position is complicated.

Will I be paid?

Most men who qualify for paternity leave will get Statutory Paternity Pay (SPP) for Ordinary Paternity Leave, and Additional Statutory Paternity Pay (ASPP) for any Additional Paternity Leave where the mother would have been getting Statutory Maternity Pay or Maternity Allowance had she have remained on leave. You must have earned at least the Lower Earnings Limit for National Insurance (£102 per week).

I'm adopting, can I use APL or is it just for births?

Ordinary Paternity Leave and Additional Paternity Leave can be used for adoptions as well – the rules are slightly different so get advice.

I no longer live with the mother, can I take APL?

If you are the father of the baby or the spouse or civil partner of the mother, you can take Ordinary Paternity Leave or Additional Paternity Leave even if you don't live in

the same house as them. If you are taking leave as the partner of the mother you must live with her. Note that although more than one person can take OPL for the same baby (for example the biological father and the mother's new partner as long as they both expect to have responsibility for the child) only one person can take APL.

I'm self employed, is there any paternity pay for me?

No, unfortunately both the Additional and Ordinary Paternity Leave and Pay provisions only apply to employed earners (paid through PAYE); there is no equivalent for self employed men.

My wife is self employed, but I am an employee, can I take APL?

Yes, as long as she is entitled to Maternity Allowance and she brings the Maternity Allowance to an end, and you meet the other conditions.

What do I need to do to take APL?

You need to give notice at least 8 weeks before you wish to take APL. HMRC have a form SC7 for you to do this. You must tell your employer of when you want the APL to start, how long you want and if you wish to claim Additional Statutory Paternity Pay. If you wish to change the date your APL starts or finishes you must give your employer at least 6 weeks notice.

Ends

Notes to editors

Working Families is the UK's leading work-life organisation. The charity supports and gives a voice to working parents and carers, whilst also helping employers create workplaces which encourage work-life balance for everyone

The Working Families Freephone helpline for parents, carers and their advisers gives advice on employment rights and benefits. The charity's helpline is run by a team of solicitors and advisers and has a Quality Mark from Community Legal Services. Call Freephone **0800 013 0313**, text 07800 00 4722 or e-mail advice@workingfamilies.org.uk. Advice is also available on the charity's website: www.workingfamilies.org.uk

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