

# Paternity rights flowchart

Employee is expecting birth of a child (expected or born on or after 6 April 2003). **SEE SECTION 1.**

Does he expect to have responsibility for the child's upbringing?  
Is he the biological father of the child or the mother's husband or partner?  
Has he worked continuously for his employer for 26 weeks up to the 15th week before the baby is due?  
Will he work for the same employer continuously up to the birth?  
Is he taking leave to care for child or support child's mother?  
**SEE SECTION 2.**

NO TO ANY  
OF THESE?

Not eligible for paternity leave.  
May be entitled to other statutory leave rights.  
**SEE SECTION 9.**

YES?

Entitled to one or two consecutive weeks' paternity leave, starting on a chosen date. Leave must be completed within 56 days of birth (or between birth and 56 days after due date if baby born early). **SEE SECTION 3.**

NO?

May be entitled to other benefits.  
**SEE SECTION 9.**

Average weekly earnings at or above Lower Earnings Limit.  
**SEE SECTION 5.**

YES?

Entitled to one or two weeks' Statutory Paternity Pay. **SEE SECTION 5.**

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graph TD; A[Employee taking leave must tell his employer of his intention to take paternity leave by the 15th week before the baby is expected and include specific information. Must give 28 days' notice of any change of date. SEE SECTION 4.] --> B1[Baby born early – employee must give notice as soon as reasonably practicable. SEE SECTION 4.]; A --> B2[Baby is born on or near due date, employee takes leave at specified time. SEE SECTION 3.]; A --> B3[Baby is born late and employee wants to delay leave. SEE SECTION 4.]; B1 --> C[Employee continues to benefit from terms and conditions during leave. SEE SECTION 6.]; B2 --> C; B3 --> C; C --> D[Employee returns to same job after paternity leave as if he hadn't been away. SEE SECTION 6.];
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Employee taking leave must tell his employer of his intention to take paternity leave by the 15th week before the baby is expected and include specific information. Must give 28 days' notice of any change of date. **SEE SECTION 4.**

Employee claiming pay must give his employer a self-certificate at least 28 days before the date he wants pay to start. **SEE SECTION 4.**

Baby born early – employee must give notice as soon as reasonably practicable. **SEE SECTION 4.**

Baby is born on or near due date, employee takes leave at specified time. **SEE SECTION 3.**

Baby is born late and employee wants to delay leave. **SEE SECTION 4.**

Employee continues to benefit from terms and conditions during leave. **SEE SECTION 6.**

Employee returns to same job after paternity leave as if he hadn't been away. **SEE SECTION 6.**