

Becoming an adoptive parent

If you want to take time off work to support your partner who is adopting a child you may be entitled to:

- Ordinary Statutory Paternity Pay (OSPP) – at least part of your wages will be paid for two weeks. You will get the weekly rate of OSPP current at the time of your ordinary paternity leave, or 90% of your average weekly earnings, whichever is less
- ordinary paternity leave – up to two weeks time off.

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

Terms and conditions

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

- the partner of someone adopting a child on their own, or
- the partner of the adopter (adopting a child with their partner).

You must be able to declare that:

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

If you and your partner are adopting a child together 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.

To get OSPP you must also have average earnings over a set period above a set amount – your employer will work this out for you.

You cannot start your ordinary paternity leave before the date the child is placed with you. You can choose to take one or two whole weeks leave which must end by the 56th day after the date the child is placed with the person adopting them. 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 seven days of the date the adoption agency told the person adopting the child that they have been matched with the child. 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 OSPP and/or ordinary 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 OSPP you should contact your adoption agency to find out if you can get any other help. For further information on OSPP go to:

- www.direct.gov.uk/workandfamilies
- www.acas.org.uk

Additional Statutory Paternity Pay (ASPP)

If you are entitled to OSPP you may also be entitled to Additional Statutory Paternity Pay (ASPP).

If you would like more information about entitlement to ASPP you should ask your employer or go online at www.direct.gov.uk

Disagreements

If your employer tells you that you are not entitled to OSPP and/or ordinary paternity leave you can challenge that decision. If you need help with this, for:

- OSPP – if you wish to register a dispute after obtaining further information, see *Further information and other help*, phone our Statutory Payments Disputes Team on **0191 225 5221**
- ordinary paternity leave – phone the Advisory Conciliation and Arbitration Service (Acas) on **08457 47 47 47**. 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 statutory adoption, ordinary paternity, additional paternity, maternity or sick pay.

Application for Ordinary Statutory Paternity Pay/ordinary paternity leave

Personal details

Surname

First name(s)

National Insurance number

Your dates for pay and leave

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 OSPP and/or ordinary paternity leave to start on *DD MM YYYY*

I want to be away from work for

One week

Two weeks

Your declaration

You must tick this box if you are adopting a child with your partner.

I declare that I am adopting the child with my partner and I want to receive Ordinary Statutory Paternity Pay and ordinary paternity leave, not Statutory Adoption Pay and adoption leave.

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

I declare that:

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