

Paternity leave and pay

Paternity leave rights

Paternity leave allows an employee to spend time with a new child and support their partner.

How much paternity leave an employee can take

If an employee is eligible for statutory paternity leave, by law they can choose to take 1 or 2 weeks.

This is the same even if they're having more than 1 child, for example twins.

It might be written in their contract that they get more than statutory paternity leave. This can be called 'enhanced' or 'contractual' paternity leave.

Who can take statutory paternity leave

Someone must have the [legal status of employee](#) to take paternity leave.

Anyone with the [legal status of worker](#) is not entitled to paternity leave, but they can take time off. They might be entitled to [statutory paternity pay](#).

Agency workers

Someone who works through an agency might have the legal status of either an employee or a worker.

An agency worker who is not entitled to statutory paternity leave might want to take time off after a birth or adoption. In this case the agency and employer should make an arrangement with them. This could be paid holiday, unpaid leave or special leave.

Eligibility for statutory paternity leave

Important: From 6 April 2026, employees will be eligible for paternity leave from the first day of employment. Currently employees must have worked for their employer for 26 weeks before they are eligible.

The employee must have or expect to have responsibility for bringing up the child.

They must be one or both of the following:

- the child's father
- married to, the civil partner or partner of the mother or birth parent – this includes same-sex partners

They must have been continuously employed by the same employer for at least 26 weeks up to any day in the 'qualifying week'.

To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is expected to be born.

Eligibility criteria are different for:

- [adoption](#)
- [having a child through surrogacy](#)

To check eligibility, you can [use the paternity leave and pay checker tool on GOV.UK](#).

If they're no longer with their partner

If the employee has separated from their partner but has ongoing parental responsibility for their child, they can still get statutory paternity leave and pay.

How the law protects employees taking paternity leave

An employer must not cause an employee 'detriment' for taking, or planning to take, paternity leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- the employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

If an employee believes they've experienced detriment because of paternity leave, they can raise this with their employer. It's usually best to first raise the problem informally by [talking to their employer](#).

If this is not possible or it does not resolve the problem, they can [raise a grievance](#). This is where they make a formal complaint to their employer.

If the problem still does not get resolved, they could make a claim to an [employment tribunal](#).

Holiday and paternity leave

Employees still build up their usual [holiday entitlement](#) during statutory paternity leave.

They cannot take holiday while on statutory paternity leave, but they could agree with their employer to take it before or after.

It's a good idea for the employer and employee to:

- agree whether the employee will take their holiday leave before or after their paternity leave
- keep an up-to-date note or other record of what's agreed

Other types of leave

Parents might also be entitled to:

- shared parental leave
- ordinary parental leave
- neonatal care leave

Shared parental leave

Employees can decide to take shared parental leave. This gives more choice in how 2 parents can take leave when they're having a child.

Shared parental leave allows maternity or adoption leave to end early and the remaining leave be shared between the parents.

One parent can take shared parental leave instead of paternity leave or after they've taken paternity leave.

[Find out more about shared parental leave](#)

Ordinary parental leave

Parents have the right to unpaid time off work when they need to look after their children.

This is called 'ordinary parental leave' or unpaid parental leave.

An employee might want more time off than the statutory 2 weeks' paternity leave. They can take up to 4 weeks' unpaid parental leave starting on the day their:

- baby is born
- adoption placement starts

They can then take their statutory paternity leave afterwards. Employers cannot refuse employees taking parental leave in this way.

[Find out more about ordinary parental leave](#)

Neonatal care leave

Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. The law is the Neonatal Care (Leave and Pay) Act 2023.

The right to take neonatal care leave applies from the first day of work. Eligible parents can take neonatal care leave once their child has been in neonatal care for at least 7 consecutive days.

Parents who have a baby admitted to neonatal care up to the age of 28 days might be eligible for up to 12 weeks of leave. This includes fathers and partners of birth parents.

[Find out more about neonatal care leave](#)

Bereaved partner's paternity leave

Bereaved partner's paternity leave will become a right from 6 April 2026. It will give eligible fathers and partners up to 52 weeks' unpaid leave if the mother or primary adopter dies. This also applies to intended parents having a baby through surrogacy.

An employee must take this leave within 52 weeks of either:

- their child's birth
- their child's adoption placement
- their child's entry to Great Britain for overseas adoptions

We'll update this website with more information in April.

Get more advice and support

If you have any questions about paternity leave, you can [contact the Acas helpline](#).

Employers and managers can get [training from Acas about changes to paternity and parental leave](#).