

Statutory paternity pay

By law, an employer must pay statutory paternity pay to an employee or worker if they're eligible for it.

Statutory paternity pay is either of the following, whichever is lowest:

- £187.18 a week (£194.32 from 6 April 2026)
- 90% of their average weekly earnings

Statutory paternity pay is for up to 2 weeks. The employer starts paying it on the date agreed with the employee or worker.

It might be written in their contract that employees and workers get more than statutory paternity pay. This can be called 'enhanced' or 'contractual' paternity pay.

[Use the statutory paternity pay calculator on GOV.UK](#)

Eligibility for statutory paternity pay

To be eligible for statutory paternity pay, the employee or worker must be one or both of the following:

- the father of the expected baby
- married to, the civil partner of or partner of the mother or birth parent – this includes same-sex partners

They must also:

- have been continuously employed by the same employer for at least 26 weeks up to any day in the 'qualifying week'
- be employed by the same employer at the time of the birth
- earn on average at least £125 a week over the 8-week period ending with any day in the qualifying week (£129 from 6 April 2026)

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](#)

Claiming statutory paternity pay

An employee or worker must ask for statutory paternity pay in writing. This must be no later than 15 weeks before the baby is expected to be born.

The employee should use either:

- their employer's form for claiming statutory paternity pay, if there is one

- the form [statutory paternity pay and leave: becoming a birth parent \(SC3\) on GOV.UK](#)

It might not always be possible for an employee to give notice in the required time. The employer should talk with them to check why and the employee must give the notice without any further delay.

Neonatal care pay

Parents who have a baby in neonatal care might be eligible for up to 12 weeks of neonatal care pay.

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

If someone is not eligible for statutory paternity pay

If an employee or worker is not eligible for statutory paternity pay, their employer must tell them in writing. The employer must do this within 28 days of receiving the person's notice.

The employer can use the form [non-payment of statutory paternity pay \(SPP1\) on GOV.UK](#).

Someone with the [legal status of employee](#) who is not entitled to statutory paternity pay might still be entitled to statutory paternity leave.

Someone with the [legal status of worker](#) who is not entitled to statutory paternity pay can still arrange to take time off after a birth. For example, holiday or special leave that's paid or unpaid.

If an employee does not return to work after paternity leave

The employee does not have to pay back statutory paternity pay if they do not return to work after paternity leave.

If they received enhanced or contractual paternity pay, their contract might say they must pay it back. The contract must be clear about the circumstances when an employee must do this.

Before the employer starts paying enhanced paternity pay to an employee, they should remind them of any repayment conditions.

Contact the Acas helpline

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