

Paternity leave regime to be relaxed from 6 April 2024

The draft Paternity Leave (Amendment) Regulations 2024 were laid before Parliament on 11 January 2024. The Regulations set out the details of how the regime will be reformed to make it easier for fathers to take paternity leave. This briefing explains the key changes and the steps that employers should take now.

In June 2023, the Government published its [response](#) to a 2019 consultation on reforming parental leave and pay entitlements and announced plans to make it easier for fathers and partners to take paternity leave. To this end the Paternity Leave (Amendment) Regulations 2024 were laid before Parliament on 11 January 2024.

If passed in their current form, the Regulations will come into force on 8 March 2024 and will have effect in relation to children whose expected week of childbirth begins after 6 April 2024, or whose expected adoption placement date is on or after 6 April 2024.

What is going to change?

Area of change	Current position	New position for births and adoption
----------------	------------------	--------------------------------------

<p>How statutory paternity leave may be taken</p>	<p>Paternity leave must be taken as a single block of either one whole week or two consecutive whole weeks. If only one week is taken, there is no ability to take the second week at a later date.</p>	<p>Eligible employees will be able to take their statutory paternity leave as either: a single block of either one whole week or two consecutive whole weeks; or as two separate blocks of one whole week. It remains the case that the leave must be taken as whole weeks and may not be split up into days.</p>
<p>When statutory paternity leave may be taken</p>	<p>Paternity leave must be taken within 56 days' of a child's birth or placement for adoption.</p>	<p>Eligible employees will be able to take their statutory paternity leave within 52 weeks of the birth or placement for adoption. When combined with the ability to take two separate blocks of leave discussed above, this means that employees will have greater flexibility about taking paternity leave. For example, a father may choose to take one week straight after the birth and the second week when the child is 11 months' old, and the mother is returning to work. However, it will remain the case that paternity leave cannot be taken where the employee has already taken a period of shared parental leave. Where an employee wishes to split up their paternity leave, they will need to be careful not to fall foul of this rule.</p>

<p>Notices that should be given to the employer and when they should be given</p>	<p>Currently, an employee who wishes to take paternity leave must give their employer written notice of their entitlement to paternity leave and the period of leave that they wish to take. They must tell the employer:</p> <ul style="list-style-type: none"> • the date on which they were notified that they had been matched with a child for adoption (if applicable); • the expected week of childbirth or adoption placement date; • whether they wish to take one week or two consecutive weeks' paternity leave; • and the date on which they wish the paternity leave to start. <p>In birth cases, this notice must be provided to the employer not later than the 15th week before the expected week of childbirth. In adoption cases, this notice must be provided to the employer within seven days of the employee being notified that they have been matched with a child for adoption.</p> <p>Separately, an employer may elect to ask an employee wishing to take paternity leave to sign a declaration that they meet the eligibility requirements of the regime and that they are taking paternity leave for the purpose of caring for the child or supporting their partner.</p>	<p>In future, the notice of entitlement and notice of the period/s of leave will be separate.</p> <p><u>Notice of entitlement</u></p> <p>An employee who wishes to take paternity leave must give their employer written notice of: the date on which they were notified that they had been matched with a child for adoption (if applicable); and the expected week of childbirth or adoption placement date. At the same time, employees will also be <i>required</i> to give a written declaration that they meet the eligibility requirements of the regime.</p> <p>In birth cases, this notice and declaration must be provided to the employer not later than the 15th week before the expected week of childbirth. In adoption cases, this notice and declaration must be provided to the employer within seven days of the employee being notified that they have been matched with a child for adoption.</p> <p><u>Period of leave notice</u></p> <p>Before each period of leave, the employee must give their employer notice of the start and end dates of the period of leave. At the same time, employees will also be <i>required</i> to declare that they are taking the leave for the purpose of caring for the child or supporting their partner.</p> <p>In birth cases, this notice and declaration must be provided to the employer not later than four weeks before each period of leave. In adoption cases, this notice and declaration must be provided to the employer within seven days of the employee being notified that they have been matched with a child for adoption.</p> <p>However, in both birth and adoption cases, where a Period of Leave Notice has already been given to the employer, an employee may vary or cancel any dates by giving at least four weeks' notice of the proposed variation or cancellation.</p>
--	---	---

What steps should employers take now?

With just under three months to go until these changes come into force, employers should update their approach to paternity leave now. Employers should:

- Update relevant policies to reflect the new rules on how and when paternity leave may be taken, the shorter deadlines for giving notice of a wish to take leave and the new declaration requirements.
- Update the HR forms used to support the paternity leave process. The Notice of Entitlement may need to be amended to cover the requirement to declare eligibility (where this is not already covered) and a standalone Period of Leave Notice will also be needed.
- Notify managers that eligible employees will be entitled to take discontinuous blocks of paternity leave within the first year of birth or adoption. However, in practice, the majority of fathers tend to take the two weeks' paternity leave as a single block following the birth (or adoption) and we think this is unlikely to change dramatically.
- Highlight the changes to staff. A new right to carer's leave is also coming into force on 6 April 2024 (you can read about that [here](#)) and it would make sense to notify staff about both of these family-friendly changes at the same time.

Separate to these changes, employers should also remember that the rate of statutory paternity pay is [expected to increase](#) on or around 8 April 2024 from £172.48 per week to £184.03 per week (or 90% of the employee's average pay if this is less than the statutory rate).

[Paternity Leave \(Amendment\) Regulations 2024](#)

BDBF is a law firm based at Bank in the City of London specialising in employment law. If you would like to discuss any issues relating to the content of this article, please contact Principal Knowledge Lawyer Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.