

Shared Parental Leave Rights For Parents

You may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you're having a baby or adopting a child.

Shared Parental Leave was introduced for parents of children born or adopted on or after 5 April 2015 and reflects the changing way working parents are choosing to care for their children, and balance their working responsibilities by giving them the right to volunteer to share time off after birth or adoption.

If you are expecting a baby, Shared Parental Leave means that you and your partner could choose to be at home together, or to work at different times, and share the care of your child during their first year.

Shared Parental Leave and Pay

The mother has the right to choose whether to take her full maternity leave and pay or to end this and opt for Shared Parental Leave instead.

How do I know if we are eligible for Shared Parental Leave and Statutory Shared Parental Pay?

Check your eligibility to SPL and ShPP online: The government has provided an online tool to help employers and their employees check eligibility for Shared Parental Leave and Statutory Shared Parental Pay, this tool along with further information is available at www.gov.uk/shared-parental-leave-and-pay.

In order to use this tool you will need to know the following information:

- your child's due date or birth date
- your and your partner's employment status and earnings; and
- if you and your partner can get Statutory Maternity Pay or Statutory Paternity Pay.

Your eligibility

Each parent qualifies separately for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). If you're eligible you can start SPL and take leave in separate blocks, instead of taking it all in one go like maternity or adoption leave. You can also share the leave between you if you're both eligible. To qualify for Shared Parental Leave (SPL) you must share care of the child with either:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child).

You must also:

- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- be employed by the same employer while you take SPL.

SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).

Your partner's eligibility

During the 66 weeks before the baby is due your partner must:

- have been working for at least 26 weeks (these weeks do not need to be consecutive)
- have earned at least £390 in total across any 13 of the 66 weeks (add up the highest paying weeks – they do not need to be in a row).

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP.

Both parents must meet the eligibility conditions to be able to share entitlement to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP). If only one qualifies then you cannot share the leave. If only one parent is eligible then they can use SPL to book leave in separate blocks even if their partner can't share it.

Qualifying for Statutory Shared Parental Pay

You will qualify for Shared Parental Pay if one of the following applies:

- you qualify for Statutory Maternity Pay or Statutory Adoption Pay
- you qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay.

The mother must take a minimum of two weeks' maternity leave following the birth of the child (four weeks if she works in a factory).

What Shared Parental Leave will I be entitled to?

If you're eligible and you or your partner can end Maternity or Adoption Leave and Pay (or Maternity Allowance) early, you can take:

- the remainder of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- the remainder of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP).

Example: A mother and her partner are both eligible for Shared Parental Leave (SPL). The mother ends her Maternity Leave after 10 weeks, leaving 42 weeks (of the total 52 week entitlement) available for SPL. She takes 30 weeks SPL and her partner takes the other 12 weeks.

How much pay will I get on Shared Parental Leave?

Statutory ShPP is paid at the rate of £187.18 a week or 90% of your average weekly earnings, whichever is lower. This is the same as Statutory Maternity Pay (SMP) except that during the first six weeks SMP is paid at 90% of whatever you earn (with no maximum).

You should check whether your employer offers any enhancements to these statutory minimums for parents on Shared Parental Leave.

Example: A woman qualifies for Statutory Maternity Pay (SMP) and earns £250 per week. She is paid £225 (90% of her average weekly earnings) as SMP for the first six weeks, then £187.18 a week after that. If the mother was to choose to end her maternity leave before the six weeks were up she would then go on to SPL/ShPP, which in her case would be £187.18 a week. In this case, the couple would be financially better off if she stayed on

SMP for the first six weeks and took the SPL/ShPP any time from the seventh week onwards.

Will my employer allow me to take Shared Parental Leave?

Provided you meet the eligibility criteria, you have the right to request Shared Parental Leave from your employer, provided you meet the qualifying requirements. As long as you have given the correct notice and documentation, your employer will be required to comply with this request. Employers cannot refuse a request for a continuous period of Shared Parental Leave, but they can refuse a request for periods of discontinuous leave. If this happens it may then be necessary to submit separate requests for each block of leave and give the required notice for each request.

When do I have to give notice and agree periods of leave with my employer?

The mother is required to give at least 8 weeks' notice that she wishes to end her maternity leave and pay before the date she intends to start the Shared Parental Leave. You can decide to opt into Shared Parental Leave during maternity leave. Your partner is also required to give their employer at least 8 weeks' notice of the date they intend to start their leave. Your partner can start SPL/ShPP while you are still on maternity or adoption leave as long as you have given your notice to end your maternity leave. This is known as your 'Binding Notice'.

Example: A mother gives Binding Notice in week 10 to end her Maternity Leave. Her partner could then start to take SPL/ShPP from this point, as long as they have given at least 8 weeks' notice to their employer.

Working during Shared Parental Leave

You and your partner will be allowed to work up to 20 days each during your Shared Parental Leave periods without this affecting your entitlement to Statutory Shared Parental Pay (ShPP). These 20 days are known as 'SPLIT' (Shared Parental Leave In Touch) days and do not have to be consecutive, but if you work for only part of a day it still counts as a full day of work. If you do any work in excess of the 20 days this may affect your entitlement to Shared Parental Pay and also your continued entitlement to Shared Parental Leave.

In addition, the mother can also work up to 10 days, known as Keeping in Touch (KIT) days during her maternity leave period before going on to Shared Parental Leave without this affecting her entitlement to SMP or ShPP.

How does this affect Statutory Paternity Leave and Pay?

Statutory Paid Paternity Leave of two weeks is paid at a rate of £187.18 per week, and will continue to be available to fathers, and a mother's or adopter's partner. Additional Paternity Leave is no longer available as it has been replaced by Shared Parental Leave. Paternity leave must be taken within the first 8 weeks of birth in Northern Ireland or within the first 52 weeks of the birth in Great Britain, or of the due date if the baby is early.

For further information or advice on Shared Parental Leave and Pay, work-life balance and workplace legislation affecting parents, please contact our Family Benefits Advice Service on fbas@employersforchildcare.