

Employee Factsheet – SHARED PARENTAL LEAVE

What is Shared Parental Leave?

Shared parental leave is a form of leave which enables eligible working parents to share paid time off in the first year after their child is born. Shared parental leave enables mothers/adopters to decide to end their maternity leave/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave, and opt in to shared parental leave and pay at a later date. The parents may be able to take this leave at the same time as each other or at different times.

What is the duration of Shared Parental Leave?

The maximum amount of leave that can be shared between parents is 50 weeks. Mothers must take a minimum of two weeks of maternity leave after the birth. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth. Similarly an adopter cannot take shared parental leave until two weeks of adoption leave have passed. Shared parental leave must be taken in blocks of at least one week. Employees can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave.

Who is eligible for shared parental leave?

To take shared parental leave, both parents must meet certain eligibility criteria.

Both must:

- have parental responsibility; shared parental leave can be taken by the parents of a child following birth or adoption. Both must share the main responsibility for the care of the child at the date of the birth/placement for adoption, and they must be the mother/adopter of the child and the partner
- comply with the relevant shared parental leave notice and evidence requirements (see below)

Mother's/Adopter's eligibility:

- have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth/matching date
- must be entitled to statutory maternity leave/adoption leave but have brought that leave to an end
- must still be working for the company at the start of each period of shared parental leave
- the partner must pass the employment and earnings test i.e. have worked whether employed or self-employed for any part of a week in at least 26 weeks in the 66 weeks leading up to the child's expected due date/matching date and have earned an average sum of at least £30 a week in any 13 of those 26 weeks.

Partner's eligibility:

- have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth/matching date
- must still be working for the company at the start of each period of shared parental leave
- the mother/adopter must be entitled to statutory maternity leave/adoption leave, statutory maternity pay or allowance/statutory adoption pay, and must have ended or given notice to reduce that entitlement

What do I get paid whilst on Shared Parental Leave?

Qualifying employees are entitled to share up to 37 weeks' Shared Parental Pay (ShPP) where the mother has given birth (and consequently must take two weeks' compulsory maternity leave herself by

law), or up to 39 weeks' ShPP in adoption. In both circumstances, the number of weeks available to share will depend on the amount by which the mother/adopter reduces the maternity/adoption pay period or maternity allowance period. ShPP is currently £151.20 per week (April 2020)

How do I request shared parental leave and what are the notice requirements?

Notice to end maternity leave:

The mother/adopter must give eight weeks' notice to end the entitlement to maternity/adoption leave early, and opt in to shared parental leave. Notice can be given before or after the birth/placement but must be in writing and state the date maternity/adoption leave is to end. If it is given after the birth, the notice is binding and can only be revoked in limited circumstances. If notice is given before the birth, the mother is able to revoke the notice up to six weeks after the birth.

Notice of entitlement and intention to take shared parental leave:

If parents wish to take shared parental leave they must submit a 'notice of entitlement' to their own employer at least eight weeks before the start of the first period of shared parental leave together with a non-binding intention to take leave. This notice should be in writing and submitted to your manager. For further details of what information is required to be submitted in a 'notice of entitlement' please refer to ACAS <https://www.acas.org.uk/shared-parental-leave-and-pay>

Period of leave notice:

Parents must also provide a written 'period of leave' notice by giving the start and end dates of the periods of leave requested.

- The notice must be given at least eight weeks prior to the requested start date.
- The notice can be given at the same time as the notice of entitlement referred to above, or can be given later.
- The notice can request one or more periods of leave.
- If the notice has been given before the child is born then the start date may be expressed as a number of days from the date the child is born. Only three periods of leave notice in total can be given by each parent, including requests to vary a period of leave that has already been arranged.

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Can I make a change to my shared parental leave period?

Once a period of leave has been agreed, if you wish to make amendments you must send written notice to vary the leave to your manager at least eight weeks before the date to be varied and the new date.

How can I keep in touch with the company during shared parental leave?

You can agree to work for the company for up to 20 days during shared parental leave (SPLIT days). Any work undertaken and the payment for any work undertaken on SPLIT days is to be agreed between the employee and the company.

Can I return to work after shared parental leave?

When returning to work after a period of shared parental leave, you will normally be entitled to return to the same position held before starting this leave. However, if your shared parental leave and any maternity/paternity leave or adoption leave taken adds up to more than 26 weeks in total (consecutively or not) or shared parental leave was taken consecutively with more than four weeks of parental leave and it is not reasonably practicable for you to return to the same role, the company may provide alternative work on terms and conditions no less favourable than those that would have applied prior to leave. If you wish to change your hours or other working arrangements on return from shared parental leave, please complete a Flexible Working Request Form.