



## Shared Parental Leave: HR guide

### Description

## Introduction

**Shared Parental Leave** and **Statutory Shared Parental Pay** were introduced back in 2014. The purpose of bringing in the new leave was to give parents more flexibility in the way that leave is taken in the first year after the birth of the child or the adoption.

### How does Shared Parental Leave work?

Subject to eligibility requirements, parents are able to share up to 50 weeks of leave and up to 37 weeks of pay (other than the compulsory leave period or an equivalent two week period in adoption cases).

Parents must share the pay and leave in the first year after the child is born or placed with the parents for adoption. It is possible to take the leave all at once or take it in up to three blocks. Parents can decide to be off work together or stagger their leave and pay.



## Who is able to apply for Shared Parental Leave?

To be eligible for **Shared Parental Leave** for one or both of the parents, the mother/adopter must:

- a) have a partner; and
- b) be entitled to maternity/adoption leave and statutory maternity/adoption pay or maternity allowance (if not entitled to maternity/adoption leave); and
- c) have returned to work or curtailed their maternity/adoption leave or when not entitled to leave, curtailed their maternity or adoption pay or maternity allowance period.

A parent who intends to take **Shared Parental Leave** must:

- a) be an employee;
- b) share the responsibility with the child with the other parent; and
- c) have given proper notice to their employer.

In addition:

the parent wishing to take **Shared Parental Leave** must have been continuously employed by the same employer for at least 26 weeks by the end of the 15th week before the due date/matching and still be with the same employer when they take the leave; and

the partner must have been working for at least 26 weeks (although this does not have to be in a row) in the 66 weeks before the baby's due date/matching and have earned at least £390 in total across any 13 of the 66 weeks.



## Notice

The mother or adopter must have given curtailment notice at least 8 weeks before the date on which the mother or adopter wishes their leave or pay entitlement to end (which cannot be before the end of the compulsory maternity leave period or the equivalent first two week adoption period).

A parent who is an employee and is participating in the **Shared Parental Leave** scheme must give their employer notice of entitlement and intention to take **Shared Parental Leave**. The notice must be given at least 8 weeks before the first intended period of **Shared Parental Leave** and needs to include a declaration by the other parent who is participating in the **Shared Parental Leave** scheme that they consent to the proposal. The mother or adopter giving the notice/declaration should give the notice at the same time as the curtailment notice. The entitlement and intention to take **Shared Parental Leave** notice should indicate the beginning and end dates of each period of leave, but is non-binding.

The employee must also finalise their **Shared Parental Leave** period(s) by giving notice at least 8 weeks before the start of the leave. The notice may be served at the same time as the notice of curtailment and notice of entitlement – but it does not have to be served then.

An employer cannot refuse a request for continuous leave.

However, where separate leave periods are requested the employer has two weeks to accept the request, suggest alternative periods or refuse the discontinuous leave notification. If the employer refuses the request, the employee may choose to take the leave periods requested as one block of continuous leave or withdraw the request. An employee is able to serve up to three notices.



## Statutory Shared Parental Pay

**Statutory Shared Parental Pay** is paid out at the rate of £184.03 per week or 90% of average weekly earnings, whichever is the lowest. The parent wishing to take **Shared Parental Leave** must have the requisite continuous employment and have earned at least an average salary of £120 per week for the eight week period prior to the fifteenth week before the due birth date or matching date. The partner must satisfy the partner earnings test (see above).

This guide is intended for guidance only and should not be relied upon for specific advice.

If you need any advice on **Shared Parental Leave** or have other employment law queries please do not hesitate to [contact](#) me on [020 37971264](tel:02037971264).