

Shared Parental Leave

Your rights



Overview

Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) enable parents, partners and adopters to choose how to share time off work after their child is born or placed for adoption.

What are Shared Parental Leave and Shared Parental Pay?

SPL and ShPP are designed to give parents more flexibility in sharing the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can be off work at the same time and/or take it in turns to have periods of leave to look after the child.

What are the basic rights?

Parents or adopters of a baby born or placed for adoption on or after 5 April 2015 may be eligible to take SPL. SPL can be used to take leave in block separated by periods of work instead of taking it all in one go.

To start SPL or ShPP the mother must end her maternity leave or her Maternity Allowance or maternity pay. If the mother does not get maternity leave (but she ends her Maternity Allowance or pay early) her partner might still get SPL. A mother cannot return to work before the end of the compulsory two weeks of maternity leave following the birth so SPL can be a maximum of 50 weeks and ShPP a maximum of 37 weeks. SPL and ShPP can be shared between you and your partner if you are both eligible.

For example, if a mother and her partner are both eligible for SPL and ShPP and the mother ends her maternity leave and pay after 12 weeks, this will leave 40 weeks available for SPL and 27 weeks available for ShPP and the parents can choose how to split this.

When can Shared Parental Leave and Shared Parental Pay start?

SPL or ShPP can only start once the child has been born or placed for adoption. The mother (or the person getting adoption leave or pay) must do one of the following:

- end any maternity or adoption leave by returning to work
- give their employer 'binding notice' (a decision that cannot normally be changed) of the date when they plan to end any maternity or adoption leave
- end any maternity pay, Maternity Allowance or adoption pay

If they do not get maternity or adoption leave (for example because they are an agency worker or self-employed person) they must still end any pay. The mother or adopter must give at least eight weeks' notice to their employer (for maternity or adoption pay) or the Jobcentre Plus (for Maternity Allowance) if they have not returned to work.

You can start SPL or ShPP while your partner is still on maternity or adoption leave and pay as long as they have given binding notice to end it.

For example, a mother and her partner are both eligible for SPL and the mother goes on maternity leave two weeks before the baby is born. She gives notice to her employer that she will take 16 weeks of maternity leave. As the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as her partner has given at least eight weeks' notice to their employer).

How much pay you will receive

ShPP is paid at the lower of either £148.68 a week (as at April 2019) or 90% of your average weekly earnings. 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).

For example, a woman decides to start her maternity leave four weeks before her due date. She gives notice that she will start SPL from 10 weeks after the birth (taking a total of 14 weeks maternity leave). She usually earns £200 a week. She is paid £180 (90% of her average weekly earnings) as SMP

Contact us:

Telephone: 0800 916 9015

Email: enquiries@slaterguson.co.uk

Website: slaterguson.co.uk

**Slater
Gordon**
Lawyers

Shared Parental Leave

for the first six weeks of maternity leave, then £148.68 a week for the next eight weeks. Once she goes on SPL, she will be paid £148.68 a week.

Applying For Shared Parental Leave and Shared Parental Pay

Notice must be given to your employer in writing if you want to start SPL or ShPP. Notice can be given for both at the same time if you are eligible for both. Notice can be given using forms created by Acas (Advisory, Conciliation and Arbitration Service) which are on their website at the following link - <http://www.acas.org.uk/index.aspx?articleid=4911>. Your partner must apply to their own employer if they also want SPL or ShPP.

Booking leave in blocks

You can book up to three separate blocks of SPL instead of taking it all in one go, even if you are not sharing the leave with your partner. If your partner is also eligible for SPL, you can each take up to three blocks of leave. The leave can be taken at different times or at the same time as each other.

You must tell your employer about your plans for the leave when you apply for SPL. You can change these plans later but you must give your employer at least eight weeks' notice before you want to begin a block of leave. You can split blocks of leave into shorter periods of (at least) a week, if the employer agrees.

For example, a mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL and shares it with her partner, who is also eligible. They both take the whole of November as their first blocks of SPL. Following this both return to work. The mother

gives her employer notice that she will go on leave again in February which is her second block of SPL. Her employer agrees to a work pattern of two weeks on, two weeks off during the block.

Shared Parental Leave in touch (SPLIT) days

You or your partner can each work up to 20 days while you are taking SPL. These days are called 'Shared Parental Leave in touch' (or SPLIT) days. The SPLIT days are in addition to the ten 'keeping in touch' (or KIT) days available to individuals on maternity or adoption leave. SPLIT and KIT days are both optional and must be agreed by you and your employer.

Calculating your Shared Parental Leave and Shared Parental Pay

You can find out if you can take SPL and how much ShPP you can get if you take leave using the government website at - <https://www.gov.uk/pay-leave-for-parents>.

Enhanced and/or additional rights

You may wish to check your employer's policies as they may offer enhanced Shared Parental Pay and/or additional rights.

Parents will be able to share a pot of leave, and can be off work at the same time and/or take it in turns to have periods of leave to look after the child.



Contact us:
Telephone: 0800 916 9015
Email: enquiries@slatergordon.co.uk
Website: slatergordon.co.uk

**Slater
Gordon**
Lawyers