

# **SHARED PARENTAL LEAVE AND PAY**

## **How does shared parental leave and pay work?**

It allows mothers and primary adopters to share their maternity or adoption leave and pay with their partner. The mother or the primary adopter can choose to cut short their maternity or adoption leave and pay, and share the rest of this period with their partner

## How long does Shared Parental Leave last?

Up to 50 weeks. It can start after the two weeks of compulsory maternity or adoption leave.

### **TIP:**

**SPL can only last up to 48 weeks where your partner has given birth and works in a factory, because she must take four (rather than two) weeks of compulsory maternity leave.**

### **TIP:**

**You and your partner can be off on shared parental leave at the same time – you do not have to take turns.**

## Does Shared Parental Leave have to be taken in one block?

No. Each parent can serve up to three notices to take SPL, so this could break the SPL period into a maximum of 6 periods in total.



## How much will I be paid, and for how long?

Statutory Shared Parental Pay (ShPP) can last for up to 37 weeks.

The rate of ShPP is the same as the rate of Statutory Maternity Pay/ Statutory Adoption Pay \*. This is at a flat rate per week set annually by the government, or 90% of average earnings if lower.

\* (except that for Statutory Maternity Pay, the mother is entitled to 90% of her wages for the first 6 weeks, even if this is higher than the flat rate)

### **TIP:**

**Your employer might provide for more than the statutory rate.  
Check your employment contract or handbook.**

# How do I qualify for shared parental leave and pay?

If **BOTH** parents want to share the leave and pay they both must:

1. be employees
2. earn on average the minimum rate set by the government
3. share responsibility for the child
4. have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date, or of the week of being matched with the child for adoption
5. stay with the same (their own) employer while taking SPL

## **TIP:**

**You can check whether you're entitled by using the government's eligibility checker: <https://www.gov.uk/shared-parental-leave-and-pay>**



If **ONLY ONE** parent wants to take the leave and pay, that parent must meet requirements 1 to 5 above, **AND** the other parent must:

- ➔ have been working for at least 26 weeks (not necessarily in a row) during the 66 weeks before the baby's due date/the week the child is placed with you; and
- ➔ have earned a minimum amount set by the government across any 13 of the 66 weeks

## How do we tell our employers that we want to take shared parental leave?

You should fill in the forms created by ACAS for this purpose (there will always be at least 2 forms to fill in):

- ➔ FORM 1: notice to mother/primary adopter's employer to bring maternity/adoption leave to an end. You must give at least 8 weeks' notice of this.
- ➔ FORM 2: notice to mother/primary adopter's employer that mother/primary adopter wishes to take SPL
- ➔ FORM 3: notice to mother/primary adopter's employer that partner will take SPL but mother/primary adopter will not
- ➔ FORM 4: notice to partner's employer that partner wishes to take SPL

You can get the forms on this website:

<https://www.acas.org.uk/shared-parental-leave-forms>

# Can my employer refuse shared parental leave/pay?

If you meet the qualification requirements set out above, and you inform your employer as required, your employer **MUST** agree to your request if you only ask for one continuous block of leave.

However, if you ask for more than one block of leave, your employer is allowed to say no if they think you coming in and out of the workplace will cause disruption.

If you think your request has been unreasonably refused, you may wish to raise a grievance (see our grievance factsheet).

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