

Shared Parental Leave & Pay

1. Overview

Employees may be entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if:

- their baby is due on or after 5 April 2015
- they adopt a child on or after 5 April 2015

Employees can start SPL if they're eligible and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

Employees can take SPL in up to 3 separate blocks. They can also share the leave with their partner if they're also eligible. Parents can choose how much of the SPL each of them will take.

Example A mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

- SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).
- SPL and ShPP are only available in England, Scotland and Wales.

2. Eligibility

Shared Parental Leave

To qualify for SPL, the child's mother (or adoptive parent) must be eligible for either:

- maternity leave or pay
- maternity allowance
- adoption leave or pay

Your employee must also:

- have worked for you continuously for at least 26 weeks by the end of the 15th week before the due date (or date they are matched with their adopted child)
- still be employed by you while they take SPL
- give you the correct notice including a declaration that their partner meets the employment and income requirements which allow your employee to get SPL

Statutory Shared Parental Pay

Your employee can get ShPP if one of the following applies:

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

Refusing SPL or ShPP

- You can refuse SPL or ShPP if the employee doesn't qualify.
- You must tell the employee the reason if you refuse ShPP. You don't have to give a reason for refusing SPL.

3. Entitlement

If an employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then they can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as SPL.
- take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as ShPP.

ShPP is paid at the rate of £138.18 a week or 90% of an employee's average weekly earnings, whichever is lower.

Note: Useful guides may be found here:-

www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview

www.acas.org.uk/media/pdf/r/q/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf