



# Shared Parental Leave and Pay

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## 1. Overview

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

- your baby is due on or after 5 April 2015
- you adopt a child on or after 5 April 2015

Until 4 April 2015 fathers may get [Additional Paternity Leave and Pay](#) instead.

SPL and ShPP must be taken between the baby's birth and first birthday (or within 1 year of adoption).

You can [start SPL](#) if you're [eligible](#) and you or your partner end maternity or adoption leave or pay (or Maternity Allowance) early. The remaining leave will be available as SPL. The remaining weeks of pay will be available as ShPP.

You can share the leave with your partner if they're also eligible for SPL, and choose how much of the leave each of you will take.

**Example** A mother and her partner are both eligible for SPL. The mother ends her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for SPL. She takes 30 weeks and her partner takes the other 10 weeks.

SPL also lets you suggest a flexible pattern of leave to your employer. You have the right to take SPL in up to 3 separate [blocks](#) but your employer can agree to more. They can also let you split each block into several shorter periods of work and leave.

SPL and ShPP are only available in England, Scotland and Wales.

## 2. Eligibility

Sometimes only one parent in a couple is eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave between them.

If you're eligible then you can use SPL to book your leave in separate blocks even if your partner can't share it.

### Shared Parental Leave

To qualify for Shared Parental Leave (SPL), you must share care of the child with either:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for [maternity pay or leave](#) or [Maternity Allowance](#) or [adoption pay or leave](#).

You must also:

- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- be employed by the same employer while you take SPL

## Your partner's eligibility

During the 66 weeks before the baby is due your partner must:

- have been working for at least 26 weeks (which can be discontinuous) - they can be employed, self-employed or an agency worker
- have earned at least £30 a week on average in 13 of the 66 weeks

## Statutory Shared Parental Pay

You will also qualify for ShPP if one of the following applies:

- you qualify for [Statutory Maternity Pay](#)
- you qualify for [Statutory Paternity Pay](#) and have a partner who qualifies for Statutory Maternity Pay or [Maternity Allowance](#) or [Statutory Adoption Pay](#)

## 3. What you'll get

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If you're [eligible](#) and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

**!** The mother must take a minimum of 2 weeks' maternity leave following the birth (4 if she works in a factory).

## How much pay you'll get

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

This is the same as [Statutory Maternity Pay \(SMP\)](#) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

**Example** A woman decides to start her maternity leave 11 weeks before the due date and gives notice that she'll take SPL from 2 weeks after the birth (taking a total of 13 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks, then £138.18 a week for the next 7 weeks. Once she goes onto SPL, she's still paid £138.18 a week.

## 4. Starting Shared Parental Leave

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You or your partner can only start Shared Parental Leave (SPL) once the child has been born or adopted. The mother or adopter must have either:

- ended any maternity or adoption leave by returning to work
- given 'binding notice' (a decision that can't normally be changed) to their employer of the date when they plan to end any maternity or adoption leave
- ended maternity pay or Maternity Allowance (if they're not entitled to maternity leave, eg they're an agency worker or self-employed)

**!** The mother or adopter must give notice to their employer (at least 8 weeks) to end maternity or adoption pay, or to Jobcentre Plus to end Maternity Allowance.

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

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 if she works in a factory).

**Example** A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

### What you must do

You must give your employer written notice of your entitlement to SPL and ShPP, including:

- your partner's name
- start and end dates for maternity or adoption leave and pay
- the total amount of SPL and ShPP available and how much you and your partner intend to take
- confirmation that you're sharing childcare responsibility with your partner

You must also include a signed declaration from your partner stating:

- their name, address and National Insurance number
- that they satisfy the [qualifying requirements](#) for SPL and ShPP
- that they agree to you taking SPL and ShPP

After receiving this notice, your employer has 14 days if they want to ask for:

- a copy of the child's birth certificate
- the name and address of your partner's employer

**!** You must provide this information within 14 days.

### Notice period

You must give at least 8 weeks' notice of any leave you wish to take.

If the child is born more than 8 weeks early, this notice period can be shorter.

You have the right to book a maximum of 3 separate [blocks of leave](#), although your employer can agree to more.

### Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

### Shared parental leave in touch (SPLIT) days

You and your partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days.

These days are in addition to the 10 ['keeping in touch'](#) (or KIT) days already available to those on maternity or adoption leave.

Keeping in touch days are optional - both you and your employer must agree to them.

## 5. Blocks of leave

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You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you aren't sharing the leave with your partner.

If your partner is eligible for SPL, you can take leave at different times - or both at the same time.

**!** You must give your employer at least 8 weeks' notice before you want to begin a block of leave.

### Splitting blocks

If your employer agrees, you can split blocks into shorter periods of at least a week.

#### Example

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December to cover the busy Christmas period. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.