



## Shared Parental Leave and Pay: employer guide

NOTES

### 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

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

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

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

If your employee is eligible then they can use SPL to book their leave in [separate blocks](#).

#### 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](#)
- 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 Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

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

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

### 4. Starting Shared Parental Leave

For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:

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

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).

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

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if she's given binding notice to end her leave (or pay if she's not entitled to leave). This is different to [Additional Paternity Pay and Leave](#).

**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 you notice.

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 the employee must do

The employee must give you written notice of their entitlement to SPL and ShPP, including:

- their partner's name
- maternity leave start and end dates
- the total amount of SPL and ShPP available and how much they and their partner intend to take
- that they're sharing childcare responsibility with their partner

It must also include a signed declaration from the partner stating:

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

After receiving this notice, you can ask for:

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

**!** You have 14 days to ask for this information. Your employee then has a further 14 days to provide it.

### Notice period

An employee must give at least 8 weeks' notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

Your employee has a statutory right to a maximum of 3 separate [blocks of leave](#), although you can allow more if you wish.

### 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:

- it's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee's partner has died
- it's less than 6 weeks after the birth (and the mother gave notice before the birth)

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

Your employee can work up to 20 days during SPL without bringing it to an end. 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 employee must agree to them.

## 5. Blocks of leave

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An employee taking Shared Parental Leave (SPL) can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they aren't sharing the leave with their partner.

If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

The employee must give you at least 8 weeks' notice before a block of leave begins.

### Splitting blocks

If you agree, the employee can split a block of leave into shorter periods of at least a week. For example they could work every other week during a 12-week block, using a total of 6 weeks of their SPL.

You can't turn down a request for a block of leave if the employee is eligible and gives you the right notice. You don't have to agree to the employee breaking the block of leave into shorter periods.

## 6. Record keeping

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You must keep records for HM Revenue and Customs (HMRC), including:

- the evidence provided by the employee to show that they're eligible for ShPP
- the date ShPP began
- your ShPP payments (including dates)
- the ShPP you've reclaimed
- any weeks you didn't pay and why

**!** You must keep records for at least 3 years from the end of the tax year they relate to.