Shared Parental Leave and Pay

Shared Parental Leave (SPL) gives more choice in how 2 parents can care for their child.

Eligible parents who are sharing responsibility for a child can get SPL in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

1. How much Shared Parental Leave a parent can get

Eligible parents can get:

- up to 50 weeks of SPL
- up to 37 weeks of Shared Parental Pay (ShPP)

How much SPL or ShPP eligible parents get depends on how much:

- maternity entitlement the birth parent has taken
- adoption entitlement the primary adopter has taken

It’s the same amount even if the parents have more than one:

- baby, for example twins
- child in the same adoption placement

If the birth parent or primary adopter is not entitled to maternity or adoption leave

They will not be eligible to take SPL themselves, but if they’re getting maternity pay, adoption pay or Maternity Allowance, they can end (‘curtail’) this to create SPL or ShPP for the other parent.

Ways parents can use Shared Parental Leave

Ways eligible parents could use SPL include:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes SPL at a later date
- the birth parent or primary adopter returns to work and their partner takes SPL
- both parents are off at the same time
- both parents share SPL evenly and are off at different times
- both parents return to work at the same time and take SPL at a later date

To get Shared Parental Leave (SPL), there must be 2 parents sharing responsibility for a child.
For either parent to get SPL, the birth parent or primary adopter must do one of the following:

- end their maternity or adoption leave and return to work
- give their employer notice to end (‘curtail’) their maternity or adoption leave early

The birth parent must still take at least 2 weeks’ maternity leave (4 weeks if they work in a factory), by law.

The parent who is to take SPL must:

- be sharing responsibility with the other parent from the day of the child’s birth or adoption placement
- be legally classed as an employee
- pass the ‘continuity of employment test’ and their partner must pass the ‘employment and earnings test’

They then have to give their employer notice of SPL entitlement.

Check if you’re eligible for Shared Parental Leave on GOV.UK.

2. Continuity of employment test

The parent who is to take SPL must:

- have worked for the same employer for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date
- still be working for the same employer a week before the start of each block of leave they take

**Employment and earnings test**

Up to the expected birth date or adoption match date, the other parent must have:

- worked for at least 26 of 66 weeks
- earned an average of at least £30 a week in any 13 weeks

**Example**

Sam and Ali are adopting a child and want to use SPL.

Sam has been an employee at a company for 2 years and passes the continuity of employment and employment and earnings tests.

Ali does not pass the continuity of employment test so cannot take SPL. But because Ali passes the employment and earnings test, Sam can take SPL.

If both parents are eligible, they can choose how to use SPL between them.

**Workers who are not eligible for Shared Parental Leave**

Workers, including agency, contract and zero-hours workers, are not entitled to SPL but might be able to get Shared Parental Pay.

**If the parent stops having responsibility for the child**
If the employee taking SPL stops sharing responsibility for the child, they must tell their employer straight away.

Their entitlement to SPL or ShPP will end and their employer can require them to return to work.

If it’s not practical for the employer to have the employee back at work straight away, they can still be required to be off for any SPL they had booked for up to 8 weeks.

For example, if the employer has arranged for someone else to cover the employee’s work. In this case, the employee might still have to take that time off as SPL, but will not get ShPP.

The employee’s protection under the law

During SPL, the employee is still entitled to all of the terms and conditions of their employment contract. This is except for the employee’s usual salary and other payments (‘remuneration’), as they’ll be on ShPP.

It’s against the law for an employer to treat an employee unfairly because they’ve taken or intend to take SPL.

Find out how to raise a problem at work.

Related content
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Employees and workers can claim statutory Shared Parental Pay (ShPP) for any remaining weeks after the birth parent or primary adopter stops their:

- maternity pay
- adoption pay
- Maternity Allowance

For example, if a mother stops their maternity pay after 30 weeks, they or their partner could get ShPP for the remaining 9 weeks.

To do this, the employee or worker must tell their employer in writing.

How much Shared Parental Pay is

Statutory Shared Parental Pay (ShPP) is either of the following, whichever is lower:

- £156.66 a week
- 90% of the employee’s average weekly earnings

The rate is usually reviewed every year.

To work out how much ShPP you’re entitled to, you can use the Shared Parental Leave and Pay planning tool on GOV.UK.

Checking eligibility for Shared Parental Pay

To get Statutory Shared Parental Pay (ShPP), the parent must:

- pass the continuity of employment test
- earn at least £123 a week, for 8 weeks before the 15th week of the expected birth or adoption match date
The other parent must meet the employment and earnings test.

Workers, for example agency or zero-hours workers, can be eligible for ShPP if they meet the above criteria. They’re not usually entitled to SPL, but can take time off to care for the child.

Check if you’re eligible for Shared Parental Pay on GOV.UK

Enhanced Shared Parental Leave and Pay

Some employers might offer more than the statutory minimum for SPL.

For example, SPL with 26 weeks’ full pay followed by 13 weeks’ ShPP.

This should be in the employee’s written terms or written in a workplace policy document.

Related content
/checking-your-employment-rights

Parents eligible for Shared Parental Leave (SPL) can decide how they want to use the leave and pay available to them.

It can help to consider:

- dates they definitely need off
- any work projects or events coming up
- childcare options and availability
- how their work will be covered while they’re off

It’s a good idea for each parent who plans to take SPL to talk informally with their employer as soon as possible about how and when they’ll take SPL. This can help the employer plan how they’ll put cover in place.

Example
Toni and Sam have had a baby. Toni earns more than Sam and wants to return to work after 2 months. Toni reduces the length of maternity leave to create an SPL entitlement for Sam.

This allows Sam to take more time off after paternity leave to care for their child when Toni goes back to work.

4. Plan your Shared Parental Leave

To work out how and when you can take Shared Parental Leave, use the Shared Parental Leave and Pay planning tool on GOV.UK.

Shared Parental Leave templates

Download and use Shared Parental Leave:

- forms and templates for parents
- templates for employers
Step 1: Ending maternity or adoption entitlement

The birth parent or primary adopter must give their employer notice to end their maternity or adoption leave (‘notice of curtailment’) to create an entitlement to SPL.

This could be for a date in the future, which will allow the other parent to take SPL while the birth parent or primary adopter is on maternity or adoption leave.

If the parents change their mind

The birth parent or primary adopter cannot restart maternity or adoption leave once they’ve returned to work.

If they’ve given a notice of curtailment, they cannot cancel (‘revoke’) it, unless:

- the notice was given before birth, it can be revoked up to 6 weeks after the birth or adoption placement start date
- the other parent dies
- it turns out neither parent was entitled to SPL or ShPP

Step 2: Giving notice of entitlement to Shared Parental Leave

To create an entitlement to SPL, the parent must give their employer a ‘notice of entitlement’.

The notice of entitlement form includes information such as:

- how much maternity or adoption entitlement has been used
- how much leave and pay is left over from the maternity or adoption entitlement
- how much leave each parent wants to take
- when they want to take the leave
- the signature of both parents

The parent must also provide a declaration from the other parent that confirms at the time of the birth or adoption placement they:

- share responsibility for the care of the child
- meet the employment and earnings test
- agree to the amount of SPL and ShPP given to the employee

When the employer receives notice of entitlement for SPL, they should:

- tell the employee they have received the notice
- take the notice of entitlement as suitable proof

Step 3: Taking the leave

When arranging SPL, the employee must:

- give their employer 8 weeks’ notice each time they want to take leave
- take their SPL in blocks of weeks, but it can start on any day, for example if the first day of a week's leave is Tuesday, the last day of leave would be the next Monday
By law, each eligible employee has up to 3 notices they can give their employer to:

- take continuous leave – a full block of time off work
- take discontinuous leave – where blocks of time off work are mixed with time back at work
- change the dates of any booked leave

Employers can agree to more notices if they want to.

**Continuous leave**

Employees can use up to 3 notices to take continuous leave, depending on how they want to use it.

They do not have to give separate notices, but it can help avoid confusing continuous and discontinuous leave.

Employers cannot refuse notice to take continuous leave.

**Example**

Alex and their partner Jo decide to take 20 weeks of SPL each.

Jo gives their employer 1 notice to take all 20 weeks of their leave in 1 block.

Alex wants to take 3 blocks of certain dates off work over the year. To make sure they get the dates they want, they give their employer 3 continuous leave notices.

They give 1 notice to take 10 weeks of leave from 1 January to 11 March. And then a second notice to take 5 weeks from 1 May to 4 June. They give their third notice to take 5 weeks from 1 August to 4 September.

This makes clear to the employer that Alex’s notices are for continuous leave and cannot be refused.

**Discontinuous leave**

Discontinuous leave can be useful for employees who do not want to take too much time off work in one go.

Employers can refuse notice to take discontinuous leave, for example if it's not suitable for the workplace. They could suggest a different arrangement that's more suitable.

Before deciding on this type of leave, the employee and employer should talk about it first and make sure it will work for both.

**Example**

Bo has 20 weeks of SPL. They have some important projects coming up at work so they agree with their partner to take discontinuous leave.
They give their employer 1 notice to take discontinuous leave. They request to alternate taking 2 weeks off, 2 weeks at work until they’ve used the 20 weeks’ entitlement.

The employer agrees to this arrangement as it keeps Bo up to date with the projects.

If an employer and employee do not agree on discontinuous leave dates

The employer and employee should come to an agreement within 14 calendar days of the employee’s notice to take leave.

If they do not reach an agreement, the employee can either:

- withdraw their notice
- take continuous leave instead

If an employee withdraws their notice on or before the 15th calendar day after they originally gave it, it does not count as 1 of their 3 notices to take or vary leave.

If an employee withdraws their notice 15 calendar days after they originally gave it, it counts as a notice to vary leave. This means they’ll have used 1 notice to take leave and 1 to vary it, so they have 1 notice left to take leave.

If an employee chooses not to withdraw their notice, it will become a block of continuous leave. The leave can start on either:

- the original leave date they gave (this is what it will default to)
- a new date they give their employer within 19 days of the original leave date – the new date must be at least 8 weeks after the original leave date

The employee should put the option they choose in writing to their employer.

Booking leave before the baby is born

As it’s not possible to know the exact date a baby will be born, a parent might want to book SPL based on a number of weeks after the baby is born.

For example, they could tell their employer they want to take 4 weeks of SPL after their maternity leave ends. That way, their employer will be aware the dates could move depending on when the baby is born.

Holiday entitlement

Holiday entitlement builds up as normal during SPL.

Some employees might want to take their holiday between blocks of SPL, so they can take more paid time off.

The employee should try to take their holiday entitlement within the workplace’s holiday year wherever possible. If it’s not possible, the employer might allow some holiday to be carried over.

It’s a good idea for the employer and employee to talk as early as possible to agree holiday plans.

Step 4: Changing the leave

It’s important to remember that each eligible parent has up to 3 times to either:
• change the dates of booked SPL (‘notice to vary leave’)
• book a block of SPL (‘notice to take leave’)

Each time the employee cancels or changes booked SPL, it counts as a notice to vary leave, unless the employer agrees otherwise.

To change (‘vary’) or cancel the dates of any SPL booked, the employee must give their employer:

• 8 weeks’ notice
• a ‘notice to vary leave’

The employer can ask the employee to change dates of booked SPL. If the employee agrees, this would not count as a notice to vary leave. The employee does not have to agree and must not be treated unfairly if they do not.

**If the baby is born early or prematurely**

If the baby is born more than 8 weeks’ early, the parent does not need to give the usual 8 weeks’ notice to book or change leave dates. The parent should give the necessary notices to their employer as soon as they can.

If they’re changing SPL dates already booked, it will not count as one of the employee’s 3 notices to vary SPL.

**Changing the amount each parent takes**

Parents who are both entitled to SPL can change the amount of leave each of them will take.

They must both agree and sign each other’s notices of entitlement with the updated amount of SPL they’re each entitled to.

They should tell their employers as soon as possible.

**If the child dies**

If the child dies, the parents can still take the SPL they’ve booked.

They can also either:

• decide to take less SPL
• change discontinuous leave into one block of continuous leave

The employer might ask for 8 weeks’ notice before the employee returns to work.

The employee cannot book any new blocks of SPL.

Parents cannot apply for SPL after the death of a child. The birth parent can still get maternity or adoption leave and the partner could still be eligible for statutory paternity leave.

**If a parent dies**

If a parent is eligible for SPL and the other parent dies, they can:
• still take SPL as planned
• transfer and use any SPL due to be taken by the parent who died

If they want to book another block of SPL or to change dates of booked SPL, they do not need to give 8 weeks’ notice but should tell the employer as soon as they can.

Even if they’ve already made 3 notices to book or change SPL, they can make one more.

Related content
/shared-parental-leave-forms
/shared-parental-leave-forms-and-templates-for-employers
/your-maternity-leave-pay-and-other-rights
/your-adoption-leave-pay-and-other-rights

It’s a good idea for the employer and employee to keep in contact when the employee is on Shared Parental Leave (SPL).

The employer still has legal obligations to the employee while they’re off and should let the employee know of any changes or job opportunities.

They should both agree before the employee goes on leave how and when they’ll stay in touch, for example they might decide to use keeping in touch days (‘SPLIT’ days).

5. Shared Parental Leave keeping in touch (SPLIT) days

The employee and employer can agree on up to 20 Shared Parental Leave keeping in touch (‘SPLIT’) days.

These work in a similar way to keeping in touch (‘KIT’) days with maternity leave.

SPLIT days can be useful for the employee to:

• keep up to date with work
• go to a work-related activity or training session
• work part of a week to help the team
• return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with

It’s up to the employer and employee to agree:

• whether to use SPLIT days
• how many of the 20 to use
• how much the employee will get paid for them

Pay for SPLIT days still needs to meet the National Minimum Wage.

If an employment contract ends

If a fixed-term contract was due to end anyway, the employer does not have to renew it. But the employer must not use the fact that a parent has taken or intends to take SPL for not continuing a contract.
When a contract ends, the parent’s SPL entitlement ends. This is even if they start working for another employer, because they’ll no longer meet the eligibility test. The other parent keeps their entitlement, if they had it.

If the contract ends while the employee is on SPL, they could still be entitled to ShPP.

Find more ShPP guidance and tools on GOV.UK.

**Redundancy**

There’s extra protection for employees being made redundant while they’re on Shared Parental Leave. It’s the same as when an employee is pregnant or on maternity leave.

See our guide to redundancy when an employee is pregnant or on maternity leave.

**Returning to work**

After Shared Parental Leave, the same rights and processes apply as returning to work after maternity leave.

Related content
/your-maternity-leave-pay-and-other-rights/returning-to-work-after-having-a-baby