

## 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

### 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
- the parents share SPL evenly and are off at different times

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 has to:

- 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](#).

## 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 at 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.](#)

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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.

## 3. How much Shared Parental Pay is

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

- £151.20 a week
- 90% of the employee's average weekly earnings

The rate is usually reviewed every year.

## 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 £120 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.

## 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.

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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. 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: Booking the leave

By law, each eligible parent has up to 3 times to either:

- book a block of SPL ('notice to take leave')
- change the dates of booked SPL ('notice to vary leave')

Employers can agree to more if they want to.

The employee must:

- give their employer 8 weeks' notice each time they want to book leave
- book 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

There are 2 ways to take SPL:

- 'continuous' leave
- 'discontinuous' leave

### Continuous leave

Continuous leave will be suitable for most parents and allows for up to 3 blocks of SPL.

The employer cannot refuse a continuous leave notice.

### Discontinuous leave

Discontinuous leave will be suitable when the parent wants to take blocks of SPL on and off throughout the year.

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

The employer can refuse a discontinuous leave request, for example if it's not suitable for the work or workplace. They can suggest a different arrangement that's more suitable.

The employer and employee should come to an agreement within 14 calendar days of the employee's request. If they do not reach agreement, the employee can either:

- withdraw their request
- take continuous leave instead

Withdrawing their request on or before the 15th calendar day after they originally made it will not count as one of their 3 notices to book or vary leave.

Withdrawing their request after the 15th calendar day will count as a notice to vary leave. This means the employee would be using 2 notices in total.

If the employee lets their discontinuous leave request become continuous leave, within 19 calendar days of their original request they can either:

- choose when the continuous leave will start (it cannot start sooner than 8 weeks from the date of the original leave request)
- let the continuous leave start when the discontinuous leave would have started

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 leave 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.

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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.

[Download our guide to redundancy when an employee is pregnant or on maternity leave](#) (PDF, 299KB, 13 pages).

## Returning to work

After Shared Parental Leave, the same rights and processes apply as [returning to work after maternity leave](#).

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