Taking Shared Parental Leave

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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