

# Shared Parental Leave

## The new regulations in a nutshell

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This guide assumes the reader has an understanding of the existing maternity leave rules. For more information, visit:

<https://www.gov.uk/government/topical-events/shared-parental-leave>

# WHAT IS SHARED PARENTAL LEAVE?

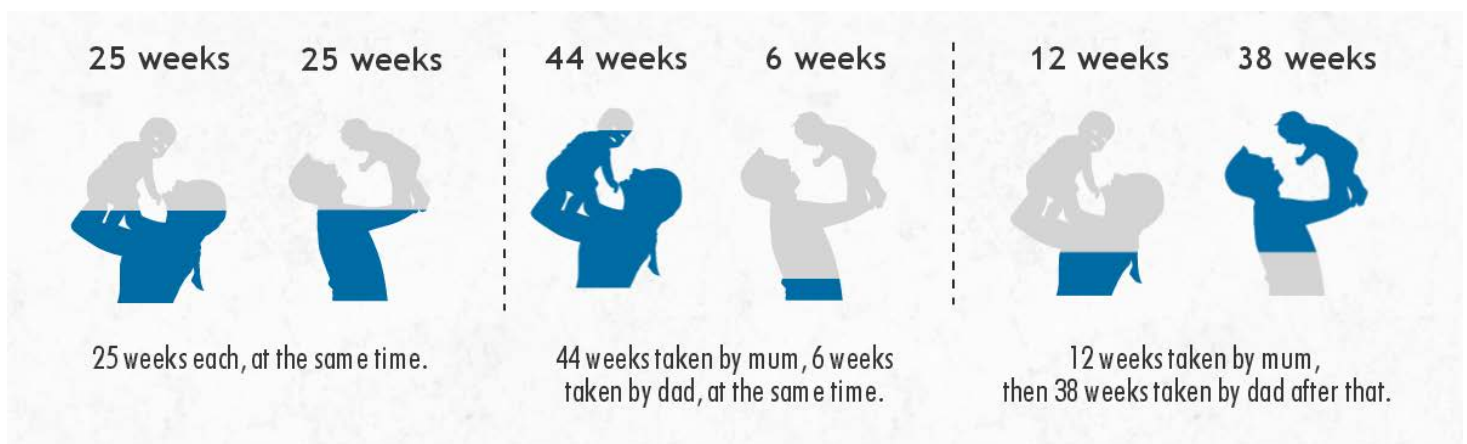
Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) are new ways for parents to share statutory leave and pay on the birth of a child.

- SPL and ShPP are available for working parents whose **baby is due on or after 5 April 2015**, or who adopt a child on or after that date.
- Statutory maternity leave and pay; ordinary paternity leave; adoption leave and pay; and unpaid parental leave, will continue as before and run alongside SPL.
- SPL must be **taken after the birth** of the child and **completed by the child's first birthday**. Any leave and pay not taken will be lost and **cannot be carried over**.
- Employees can return to work between periods of SPL: **it can be stopped and started**.
- Fathers can start SPL while the mother is still on maternity leave or both parents can be on SPL at the same time, so that it would be possible for both parents to be at home together for 25 weeks if they so wished. Or they could stagger their leave so that one parent is always at home during the first year.
- Mums can end their maternity leave after 2 weeks, and split up to 50 weeks, any way they like. For example:

baby due on or after 5 April 2015

must be taken after the birth and completed by the child's first birthday


Can be stopped and started



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## SHARED PARENTAL PAY

- ShPP is paid at the **flat rate throughout** (£139.58 per week from 5 April 2015) even if the mother ends her maternity pay period before taking all of her 6-week enhancement. She **cannot transfer the enhancement** to the father or her partner.
- There is no entitlement to enhanced pay unless the employer offers an occupational SPL/ShPP scheme.



paid at  
flat rate  
throughout

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## WHO IS ELIGIBLE?

- SPL is for couples rather than single parents.
- Couples must share the main responsibility for caring for the child at the date of the child's birth.



For  
couples  
only

**If the employee is the mother** they can opt into shared parental leave with the child's father (even if they don't live together); their spouse, their civil partner or their partner (someone who lives with the mother in an enduring family relationship).

**If the employee is the father or partner** they can opt into shared parental leave with the child's mother, their spouse, their civil partner or their partner.

**If the employee is an adopter** they can share with their spouse, civil partner or partner.

**If the employee is a Parental Order parent** they can share with the other Parental Order Parent.

## Who can't share?

The employee can only opt into shared parental leave and pay with the other parent. So they can't, for example, opt into SPL and ShPP with their own mother, father, grandfather, grandmother, uncle, aunt, niece, nephew, friend or neighbour.




Can only be  
shared with  
the other  
'parent'

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# THE MECHANICS

## Employees that want to take SPL must:


- Have the **main responsibility** for caring for the child (along with the other parent) **at date of child's birth**.
- Meet a **'continuity of employment test'** (26 weeks at 'qualifying week' and still be working for their employer at the start of the week on SPL).
- Have a **partner who meets an 'employment and earnings test'** (£30 a week in 13 weeks in 66 week test period).
- Give their employer the correct notice (normally 8 weeks).
- Provide additional information, if asked for by the employer.



Should give  
8 weeks'  
notice

## Booking notices

- Employees have up to **three 'booking notices' per parent** (more if the employer agrees to this).
- Booking notices can be used to **book up to three blocks of consecutive weeks** of leave.
- Employees can use a **single notice to request two or more periods of leave** (this is called a discontinuous leave request).



Up to three  
booking  
notices

## Acceptance by the employer

- When considering a booking notice for discontinuous leave, an employer can:
  - **agree,**
  - **suggest a different pattern/dates,** or
  - **refuse and require leave to be taken as consecutive weeks.**
- Notice to vary leave that is already booked **counts towards the cap of three notices.**
- Employees on SPL can take up to **20 Shared Parental Leave in Touch (SPLiT) days** (similar to maternity KiT days).



Up to 20  
'In Touch'  
days

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## QUESTIONS EMPLOYERS ARE ASKING

### ? How will I know that my employee is eligible?

They will tell you. This is a self-certifying system.

Employers will know if their employees meet the qualifying conditions and will get a declaration from the other parent (the one they do not employ) confirming that they meet the “employment and earnings test”. Do not worry too much about the partner ie the person you do not employ. It will be up to their employer to liaise with them.

It is possible to ask for more proof such as the baby’s birth certificate or the name and address of the partner’s employer, but this is likely to damage trust. It is not up to the employer to ‘police’ SPL.

### ? Should I enhance ShPP?

SPL/ShPP is intended to promote fathers/partners sharing time off and caring responsibilities with the mother. It is hard to imagine that this change can be achieved if employers offer enhanced maternity leave and pay but only statutory SPL/ShPP.

By doing so, employers would be giving out a strong message about their commitment to the status quo, and perpetuating stereotypes of female carer/male breadwinner.

The employer might not wish to be considered as perpetuating these stereotypes, so it is important to consider how to position SPL/ShPP.

### ? How can I afford to enhance ShPP?

This needs to be based on your estimation of take-up in your organisation.

Strategies employers are taking include:

- Reducing enhanced maternity pay so that ShPP can be matched to it.
- Removing back to work bonuses so that the money can be invested in ShPP.
- Only offering enhanced pay for blocks of SPL that the employer thinks will suit their work pattern.
- Matching enhanced maternity pay on the basis that it is ‘the right thing to do’ and will mark the employer out as an employer of choice.

## ? How can I control SPL and manage my employees' periods of time off?

Some employers have been quite creative and plan to offer enhanced ShPP to employees who take blocks of time off in consecutive weeks, such as four, six or eight weeks, following the birth of the child.

Some employers are also considering creative use of the SPLiT days to enable the employee to work part time for a period. For example, 10 weeks SPL but using two SPLiT days a week to work.

## ? Who should approve SPL requests?

As with discussions around maternity and paternity leave and requests for flexible working, many organisations see line managers handling requests, with support from HR. Organisations are asking themselves 'Are my line managers ready?'.

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## References

<https://www.gov.uk/government/topical-events/shared-parental-leave>

## Further Reading

IES HR Network members can download the presentation slides from the IES HR Network event, Shared Parental Leave, by Mary Mercer and Debbie Jackson from the Department for Business, Innovation and Skills. Visit: <http://www.employment-studies.co.uk/shared-parental-leave>

Mary Mercer is a consultant experienced in operational delivery, project management and project direction. Her key skill areas include shared parental leave, diversity, human resource and organisation development consulting, including flexible working, performance improvement, business process redesign and operational research.

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For more information about IES, its consultancy services and research, visit [www.employment-studies.co.uk/consult](http://www.employment-studies.co.uk/consult)