



## RIGHT TO SHARED PARENTAL LEAVE



**Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Shared parental leave is designed to allow couples greater freedom to decide how to take their family-friendly leave. Shared parental leave is also available to adoptive parents.**

Shared parental leave must be taken within 52 weeks of the date of birth or placement and in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement).

A maximum of three requests for leave per pregnancy can normally be made by each parent.

To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements.

For example, to be eligible to take shared parental leave, the employee must have at least 26 weeks' continuous employment with the organisation by the end of the 15th week before the expected week of childbirth and remain in continuous employment with the organisation until the week before any period of shared parental leave that he/she is planning to take.

While there are minimum notice periods required by law, the earlier that an employee informs the organisation of his/her intentions about taking shared parental leave, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if he/she wants to request periods of discontinuous leave.

Up to 37 weeks' statutory shared parental pay is available for parents to share between them while on shared parental leave. However the first 2 weeks must be taken by the mother as compulsory maternity leave. Statutory shared parental pay will be paid at a flat rate (currently £139.58, or 90% of the employee's normal earnings if this is less). Unlike SMP, there is no provision for employees to be paid 90% of their earnings for the first six weeks of their statutory shared parental pay period where this is higher than the statutory rate. Therefore, if an employee who is receiving SMP at the higher rate of 90% of her earnings switches to statutory shared parental pay within the first six weeks of her SMP period, she will move to the lower rate immediately.

The notices that the employee must give to their organisation and that his/her partner must give to his/her employer to be able to take shared parental leave are made up of three elements. They are:

- a "leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the mother or partner giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" providing the organisation with a written notice setting out the start and end dates of each period of shared parental leave that he/she is requesting.

For more information:

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