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Employment Law / HR / Health & Safety

5 questions employers often ask about shared parental leave

Introduced in 2015, Shared Parental Leave (SPL) allows new parents to share time off work in the first year of their child's life, or in the first year after adoption. It is intended to give parents greater flexibility in their childcare arrangements, while still maintaining their profession. Importantly, SPL allows both parents to play an active role in caring for new arrivals, and is another step towards helping employees achieve a better work-life balance.

Managing SPL can be complex, but it's important to understand good practice so that you can support employees and minimise disruption to your business.

We've compiled a list of 5 questions employers often ask regarding SPL arrangements.

1. When is an employee eligible for SPL?

To be eligible for SPL and Statutory Shared Parental Pay (ShPP), both parents must share responsibility for the child at birth; they are not eligible if they started sharing responsibility for the child *after* it was born. In addition, employees must also meet certain work and pay criteria. If parents want to share the SPL and ShPP, both of them must:

- Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date;
- Be employed by you while taking SPL;
- Have employee status (workers are not eligible for SPL – although their employed partner may be); and
- Earn on average at least £116 a week.

Different criteria apply [if only one of the parents wants to take the SPL and ShPP](#), and for [adoptive parents](#).

2. How much notice will I be given?

Don't panic. By law, employees must give you at least eight weeks' written notice of their intention to take SPL and the dates of their leave. This should give you enough time to prepare for their absence and ensure organisational needs are met. Having early conversations regarding an employee's intentions will be beneficial for both parties, as it will enable both you and the employee to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

3. How much leave are employees entitled to, and how should they be paid during this time?

By law, women must take a minimum of two weeks' maternity leave after giving birth. After this, new parents can take a maximum of **50 weeks'** SPL, of which **37 weeks** is paid as ShPP. The statutory pay for shared parental leave is £145.18 or 90% of the employee's average weekly earnings, whichever is lower. You may wish to offer additional pay above the statutory minimum; this should be set out in an employee's Contract of Employment.

4. How can employees choose to take SPL?

Employees are entitled to take SPL in the way that's best for them; it can be taken at the same time as their partner, or at a different time, meaning a woman can take maternity leave while her partner is on SPL. SPL also doesn't have to be taken in one go; employees can book up to three blocks of leave during their child's first year. Employers must accept requests for one continuous period of leave, but for employees requesting discontinuous blocks of leave, you have 14 days to either accept the leave they are proposing, put forward other suggestions or refuse. Keep in mind that shorter blocks of time may be preferable, as it means employees won't be away from work for an extended period, keeping them in the loop with what's going on.

5. What's in it for me?

Rather than seeing SPL as an inconvenience, remember that there are benefits for employers too. Greater flexibility around childcare is proven to create happier, more loyal and more productive workforces, and will make it easier to attract and retain staff. Gone are the days where employees are solely focused on money – work flexibility is now high on people's list of priorities when job hunting. Not only that, but by embracing SPL, employees will feel valued, appreciated and supported, which can only be good for business.

There's also the fact that, unlike maternity or adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave. This is good news for employers, as it minimises disturbance to their role and to your business.

Ellis Whittam is a leading provider of fixed fee employment law advice and is NIVO's preferred partner. For more information contact Ellis Whittam on 0345 226 8393 or email Ben Delaney on BenDelaney@elliswhittam.com