

Frequently asked questions

This document should be read in conjunction with the shared parental leave and pay policy.

'Primary parent' in this document refers to the parent who is pregnant or has given birth/or is the primary adopter.

Shared Parental Leave

How does shared parental leave operate?

Shared parental leave is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. Parents can take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other. Shared parental leave can only be taken in complete weeks and needs to be in blocks of at least one week.

A primary parent who meets the eligibility requirements can bring their maternity leave to an end and choose to take shared parental leave with their partner, who must also meet the relevant eligibility requirements. Up to 50 weeks' shared parental leave can be shared between the parents. The amount of shared parental leave that the parents can take between them is 52 weeks, minus the amount of maternity leave taken by the primary parent. The compulsory maternity leave period is reserved for the primary parent, therefore they cannot curtail their maternity leave until two weeks after the birth. However, the primary parent's partner/spouse can begin a period of shared parental leave at any time from the date of the child's birth. All leave must be taken within the first 52 weeks following the birth.

The leave does not have to be taken in one continuous block; employees can return to work and then take a further period of shared parental leave. A maximum of three requests for shared parental leave can be submitted by each parent within the 52-week period.

How much notice do employees need to give if they intend to take shared parental leave?

Employees must give at least eight weeks' notice to take a period of shared parental leave.

There are a number of different notices that employees must give before they can take shared parental leave.

Before either parent can take shared parental leave, the primary parent must give their employer a leave curtailment notice, setting out the date on which they intend to bring their maternity leave to an end. This must be given no less than eight weeks before the start of the first period of shared parental leave taken by either of the parents.

At the same time as they give the leave curtailment notice the primary parent must give their employer:

- a notice of entitlement and intention to take shared parental leave, providing the employer with information including how much shared parental leave the parents each intend to take and an indication as to when the primary parent intends to take leave (which is non-binding); or
- a declaration stating that their partner has given their employer a notice of entitlement and intention to take shared parental leave and that they consent to their partner taking that amount of leave.

The employee, whether the primary parent or their partner, must give their employer a notice of entitlement and intention to take shared parental leave not less than eight weeks before the start of their first period of shared parental leave. In addition, no less than eight weeks before each period of shared parental leave, the employee taking the leave must give their employer a period of leave notice, setting out the start and end dates of the period or periods of leave requested.

There are similar notice requirements for employees taking shared parental leave when adopting a child.

Can the primary parent take maternity leave whilst their partner is on shared parental leave?

Yes, the primary parent can remain on maternity leave while their partner has shared parental leave. The only requirement payroll need is written confirmation that they are curtailing their maternity leave early so the partner can convert the remaining leave to shared parental leave. This can be noted on the maternity form.

Can both parents take shared parental leave at the same time?

Yes, both parents can be absent from work on shared parental leave at the same time.

The amount of shared parental leave that the parents can share is 52 weeks, minus the amount of maternity leave taken by the primary parent, or adoption leave taken by the primary adopter. All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption. For example, the primary parent could take two weeks' compulsory maternity leave followed by 40 weeks' shared parental leave. This would leave 10 weeks' shared parental leave for the primary parent's partner/spouse to take at any time before the child's first birthday, either at the same time as the primary parent or when they have returned to work.

When will the primary parent of the child be eligible to take shared parental leave?

There is a two-stage test for eligibility for shared parental leave: an employee must be eligible in their own right and the employee's partner must also meet certain eligibility requirements.

The primary parent will be eligible for shared parental leave to care for their child if they:

- have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth and remain in continuous employment with that employer until the week before any period of shared parental leave that they take;
- have the main responsibility for the care of the child at the date of the birth (apart from the responsibility of their partner or the child's father);
- are entitled to statutory maternity leave in respect of the child;
- have curtailed their statutory maternity leave by giving the relevant notice, or returned to work before the end of the maternity leave period; and
- have complied with the relevant notice and evidence requirements.

In addition, their partner (i.e., the child's father or the birth partner's spouse, civil partner or partner) must:

- have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth;
- have average weekly earnings of at least £30 for any 13 of those 66 weeks; and

- have the main responsibility for the child at the date of the birth (apart from the responsibility of the birth partner).

Can the primary parent's partner/spouse begin a period of shared parental leave while the primary parent is on maternity leave?

Yes, if the primary parent has provided their employer with a maternity leave curtailment notice, and all the relevant eligibility criteria and notice requirements are satisfied, the primary parent's partner can begin a period of shared parental leave while the primary parent is still on maternity leave.

If the primary parent's partner/spouse is taking shared parental leave, what does the primary parent need to do?

If the primary parent's partner is taking shared parental leave, then they need to give binding notice to curtail maternity leave using the *SPL1 form*. This includes key information about the partner and the leave they intend to take as well as a signed declaration. The primary parent should also end their maternity leave in Success Factors using 'time off' and entering the date they will return to work for the manager and payroll to authorise.

Once an individual has returned to work at the University, the maternity/adoption leave will end and cannot be re-started.

Is there any guidance on how and when parents can take shared parental leave?

Providing you meet the eligibility for shared parental leave and pay, there is a tool you can use to help you plan how and when you can take shared parental leave.

[Shared parental leave options](#)