

A photograph of a man, a woman, and a baby. The man is on the left, smiling and looking down at a laptop screen. The woman is on the right, looking at the screen. The baby is in the foreground, looking at the screen. The background is a plain, light-colored wall.

# Shared Parental Leave

A quick guide



Being a parent is an exciting and rewarding experience. It can also be a challenging time as you seek to balance the demands of work and childcare.

The NASUWT is committed to supporting you, ensuring that you receive the advice you need about what Shared Parental Leave means for both you and your partner.

This quick guide provides you with key information about your rights at work regarding Shared Parental Leave.

Shared Parental Leave provides you and your partner with the flexibility to determine the best arrangements for caring for your child during their first year.

It enables you to share with your partner up to 50 of the 52 weeks of Maternity Leave/Adoption Leave to which the mother/partner is entitled.

It is recommended that you have a conversation with your employer as early as possible regarding what you and your partner intend to do in respect of Shared Parental Leave.

To qualify for Shared Parental Leave, you or your partner must:

- have a contract of employment;
- be entitled to Statutory Maternity Leave/Adoption Leave and/or Statutory Maternity/Adoption Pay or Maternity Allowance;
- share the main responsibility for caring for the child along with a partner/joint adopter;
- have notified the employer that you are looking to bring to an early end your Maternity or Adoption Leave ('curtailment notice');
- have been continuously employed by an employer for at least 26 weeks, by the 15th week before the due date (or the date when you are matched with your adopted child) and continue to be employed by them ('continuity of employment test');
- have passed the 'employment and earnings test' which proves employment or self-employment within Great Britain and Northern Ireland for a total of 26 weeks in the 66 weeks leading up to the week in which the child is due and earned an average of at least £30 per week (as of March 2016) in any 13 weeks.

If both you and your partner satisfy these tests, you will both be eligible to Shared Parental Leave.

## Qualifying for Shared Parental Leave



## Shared Parental Leave policies



Your employer may well have a Shared Parental Leave policy which is better than the statutory entitlements.

It is important that you check your contract of employment and request a copy of the Shared Parental Leave policy from your employer.

If your employer has a Shared Parental Leave policy, you are entitled to be given a copy.

If you are employed by the local authority, then you should refer to the Scottish Negotiating Committee for Teachers (SNCT).

You and your partner must give your employer at least eight weeks' notice (including the date) of the intention to end Maternity or Adoption Leave early and start Shared Parental Leave.

This is a 'binding notice' that cannot normally be changed.

Details on what to include in your application and what exemptions there are to a binding notice can be found at [www.nasuwf.org/shared-parental-leave](http://www.nasuwf.org/shared-parental-leave).

A close-up photograph of a person's hands writing in a white notebook with a silver and black pen. The person is wearing a light blue button-down shirt. The background is blurred, showing more of the person's torso and the notebook's pages.

## Notifying your employer

## Booking leave



You are entitled to submit up to three separate notices to book leave during your child's first year. Again, these must be submitted in writing to your employer at least eight weeks before they would begin.

Your leave must be taken in complete weeks as either one continuous block (i.e. six weeks), or in a discontinuous block (i.e. three weeks' leave, followed by three weeks back at work, followed by a further three weeks' leave).

Your employer cannot refuse a request for a continuous block, but they can refuse a request for a discontinuous block. If a request for discontinuous leave is refused, then the total amount of leave requested automatically becomes a continuous block unless you withdraw the request.

If you change your minds about how you wish to divide the Shared Parental Leave then you will have to notify your employer in writing, stating the original date of leave and how you now intend to take Shared Parental Leave. Both parents must sign to confirm they have agreed to this.

If notice has been given that the mother or adopter is bringing their 39 weeks' statutory Maternity or Adoption Pay or Maternity Allowance to an end, then any remaining weeks can be taken as Shared Parental Pay (up to a maximum of 37).

In broad terms, anyone who is eligible for Shared Parental Leave should be eligible for Shared Parental Pay, provided they have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date (or the date when you are matched with your adopted child).


You and your partner must give the employer at least eight weeks' notice that you intend to claim Shared Parental Pay. This should include details of who will receive it, how it will be divided and the amount and duration, as well as consent from your partner.

This is paid at the rate of £139.58 a week (as of March 2016) or 90% of your normal weekly earnings, whichever is lower.

If your employment comes to an end while you are still entitled to some Shared Parental Pay, then any remaining weeks will usually remain payable unless you start working for someone else.



## Shared Parental Pay

A close-up photograph of colorful wooden toys, including blocks with numbers and symbols, and a string of beads. The toys are arranged in a way that suggests learning and play. The background is slightly blurred, focusing attention on the foreground objects.

## Other rights

During your Shared Parental Leave, your terms and conditions of employment are protected.

It is unlawful for your employer to treat you less favourably because you have taken Shared Parental Leave.

Your employer cannot change your terms and conditions of employment whilst you are on Shared Parental Leave without your agreement.

You also cannot be dismissed from employment or subject to unfair treatment because you have taken Shared Parental Leave.

If you return to work following a period of Shared Parental Leave of less than 26 weeks, then you are entitled to return to the same job. However, in exceptional circumstances, this may not be the case if you exceed 26 weeks.

If your employer is proposing to make changes that could affect your employment, you should contact the NASUWT immediately.



During your Shared Parental Leave, each parent is able to work up to 20 days. These are called Shared Parental Leave In Touch days. These are in addition to the ten Keeping in Touch days available during Maternity or Adoption Leave.

Both Keeping in Touch days and Shared Parental Leave In Touch days are optional and need to be agreed by you and by your employer.

Many teachers benefit from both Keeping in Touch and Shared Parental Leave In Touch days for attending briefings, curriculum development meetings and in-service training.


Before coming into work on these days, you should agree with your employer the type of work you will be undertaking and how much you will be paid.

Your rights to Shared Parental Leave and Shared Parental Pay are not affected by agreeing to Shared Parental Leave In Touch days.

During your Shared Parental Leave, your employer has the right to make reasonable contact with you, but this should not be excessive or intrusive.

## Shared Parental Leave In Touch days





## Further advice and guidance

For further advice and guidance, please contact the NASUWT.

We can help with information and advice to support you throughout your Shared Parental Leave.

Telephone: **0131 226 8480**

Email: **[rc-scotland@mail.nasuwt.org.uk](mailto:rc-scotland@mail.nasuwt.org.uk)**

We will be happy to discuss your circumstances and answer your questions.

See the NASUWT advice on:

Flexible Working: **[www.nasuwt.org.uk/FlexibleWorking](http://www.nasuwt.org.uk/FlexibleWorking)**

Paternity Leave: **[www.nasuwt.org.uk/PaternityLeave](http://www.nasuwt.org.uk/PaternityLeave)**

Shared Parental Leave: **[www.nasuwt.org.uk/SharedParentalLeave](http://www.nasuwt.org.uk/SharedParentalLeave)**



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