

SHARED PARENTAL LEAVE



ENJOYING THE BENEFITS OF SHARED PARENTAL LEAVE

Shared Parental Leave became law on 5 April 2015. The principle of Shared Parental Leave is broadly welcomed by the Communication Workers Union however, the reality is that as it stands currently, unless Unions are able to negotiate terms substantially over and above the statutory position, the current regulations are not realistic in terms of addressing the financial reality of what a family faces when they have an additional mouth (or mouths) to feed.

WHO IS ELIGIBLE?

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, the mother or adopter must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

- Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken.
- Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 per week in 13 of the 66 weeks.

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

Fathers will still be entitled to two weeks of paid paternity leave. The new rules replace "additional paternity leave". Mums can take maternity leave under existing rules. Mothers must still take the initial two weeks after birth but they can then cut their maternity leave short and exchange it for shared parental leave. Both parents will then have a flexible choice of how to split up the rest of the leave entitlement - of up to 50 weeks.

Shared parental leave new guidance from Acas

Shared Parental Leave is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed.

Find out more at www.acas.org.uk/spl

Shared parental leave process at a glance

Steps for Employee	Steps for Employer
<p>Step 1: Becoming aware of a pregnancy or match</p> <p>Is SPL suitable? Considering what leave arrangements work best</p>	<p>Step 1: Becoming aware of a pregnancy or match</p> <p>Discussing intentions and other leave options</p>
<p>Step 2: Choosing SPL & notification of entitlement</p> <p>Notifying the employer of eligibility</p>	<p>Step 2: Choosing SPL & notification of entitlement</p> <p>Discussing early intentions Making early preparations & plans</p>
<p>Step 3: Notification of a leave booking</p> <p>Notifying the employer of a leave booking</p>	<p>Step 3: Notification of a leave booking</p> <p>Considering the impact of a leave booking Discussing a leave booking</p>
<p>Step 4: Outcome</p> <p>Leave begins or the request is withdrawn</p>	<p>Step 4: Outcome</p> <p>Confirm and communicate outcome</p>

Key dates: 01/12/14 — 05/04/15

Find out more at www.acas.org.uk/spl

An employee wishing to take SPL must notify their employer of their entitlement at least 8 weeks before they are due to start their SPL. The ACAS website has a number of helpful templates around notification and making bookings etc.

Each eligible parent can give their employer up to 3 separate notices booking or varying leave, although it must be given at least eight weeks before the leave is due to start. Each notice can be for a block of leave, or the notice may be for a pattern of “discontinuous” leave involving different periods of leave. If a parent asks for a continuous block of leave the employer is required to agree to it. However, where the notification is for discontinuous blocks of leave the employer can refuse and require that the total weeks of leave in the notice be taken in a single continuous block.

It is therefore beneficial for the employee and employer to discuss and attempt to agree a way in which the different blocks of leave can be taken.

A mother who wants such flexibility can take her leave as shared parental leave - even if the father takes none of it - rather than traditional maternity leave. A mother can also let her employer know before her baby is born that she doesn't plan to use all of her 52 weeks' maternity leave and wants to convert some of it into shared parental leave. Her partner could then use this leave to help out in the first few weeks after birth while she is still on maternity leave.

CWU equality representatives may wish to consider representations in their own branch to explore the existing employment terms examining if these are more enhanced than the statutory minimum. If the statutory caps apply then you may wish to consider flagging this up to the relevant national officer (via your branch) with a view to enhanced terms being sought.

This information was sourced from ACAS and the BBC. If you have any queries in relation to this factsheet please contact the Equal Opportunities department.

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