



Sharing Parental Leave after 5 April 2015

New regulations will apply to babies due on or after 5 April 2015 and children who are placed for adoption on or after 5 April 2015.

Shared parental leave is designed to give parents more flexibility about how they share childcare during the first year of a child's life. They will be able to take it in turns to have periods of leave to care for the child or take leave at the same time as each other.

A mother who meets the eligibility requirements will be able to bring her maternity leave to an end and choose to take shared parental leave with her eligible partner. 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 mother. The compulsory maternity leave period is reserved for the mother. This is two weeks or four weeks for factory workers after the birth.

The mother's partner 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. If an employee gives his or her employer a notice requesting separate blocks of leave, the employer may refuse this request. The employee must then take the leave requested in one block, withdraw the request or agree alternative dates with the employer.

However, an employee can submit up to three separate notices requesting periods of leave, which could have the effect of enabling the employee to take three separate blocks of leave without the employer being able to refuse this.

An employee has the right to return to the same job after taking a period of shared parental leave if the period of leave, when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child, is 26 weeks or less.

This is a brief outline of the new rules and as with all changes to legislation this sounds complicated at first. We are available to provide more detailed information about this new right on request.