

# How to maximise the benefits of shared parental leave

The intention of shared parental leave and pay is to help eligible parents to combine work with family life. They can share up to 50 weeks of leave and up to 37 weeks of pay and/or take their leave and pay in a more flexible way (each parent can take up to 3 blocks of leave, more if their employer allows, interspersed with periods of work).

Shared parental leave (SPL) is an entitlement that eligible parents can use by curtailing maternity leave and allowing one or both parents to take the remaining time as shared parental leave instead.

It allows eligible parents to share up to 50 weeks of leave and 37 weeks of pay between them. It is important to note that eligible employees have a statutory right to take SPL provided that they give the required notice.

The amount that can be taken depends on how much maternity (or adoption) leave and pay you and your partner take. If you or your partner are eligible then you can:

- take less than the 52 weeks of maternity or adoption leave and use the rest as SPL
- take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as statutory shared parental pay (ShPP)

You can check if you and your partner meet the eligibility criteria on the GOV.UK website [here](#).

## Good to know

Once you have checked that you are eligible for SPL, there are a few things to be aware of:

- a mother cannot return to work before the end of the two-week compulsory maternity leave following the birth. The person claiming adoption pay must take at least two weeks of adoption leave.
- to utilise SPL the mother or adopter must curtail their maternity or adoption leave by giving binding notice to end it and in line with required notice periods.
- you can start SPL while your partner is still on maternity or adoption leave as long as they have given their binding notice to end it.
- you and/or your partner can take up to three blocks of leave each, which can be taken at the same time or at different times from each other (your employer can allow you to take more than 3 blocks).
- you don't both need to take leave.
- you can return to work during school holiday periods and take SPL during term time\*.
- you have a legal right to take it, so as long as you give the required notice your employer should not refuse your request.
- you must tell your employer your plans for leave when you apply. You can change these but must give **eight weeks' notice** of the changes prior to the start of a block of leave.

## How it works

You need to give your employer at least eight weeks' notice that you want to take SPL. You also need to give them notice of when the mother or adopter is going to end their maternity or adoption leave<sup>1</sup>. You will then need to book the dates of leave you want to take.

Remember you can take up to three blocks of continuous leave, and your employer can allow you to split your blocks into smaller blocks of at least one week (this would be discontinuous leave).

SPL is becoming more widely requested by teachers and leaders who are choosing to return to work at the start of a school holiday period and take blocks of SPL during term time. There are certain criteria that must be met to allow SPL to be taken, but if that is met, then it is an entitlement for employees to take.

SPL can be used by school leaders employed on teaching contracts to enhance their maternity pay by returning to work during school holiday periods and taking SPL during term-time.

\*However, it is important to be aware that **if your contract requires you to attend work during holiday periods then you would still need to do this**, this is particularly the case for those working in academies. If you have not previously been required to attend work during closure periods, we would not expect this to change purely because of taking SPL. If your contract does not require this, we have an illustrative example available to ASCL members on request from the ASCL Hotline which shows how you can get most benefit from this entitlement.

## How can it help you?

The maximum enhancement that SPL can provide will be dependent on a variety of factors, including the timing of the start of maternity leave, the maternity pay provisions in place at individual employers which may be more beneficial than those in the Burgundy Book, and the length of leave taken.

To work out your own dates and calculations for SMP and ShPP, the government has produced a helpful **online calculator**. This won't reflect enhanced maternity pay provisions, but it is helpful to map out the dates of your maternity leave and paternity leave and any SPL used by you or your partner and whether it would be paid. You would leave gaps in between the blocks for the periods you return to work during holidays.

Once you are happy with your plan, you can download or print it. There is then the facility to produce a pay summary (without enhanced provisions) and leave summary which details the dates of each period/block of leave and, really helpfully, highlights the notice period dates for starting each block of SPL. This can also be shared with your employer.

School leaders employed on support staff contracts will not be able to utilise SPL in the same way due to having a specified annual leave entitlement, so they would be required to work during any return-to work periods unless they used annual leave. However, they would also accrue annual leave which they may be able to use before or after their maternity leave. SPL may still be of some benefit and the online calculator may help to weigh up your options.

## Don't be put off!

There are some views being shared that teachers and leaders using SPL in this way are somehow 'gaming' the system or using a loophole. This is not true, and you should not let this put you off considering utilising this statutory entitlement to help you maximise your parental leave and pay.

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<sup>1</sup> Please see **ASCL Maternity and Adoption Leave** guidance for required notice periods.

In other sectors (and for some support staff working in education), annual leave is accrued during the period of leave and can be used before/after maternity leave to extend the period of leave and receive full pay. Due to the way this works for teachers, the annual leave accrued is deemed to be taken in school closure periods.

Using SPL in the way explained above can address some of the imbalance caused by this. Additionally, as women aged 30-39 are the biggest group of teachers to leave the profession each year, SPL can serve as a much-needed recruitment and retention tool to ensure that teachers and leaders who go on maternity leave do not leave the profession entirely.

Further advice and guidance is available from **Acas**.

If you would like to see an illustration of how this might apply, or if you need any assistance in completing your calculation for SPL or submitting a request to your employer, please contact the **ASCL Hotline**. It is advisable to do this well in advance to ensure that you can maximise the benefit by being able to adhere to the correct notice periods.

## Related information

*Two-thirds of businesses may now provide enhanced maternity pay, poll finds*, People Management (2021)

*Women in Leadership*, Bright Horizons

*Parental leave benchmark* blog, Bright Horizons

*Employer Focus on Working Parents*, report by CIPD, August 2022

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