

Increase the joy: Improving Shared Parental Leave

Shared Parental Leave (SPL) allows mothers to share leave with their partner and to split up periods of leave. The aim of the scheme is to allow both partners to share work and care in the first year of their child's life in the way that works best for their family.

Family is the highest priority for today's working fathers, with seven out of ten working flexibly to meet their caring responsibilities¹. But many fathers also feel their workplace hasn't kept pace their aspirations.

SPL has been a real step forward in enabling fathers to do things differently, and challenging gendered ideas about who works and who cares. A 2017 Working Families survey found that more than half of fathers would make use of the scheme to spend time bonding with their new child and to share care with their partner².

The Government has recently run the 'Share the joy' campaign to increase awareness and take up of the scheme, and will soon be carrying out a five-year review. This briefing offers suggestions to 'increase the joy' through reforms which would mean more families could benefit from the scheme³.

1. A day one right to Shared Parental Leave

Currently, only employees who have been with the same employer for at least 41 weeks⁴ can take SPL. Maternity Leave is a day one right – open to all employees from the start of their employment. SPL should similarly be available to all employees, from day one in a new job.

Parents need to give their employer eight weeks' notice to book a period of SPL. This requirement could remain in place so employers have time to plan cover arrangements.

A mother and her partner were both self-employed but she earned more and wanted to return to work before 39 weeks. She was shocked to learn she could not transfer her Maternity Allowance to her partner.

Caller to Working Families advice service, April 2017

A father on paternity leave was about to start a new job and wanted to know what would happen to his booked Shared Parental Leave and Pay later that year. Sadly – he'll lose it as he won't have enough service with his new employer.

Caller to Working Families advice service, November 2017

2. Extend SPL to self-employed parents

At present, only employees are eligible to take SPL and claim Shared Parental Pay (ShPP). Self-employed women who are eligible for Maternity Allowance can return to work earlier to create a pot of leave and pay for their employee partners, but they cannot take their allowance in blocks. Self-employed men have access to neither leave nor pay, and their employee partners can't transfer anything to them. If both parents are self-employed, neither can take SPL or ShPP.

¹ Working Families and Bright Horizons *Modern Families Index 2017*

² Online survey of 300 fathers carried out by Working Families in March and April 2017.

³ We include same sex partners in our references to "fathers" in this briefing.

⁴ Employees must meet a service requirement of 26 weeks before the 15th week before the baby is due and remain employed up to the first period of SPL which can't start until the baby is born.

We support Tracy Brabin MP's Shared Parental Leave and Pay (Extension) Bill, currently before Parliament, to allow women in receipt of Maternity Allowance to share their leave and pay with their partners, and to take leave in blocks without losing their allowance. More flexibility in taking Maternity Allowance would also have wider benefits for self employed women, including for self employed single mothers.

"Maternity allowance is already paid to new mothers; this is a win-win for the Treasury"

Tracy Brabin MP, February 2018

3. Retaining Shared Parental Pay in redundancy situations

Redundancies happen, even with the added legal protection for women on maternity leave. But women retain the right to Statutory Maternity Pay once they have qualified for it, even if they subsequently resign or are dismissed.

If a father is made redundant, having already booked a period of SPL and ShPP, then he loses his entitlement to ShPP unless he remains employed in the week before his leave was due to start. Fathers should retain the right to Shared Parental Pay if they are made redundant in the same way the mothers remain entitled to Statutory Maternity Pay.

4. When a baby dies

When a baby dies, or is still born, then a mother's rights to maternity leave and pay continue but only SPL that had been booked before the baby died can be taken after the baby's death. Such tragic circumstances may be just when both parents need time off together – a simple amendment could permit parents to use SPL rather than only maternity leave, if that suited the family's needs better.

Our suggestions for reforming SPL are not difficult or costly to implement, but they could make a real impact on enabling more families to 'share the joy' of caring for their new child.

A third of fathers who told us they wouldn't use the scheme said this was because they couldn't afford to⁵. Many employers have long recognised the business case for enhancing maternity pay in terms of retaining talented women, increasing diversity in their organisations and helping to bridge the gender pay gap. They would reap similar benefits from enhancing shared parental pay.

Shared Parental Leave is one part of the picture – we also need a properly paid period of independent leave just for fathers - to really 'increase the joy' and help the UK go further on the journey towards equality at home and at work.

⁵ Online survey of 300 fathers carried out by Working Families in March and April 2017

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