

Checking eligibility

To get shared parental leave, there must be 2 parents sharing responsibility for a child.

For either parent to get shared parental leave, the birth parent or primary adopter must do one of the following:

- end their maternity or adoption leave and return to work
- give their employer notice to 'curtail' (end) their maternity or adoption leave early

By law, the birth parent must still take at least 2 weeks' maternity leave (4 weeks if they work in a factory).

The parent who is to take shared parental leave must:

- be sharing responsibility with the other parent from the day of the child's birth or adoption placement
- be [legally classed as an employee](#)
- pass the 'continuity of employment test' and their partner must pass the 'employment and earnings test'

They then have to give their employer [notice of shared parental leave entitlement](#).

Continuity of employment test

The parent who is to take shared parental leave must:

- have worked for the same employer for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date
- still be working for the same employer a week before the start of each block of leave they take
- be [legally classed as an employee](#)

Employment and earnings test

The other parent must have:

- worked for at least 26 of 66 weeks before the expected birth date or adoption match date
- earned an average of at least £30 a week in any 13 weeks of those 66 weeks (that's £390 in total)

They must also be legally classed in England, Scotland and Wales as one of the following:

- [an employee](#)
- [a worker](#)
- a 'self-employed earner'

A self-employed earner will not be eligible for shared parental leave or pay. But if they satisfy the employment and earnings test, this could allow their partner to take shared parental leave and pay. This is as long as their partner is not also a self-employed earner.

[Contact HMRC to find out more about self-employed earners.](#)

If both parents are eligible

If both parents are eligible, they can choose how to use shared parental leave between them.

[Check if you're eligible for shared parental leave on GOV.UK](#)

Example of who can take shared parental leave

Sam and Ali are adopting a child and want to use shared parental leave.

Sam has been an employee at a company for 2 years and passes the continuity of employment and employment and earnings tests.

Ali does not pass the continuity of employment test so cannot take shared parental leave. But because Ali passes the employment and earnings test, Sam can take shared parental leave.

Workers who are not eligible for shared parental leave

Workers, including agency, contract and zero-hours workers, are not entitled to shared parental leave but might be able to get [shared parental pay](#).

If the parent stops having responsibility for the child

If the employee taking shared parental leave stops sharing responsibility for the child, they must tell their employer straight away.

Their entitlement to shared parental leave or shared parental pay will end and their employer can require them to return to work.

If it's not practical for the employer to have the employee back at work straight away, they can still be required to be off for any shared parental leave they had booked for up to 8 weeks.

For example, the employer might arrange for someone else to cover the employee's work. In this case, the employee might still have to take that time off as shared parental leave, but will not get shared parental pay.

The employee's protection under the law

During shared parental leave, the employee is still entitled to all of the terms and conditions of their employment contract. This is except for the employee's usual salary and other payments ('remuneration'), as they'll be on shared parental pay.

It's against the law for an employer to treat an employee unfairly because they've taken or intend to take shared parental leave.

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