

# Employment Law Fact Sheet No. 16

## PARENTAL RIGHTS



The table below sets out the current rights available to working parents. From April 2015 this includes a new right to Shared Parental Leave. Ordinary Maternity Leave and Additional Maternity Leave will still be available. However the new scheme will make up to 50 weeks of Shared Parental Leave available as an alternative – subject to the 2 week period immediately following birth the parents will be able to end statutory maternity or adoption leave early and take this route instead. This will replace the old entitlement to Additional Paternity Leave.

The current rights available to working parents fall into the following categories:

WHAT IS THE RIGHT?	WHO QUALIFIES?	WHAT DO THEY RECEIVE?	HOW DOES THIS OPERATE?
<b>Ordinary Maternity Leave</b>	All pregnant employees (regardless of length of service)	26 weeks' leave (see Statutory Maternity Pay below)	Employee must notify you before the end of the 15th week before the baby is due that she is pregnant and will be taking this leave
<b>Additional Maternity Leave</b>	All pregnant employees (regardless of length of service)	26 weeks' leave beginning immediately after the end of OML (see Statutory Maternity Pay below)	As above
<b>Statutory Maternity Leave</b>	All pregnant employees earning at least an average of £123 per week with 26 weeks' continuous service by the end of the 15th week before the baby is due	39 weeks' SMP. Paid at 90% of normal pay for the first 6 weeks and then further 33 weeks paid at £187.18 or 90% of gross pay (whichever is lower)	

<b>Maternity Allowance</b>	Employees who do not qualify for SMP may be entitled to Maternity Allowance on application to Job Centre Plus depending on earnings during a reference period	Up to 39 weeks	Employee to apply to Job Centre Plus
<b>Ordinary Paternity Leave</b>	Fathers, partners or co-adopters with 26 weeks' continuous service ending with the 15th week before the baby is due or ending with the week in which they have been notified as having been matched with a child	One or two consecutive weeks leave within 56 days of the birth, or if the baby is born early, within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected (see Ordinary Statutory Paternity Pay below)	Employee to notify the employer not later than the 15th week before the week the baby is due
<b>Ordinary Statutory Paternity Pay</b>	Fathers meeting the 26 weeks' continuous service requirement (see Paternity Leave above) and earning at least £120 per week	£187.18 per week (from 6 April 2025) or 90% of gross pay (whichever is lower) for one or two weeks' (see Paternity Leave above)	
<b>Neonatal Care Leave and Pay</b>	Parents/carers whose baby is born on or after 6 April 2025	12 weeks' leave (and if eligible, pay) if their baby is admitted to hospital in the first 28 days for a continuous stay of at least a week.	Employee to notify employer of the number of weeks of Neonatal Care Leave (and pay) they wish to take, confirmation that the leave is being taken to care for the baby and confirmation that they are eligible to take the leave due to their relationship to the baby.

<b>Adoption Leave</b>	Adopting parent (where a couple are adopting they can elect which of them will be the Adopter)	52 weeks' leave (see Adoption Pay below)	Employee to notify employer within 7 days of being notified they have been matched for adoption and at least 28 days in advance of taking leave
<b>Statutory Adoption Pay</b>	Adopting parent meeting the 26 weeks' continuous service requirement	39 weeks' SAP. Paid at 90% of normal pay for the first 6 weeks and then further 33 weeks paid at £187.18 or 90% of normal pay (whichever is lower)	
<b>Shared Parental Leave</b>	<p>Available to parents where the expected week of childbirth begins on or after 5 April 2015 (in cases of adoption whether the child is placed on or after 5 April 2015).</p> <p>Opportunity for qualifying parents to share up to 50 weeks of Shared Parental as alternative to Statutory Maternity Leave or Statutory Adoption Leave. Notification requirements apply (see: ACAS guidance and notification forms  <a href="http://www.acas.org.uk/index.aspx?articleid=4911">http://www.acas.org.uk/index.aspx?articleid=4911</a>)</p> <p>The 2 week compulsory maternity leave must still be taken by the mother</p>	<p>Shared Parental Pay of 37 weeks at the rate of £187.18 or 90% of normal pay (whichever is lower).</p> <p>To be shared between the parents</p>	
<b>Parental Leave Note: this is not the same as 'Shared Parental Leave': it is a separate entitlement</b>	All employees with children under 18. Must also have one year's continuous service	18 weeks' unpaid leave to be taken at any time up to child's 18th birthday	Must give reasonable notice

<b>Flexible Working</b>	Employees are entitled to apply to work flexibly provided they have 26 weeks' continuous service and have not made another application in the preceding 12 months	Could be a change in hours and/or times of work and/or place of work	Must make Flexible Working Request – see guide on this
<b>Time off for Dependants</b>	All employees who are carers of a dependant irrespective of length of service	A reasonable amount of unpaid time off to deal with an emergency (e.g. usual care arrangements are disrupted). A reasonable amount of time is likely to be 1 or 2 days	Employee must notify as soon as is reasonably practical the reason for their absence and how long they expect to be away
<b>Statutory parental bereavement leave</b>	The parent of a child under the age of 18, or who suffers a still birth after 24 weeks' of pregnancy whose date of death is on or after 6 April 2020	2 weeks' leave. If they have at least 26 weeks' service and meet minimum earnings criteria they will qualify for statutory parental bereavement pay (at the same rate as statutory paternity pay)	Employees must notify the employer of: Date of the child's death; Date on which they want leave to start; Whether they intend taking one or two weeks

## BE AWARE!

- The Carers' Leave Act came into force on 1 April 2024. This gives employees responsible for dependants the right to up to one week's unpaid leave as a day-one right. These new rights, alongside the changes to the flexible working regime, will add to existing entitlements including the right to emergency time off.

Please note all sums referred to in relation to weekly earnings and payment allowances are reviewed each year in April. These sums are correct at the time of drafting but click on the link below, which will take you to the HMRC website to obtain current figures.

[Rates and thresholds for employers 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/rates-and-thresholds-for-employers-2021-to-2022)

### Further information

ACAS: Rights for Working Parents

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