



Comparison of Family Leave Entitlements: Parental Leave and Parent's Leave

In an earlier publication, we summarised some of the key points in respect of maternity leave, paternity leave and adoptive leave. We have now summarised below the key differences between parental leave and parent's leave in Great Britain (GB) and Ireland.

Please note that the below table is a non-exhaustive list of family leave entitlements. There are additional types of family related leave, to include but not limited to carer's leave (in both GB and Ireland), parental bereavement leave (in GB) and force majeure leave (in Ireland).

Parental Leave and Pay



Statutory Protection

Employment Rights Act, 1996, as substituted by the Employment Relations Act, 1999; and

Maternity and Parental Leave etc Regulations 1999.

The Parental Leave Act, 1998, as amended



Eligibility for Leave

Employees with 1 years' service with responsibility for a child.

The leave can only be taken for the purposes of caring for a child.

Employee parent with 1 years' service

However, if an employee has more than 3 months' service, they may entitled to parental leave on a pro-rata basis

The entitlement is subject to the condition that it is used to take care of the child concerned.



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Parental Leave and Pay



Duration

Up to 18 weeks per child to be taken up until the child's 18th birthday

The entitlement does not reset if the employee changes employer

Can be taken in blocks of 1 week or number of weeks, but no more than 4 weeks per child, per year. (If the child is entitled to disability living allowance, armed forces independence payment or personal independence payment, leave can be taken in blocks of less than 1 week.)

26 weeks, per child, taken as:

- 1 continuous block of 26 weeks; or
- 2 blocks of 6 or more weeks, with a minimum of 10 weeks between each block;

until the child's 12th birthday (or 16th birthday where the child has a disability)



Pay

Unpaid leave

Unpaid leave

No benefit available from the State

Contractual pay schemes are rare in practice



Notification Requirements

Employees must give 21 days' notice before intended start date

This need not be in writing unless specifically requested by employer. However, the employer can ask for reasonable evidence of the employee's responsibility for the child and the child's date of birth / adoption placement.

In writing

As soon as reasonably practicable, but not later than **6 weeks** before the intended commencement of the leave



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Parental Leave and Pay



Postponement

Employer may postpone an employee's leave for up to 6 months where the taking of the leave might unduly disrupt the operation of its business

An employer cannot postpone leave that is being availed of immediately on the birth or adoption of a child

If postponing leave, the employer must ensure that any postponed leave will end before the child's 18th birthday.

Employer may postpone up to 6 months if satisfied that it would have a substantial adverse effect on the operation of the business by reason of:

- a. seasonal variations in the volume of the work concerned;
- b. the unavailability of a person to carry out the duties of the employee in the employment;
- c. the nature of those duties;
- d. the number of other employees already on parental leave; or
- e. any other relevant matters.



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Shared Parental Leave and Pay



Statutory Protection

Employment Rights Act 1996; and Shared Parental Leave Regulations 2014

What is Shared Parental Leave ("SPL")?

A mother or primary adopter ("M") can convert part of their maternity or adoption leave and pay to shared parental leave (SPL) and pay (ShPP), which they can then share with their partner / the father or secondary adopter ("P").



Eligibility for Leave

Employees, whether they are biological parents, adoptive parents, the spouse, civil partner or partner of the mother/adoptive parent, or a parental order parent in a surrogacy case must:

- have 26 weeks' employment by the end of the 15th week before the EWC / by the week they are notified of being matched for adoption;
- have the main responsibility for care of the child;
- curtail their entitlement to statutory maternity leave / statutory adoption leave.

For M to be able to take SPL, P must have worked for at least 26 of the last 66 weeks, either employed or self-employed, earning at least £30 per week on average for 13 of those weeks (the "employment and earnings test"), and must have the main responsibility for care of the child (apart from M).

For P to be able to take SPL, they must also be an employee with at least 26 weeks' employment by the end of the 15th week before the EWC or by the week the primary adopter is notified of being matched for adoption. In addition, M must satisfy the employment and earnings test.



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Shared Parental Leave and Pay



Duration

A total of 52 weeks' SPL (and 39 weeks' ShPP) can be split between M and P. However, the mother must take at least the two weeks' compulsory maternity leave (and SMP) in a birth case.

Leave can be taken in one or more blocks of at least 1 week.



Pay

To be eligible for ShPP, the employee must (in addition to satisfying SPL eligibility criteria) meet a minimum weekly earnings threshold.

The statutory rate of ShPP is £184.03 per week (increasing to £187.18 from 6 April 2025) or 90% of the employee's average weekly earnings, whichever is lower.

ShPP is paid by the employer but they can recoup 92% of the amount

Employer is free to "top up" benefit



Notification Requirements

First of all, M must have curtailed their maternity / adoption leave either by returning to work or by giving their employer a written notice of curtailment (in each case, at least 8 weeks' notice is required).

At least 8 weeks before they want the first period of SPL to begin, each parent (M and/or P) who wishes to take SPL must give their employer:

- a notice of entitlement and intention to take SPL ("opt-in notice"); and
- a "period of leave notice" setting out proposed leave dates.



Postponement

Employees can vary their leave dates provided that notification procedures (i.e. service of period of leave notices) are followed.



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Parent's Leave



Statutory Protection

Parent's Leave and Benefit Act, 2019, as amended



Eligibility for Leave

No service requirement

Employees who are a "relevant parent" being:

A. the case of a child who is, or is to be, adopted—

(i) the qualifying adopter of the child, and

(ii) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child,

And

B. In any other case—

(i) a parent of the child;

(ii) the spouse, civil partner or cohabitant, as the case may be, of a parent of the child; or

(iii) a parent of the child under s.5 of the Children and Family Relationships Act 2015, where the child is a donor-conceived child within the meaning of Part 2 of that Act



Comparison of Family Leave Entitlements: Parental Leave and Parent's Leave

Parent's Leave



Duration

9 weeks

Must be taken after any maternity, adoptive or paternity leave is taken, and in the first 2 years after the birth or adoption



Pay

Parent's benefit available from the State subject to satisfying certain PRSI requirements
Employer is free to "top up" benefit



Notification
Requirements

In writing 6 weeks in advance of the intended commencement
of the leave and provided with necessary documentation to prove adoption/ pregnancy/
birthday of child



Postponement

Employer may postpone the requested leave (no more than 12 weeks) if it would have a
substantial adverse effect on the operation of the business for a number of reasons, such
as seasonal variations in the volume of work

New date must be agreed by both parties

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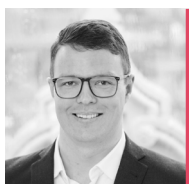
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DAC.BEA.23/04/2025