

SPL & ShPP entitlement grid

* the term worker includes workers, agency workers and the self employed.

Mother/adopter (surrogacy equivalent)	Partner	Notes
An employee who passes the "continuity of employment test" and the "lower earnings test"	An employee who passes the "continuity of employment test" and the "lower earnings test"	This is likely to be the most usual arrangement – both can take SPL & ShPP.
An employee who passes the "continuity of employment test" and the "lower earnings test"	An employee/worker* who only passes the "employment and earnings" test.	Mother will be entitled to take SPL & ShPP. Partner passes the test which allows the mother to opt in to SPL & ShPP but the partner is not entitled to take SPL or ShPP.
An employee who passes the "continuity of employment test" and the "lower earnings test"	An employee/worker* who does not meet any test.	Neither parent qualifies for SPL or ShPP. Mother does not qualify as partner does not meet the employment and earnings test.
An employee who passes the "continuity of employment test" but does not pass the "lower earnings test"	An employee/worker* who only passes the "employment and earnings" test.	Mother qualifies for leave but is not entitled to ShPP. The partner is not entitled to either SPL or ShPP.
An employee/worker* who does not pass the "continuity of employment test" but passes the "employment and earnings test"	An employee who has passed the "continuity of employment test" and the "lower earnings test"	Mother does not qualify for SPL or ShPP but allows the partner to opt in and take to SPL & ShPP.
An employee/ worker* eligible for maternity allowance but only passes the "employment and earnings" test.	An employee who passes the "continuity of employment test" and the "lower earnings test"	Mother does not qualify for SPL or ShPP so passes the test which allows the partner to opt in. Partner will be entitled to take SPL & ShPP.
An employee/worker* not eligible for maternity allowance and who does not meet any test	An employee who has passed the "continuity of employment test" and the "lower earnings test"	Mother has no maternity entitlements to curtail so neither parent can qualify for SPL or ShPP.