



Argyll and Bute Council

Shared Parental Leave Information and Procedures for Local Government Employees

(Manager and Parents Guide for babies due to be born, or children placed for adoption)

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1. Purpose	
	Action required
1.1	Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Statutory Shared Parental Pay. This procedure sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

2. Scope		
	Action required	By whom / when
2.1	<p>Shared Parental Leave is a type of leave that is available to eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year. If it is the mother who is employed by the Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this procedure to his/her own employer, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave. Similarly, if it is the partner who is employed by the Council, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.</p> <p>The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.</p>	
2.2	These procedures apply to Local Government Employees. Teachers and associated professionals should refer to the separate Shared Parental Leave procedures which are available on The Hub .	
2.3	Shared Parental Leave should not be confused with ordinary parental leave, which is unaffected by Shared Parental Leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave and the Council has separate procedures in place for this.	
2.4	<p>Shared Parental Leave can only be used by two people:</p> <ul style="list-style-type: none"> • The mother/adopter and • One of the following: <ul style="list-style-type: none"> ○ the father of the child (in the case of birth) or ○ the spouse, civil partner or partner of the child's mother/adopter. 	Employees

	<p>For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto shared parental leave.</p> <p>Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.</p> <p>Additionally an employee seeking to take Shared Parental Leave must satisfy each of the following criteria:</p> <ul style="list-style-type: none"> • the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave (e.g. if an agency worker or self-employed), they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements; • the employee must still be working for the Council at the start of each period of Shared Parental Leave; • the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date • the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2017 but may change annually) a week in any 13 of those weeks; • the employee must correctly notify the Council of their entitlement and provide evidence as required. 	
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3. Definitions Used in this Shared Parental Leave Procedure		
	Action required	By whom / when
3.1	<p>"Mother" means the mother or expectant mother of the child.</p> <p>"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. In the case of adoption, "Partner" means the person who is married to, or the civil partner, or the partner of the adopter at the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain).</p> <p>This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.</p>	

	<p>"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.</p> <p>"Match" means when an adopter is approved to adopt a named child or children</p> <p>"SPL" means Shared Parental Leave</p> <p>"Continuous Leave" means a period of leave that is taken in one block e.g. eight weeks leave</p> <p>"Discontinuous Leave" means a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee takes eight weeks Shared Parental Leave, returns to work for 8 weeks and then takes a further 12 weeks of Shared Parental Leave.</p> <p>"Curtail" means where an eligible parent brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.</p> <p>"ShPP" means Statutory Shared Parental Pay</p> <p>"SPLIT day" means Shared Parental Leave in Touch Day</p> <p>"Continuous Service" is all previous service without a break with either a local or public authority to which The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 applies as amended.</p>	
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4. Amount and Timing of Shared Parental Leave (SPL)		
	Action required	By whom / when
4.1	Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.	Employees

4.2	A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.	Employees
4.3	<p>If the mother/adopter is not entitled to maternity/adoption leave (e.g. if an agency worker or self-employed) but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.</p> <p>In other words, sometimes only one parent will be eligible. For example a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.</p>	Employees
4.4	<p>SPL can commence as follows:</p> <ul style="list-style-type: none"> • The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child (4 weeks for manual workers) • The adopter can take SPL after taking at least two weeks of adoption leave • The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any ordinary paternity leave entitlements (as the father/partner cannot take ordinary paternity leave or pay once they have taken any SPL or ShPP). 	Employees
4.5	<p>It is up to the parents how they share the parental leave – they can take it in turns or take time off together, provided no more than 52 weeks of leave is taken in total. Some examples of how parents may wish to share the leave are:</p> <ul style="list-style-type: none"> • the mother could take the first eight months, with the father taking the remaining four months; • the mother could return to work for a period in the middle of the year with the father looking after the child for that time; • the parents could both stay at home together with the child for up to six months. 	Employees
4.6	<p>Shared Parental Leave will normally be taken in blocks of at least 4 weeks and can only be taken in complete weeks. SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice, but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.</p>	

4.7	<p>The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Council's agreement).</p> <p>An employee taking Shared Parental Leave (SPL) can split their leave into separate blocks instead of taking it all in one go, even if they aren't sharing the leave with their partner.</p>	Employees
4.8	<p>The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:</p> <ul style="list-style-type: none"> • a binding notice (a decision that can't normally be changed) from the mother or adopter setting out the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available (unless they have already returned to work from maternity or adoption leave by giving the required 8 weeks' notice of their planned return). If you are planning to bring your maternity leave to an end to take Shared Parental Leave yourself you should complete Form FAM9A : Maternity Leave Curtailment Notice, or Form FAM9B : Mothers declaration of consent and entitlement for partner to take leave if you wish to bring your maternity leave to an end so that your partner can take Shared Parental Leave. If you are bringing your adoption leave to an end so that you can take Shared Parental Leave you should submit Form FAM9C Adoption Leave Curtailment Notice, or FAM9D: Adopter's declaration of consent and entitlement for partner to take leave if you wish to bring your adoption leave to an end so that your partner can take Shared Parental Leave; • a 'notice of entitlement and intention' from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting. Mothers should complete Form FAM9E notice of entitlement and intention, and their partner Form FAM9F notice of entitlement and intention (partner). Adopters should fill in Form FAM9G : notice of entitlement and intention for adopter (Adoptions within the UK), or Form FAM9I : notice of entitlement and intention for adopter (Adoptions from overseas), and their partners should complete Form FAM9H: Notice of entitlement and intention for adoptive partner (Adoptions within the UK) or Form FAM9J: Notice of entitlement and intention for adoptive partner (Adoptions from overseas) as appropriate. If, at a later date, you wish to change these dates you can do so by filling in Form FAM9N : Variation of Notice of Entitlement and Intention or Form FAM9O: variation of notice of entitlement and intention (adoption) and • a 'period of leave notice' from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting. Form FAM9K: Period of Leave Notice/Form FAM9L: Period of Leave Notice (Adoptions within the UK)/Form FAM9M Period of Leave Notice (Adoptions from overseas) should be used as appropriate. 	Employees

	<p>Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.</p>	
4.9	<p>An employee must give at least 8 weeks' notice of any leave they wish to take. This is the minimum period required by law. However, the earlier the employee informs the Council of his/her intentions, the more likely it is that the Council will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.</p> <p>An employee considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.</p> <p>If the child is born more than 8 weeks early, the notice period can be shorter.</p>	Employees
4.10	<p>SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.</p>	
4.11	<p>An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.</p>	
4.12	<p>Where an employee has 2 (or more) jobs and they qualify for shared parental leave in respect of each employment, they are entitled to take shared parental leave from each of their employers.</p> <p>If the mother wants to take or create shared parental leave for her partner/the child's father to take and she has 2 (or more) jobs, she must have brought forward the date on which her maternity leave period ends for each of her jobs either by returning to work or by giving notice to end her maternity leave period (the notice must be given to each of her employers at the same time).</p> <p>A mother cannot take shared parental leave if she has only brought forward the date on which her maternity leave period ends with one of her employers. A mother cannot still be on maternity leave in one job and on shared parental leave in another job, because she must curtail all her maternity leave entitlement (from both jobs) for any entitlement to shared parental leave to arise.</p>	

	<p>The number of weeks of shared parental leave is calculated by deducting the maximum number of weeks that the woman has taken (i.e. the total length of absence, even if it is with different employers).</p> <p>Example: Mother on maternity leave from 2 different employments</p> <p>A mother is on maternity leave from employment A and employment B. She returns to work in employment A on week 20. She returns to work in employment B in week 25.</p> <p>The maximum amount of shared parental leave in this case will be 52-25= 27 weeks (not 52-20).</p> <p>Example: Mother gives notice to curtail her maternity leave to 2 different employers</p> <p>A mother gives notice to curtail her maternity leave from employer A from week 32 of her maternity leave period and a notice to curtail maternity leave from employer B from week 30 of that leave period.</p> <p>The maximum amount of shared parental leave in this case will be 52-32 = 20 weeks (not 52-30).</p> <p>The same principles apply to employees who are adopting, and the intended parents in a surrogacy arrangement where they are applying for a parental order and are eligible for adoption leave and pay.</p>	
4.13	<p>If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below for further information).</p>	

5. Notifying the Council of the intention to take Shared Parental Leave		
	Action required	By whom / when
5.1	<p>An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL. (See "Amount and Timing of Shared Parental Leave" above for further information)</p> <p>Part of the eligibility criteria requires the employee to provide the Council with correct notification. Notification must be in writing and requires each of the following:</p> <ul style="list-style-type: none"> the name of the employee; 	<p>Employees at least 8 weeks before taking SPL</p>

	<ul style="list-style-type: none"> • the name of the other parent; • the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available; • the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption; • the amount of SPL the employee and their partner each intend to take • a non-binding indication of when the employee expects to take the leave. <p>The employee must provide the Council with a signed declaration stating:</p> <ul style="list-style-type: none"> • that they meet, or will meet, the eligibility conditions and are entitled to take SPL; • that the information they have given is accurate; • if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter; • that should they cease to be eligible they will immediately inform the Council. <p>The employee must provide the Council with a signed declaration from their partner confirming:</p> <ul style="list-style-type: none"> • their name, address and national insurance number (or a declaration that they do not have a national insurance number); • that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter; • that they satisfy the ‘employment and earnings test’ (see “Scope” section above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee; • that they consent to the amount of SPL that the employee intends to take; • that they consent to the Council processing the information contained in the declaration form; and • (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions. 	
5.2	<p>The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:</p> <ul style="list-style-type: none"> • the planned end date hasn’t passed • they haven’t already returned to work <p>One of the following must also apply:</p>	

	<ul style="list-style-type: none"> • it's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP • the employee's partner has died • it's less than 6 weeks after the birth (and the mother gave notice before the birth) <p>Form FAM9R : Revocation of Maternity Leave Curtailment Notice or FAM9S: Revocation of Adoption Leave Curtailment Notice should be used as appropriate.</p>	
5.3	<p>The Council may, within 14 days of the SPL entitlement notification being given, request:</p> <ul style="list-style-type: none"> • the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead). The Council reserves the right to contact the other employer to confirm entitlement to SPL and/or ShPP. • in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth). • in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption <p>In order to be entitled to SPL, the employee must produce this information within 14 days of the Council's request.</p>	Line Manager & Employee
5.4	<p>It is the employee's responsibility to check they are eligible for SPL and/or ShPP. If it is subsequently discovered that ShPP was incorrectly paid, the Council will correct its records and will normally recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.</p>	Employees
5.5	<p>The employee can provide a combined total of up to three 'period of leave' notices or variations of 'period of leave' notices per pregnancy or adoption (including the original request).</p> <p>The cap of 3 notifications applies to each employee (and is per employer, if the employee has 2 or more employers) and cannot be transferred between the parents as the leave can.</p> <p>See also "Cancelling or Varying Booked Shared Parental Leave" section for further information.</p>	Employee
5.6	<p>The Council can, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Council's usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.</p>	Line manager

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6. Notification of Continuous Shared Parental Leave		
	Action required	By whom / when
6.1	<p>If the employee submits a period of leave notice requesting one continuous period of leave (which means a notification of a number of weeks taken in a single unbroken period of leave), he/she will be entitled to take that period of Shared Parental Leave. There is no legal requirement for an employee to change a continuous leave notification, but if they are agreeable to a modification then this may be agreed instead. An employee should not be put under any pressure to change the period or face a detriment if they refuse. A modification in these circumstances will not count as a further statutory notification and this should be confirmed in writing. See Cancelling or Varying Booked Shared Parental Leave for further information.</p>	Employee

7. Notification of Discontinuous Shared Parental Leave		
	Action required	By whom / when
7.1	<p>The employee may submit a period of leave notice requesting discontinuous periods of leave. A single notification may contain a request for two or more periods of discontinuous leave which means asking for a set number of weeks over a period of time with breaks where the employee returns to work, for example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.</p> <p>If the employee submits a period of leave notice requesting discontinuous periods of leave, the Council, in the two weeks (i.e. within 14 calendar days) beginning with the date the period of leave notice was given, can:</p> <ul style="list-style-type: none"> • consent to the pattern of leave requested; or • propose an alternative pattern of leave; or • refuse the pattern of leave requested. If the decision is taken to refuse the leave, the employee must be notified of this. <p>If agreement is reached within those 14 calendar days, the employee is entitled to take the leave on the dates agreed.</p>	Employee & Line Manager
7.2	<p>If no agreement has been reached within that two-week (14 calendar days) discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that</p>	Employee

	<p>is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.</p> <p>Alternatively, if the Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th calendar day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave (maximum of 3 including the original request) that an employee can make.</p>	
7.3	All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council against any adverse impact to the organisation.	Line Manager
7.4	Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.	Line Manager

8. Action to be Taken on Receipt of a Shared Parental Leave Request		
	Action required	By whom / when
8.1	The employee's line manager may, upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.	Line Manager
8.2	Upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can, without further discussion, be approved on the terms stated in the employee's leave booking notice, a meeting may not be necessary.	Line Manager
8.3	<p>Where a meeting takes place, it should be held in private, and be arranged in advance. If the initial date is problematic then another date will be organised if possible. If both parties are agreeable, the meeting may be held over the telephone.</p> <p>At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative or other person of their choice.</p> <p>It is considered good practice for line managers to:</p>	Line Manager & Employee

	<ul style="list-style-type: none"> • Arrange a mutually convenient time and place for the discussion • Consider the notification details before the meeting and think about how the impact could be managed • Consider what arrangements could be discussed to make the leave as mutually beneficial as practicable • Prepare questions to ask at the meeting to ensure all points are clarified and dealt with • Be open-minded to suggestions to encourage flexibility • Give each other the chance to put forward views • Discuss how the leave could be accommodated taking account of the employee's workload • Record agreed outcomes from the meeting and let the employee have a copy 	
8.4	The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached.	Employee & Line Manager
8.5	<p>Once the employee's line manager receives the leave booking notice, it will be dealt with as soon as possible. The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.</p> <p>A single continuous leave notification must be accepted and confirmation given in writing. If no response is made to such a notification, the employee will still have the right to take the leave as outlined in the notification.</p> <p>If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on, or before, the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th calendar day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.</p>	<p>Line Manager</p> <p>Employee</p>
8.6	The Council will formally respond in writing to the employee's notification of their leave plans. Once the leave is approved by their line manager, the employee should send their completed paperwork to the HR Attendance Team who will process it and notify payroll.	HR on receipt of paperwork from employee

9. Cancelling or Varying Booked Shared Parental Leave		
	Action required	By whom / when
9.1	Situations will arise where an employee may need to vary or cancel a period of booked leave. The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. Form FAM9P variation of period of leave notice or FAM9Q: variation of period of leave notice (adoption) should be used for this purpose.	Employee
9.2	Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council. For further information on the number of requests for Shared Parental Leave that can be made, please see the section on "Notifying the Council of the Intention to take Shared Leave"	Employee
9.3	Employees should ensure the HR Attendance Team are notified of any changes to leave arrangements.	Employee

10. Shared Parental Pay		
	Action required	By whom / when
10.1	Only statutory pay is payable to either party for the duration of the Shared Parental Leave period. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.	
10.2	Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay while taking SPL. The amount of weeks available will depend on the amount by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.	
10.3	ShPP may be payable during some or all of SPL, depending on the length and timing of the leave. It is up to the parents as to who is paid the Statutory Shared Parental Pay and how it is apportioned between them. Statutory Shared Parental Pay can be paid for a maximum of 37 weeks at either the statutory prescribed rate or 90% of the relevant parent's average weekly earnings (subject to the lower earnings limit), whichever is lower.	

	<p>This means that Statutory Shared Parental Pay is paid at the lower (statutory) level throughout the leave period. Unlike Statutory Maternity Pay (SMP) and Statutory Adoption Pay (SAP), there is no provision for the first six weeks to be paid at 90% of the parent's actual weekly earnings. This is the case even if the mother/adopter returns from maternity leave/adoption leave after only two weeks, during the period where the higher (occupational) level of Statutory Maternity/Adoption Pay would have been available to them.</p> <p>Example: A woman decides to start her maternity leave 4 weeks before the due date and gives notice that she'll start SPL from 10 weeks after the birth (taking a total of 14 weeks maternity leave). She normally earns £200 a week. She's paid £180.00 (90% of her average weekly earnings) as SMP at the higher rate for the first 6 weeks of maternity leave, then Statutory Maternity Pay at the lower prescribed statutory rate per week for 4 weeks, followed by 4 weeks of Statutory Shared Parental Pay.</p>	
10.4	<p>In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:</p> <ul style="list-style-type: none"> • the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period; • the employee must intend to care for the child during the week in which ShPP is payable; • the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date at not less than the lower earnings limit in force for national insurance contributions; • the employee must remain in continuous employment until the first week of ShPP has begun; • the employee must give proper notification in accordance with the rules set out below. <p>Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.</p> <p>In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:</p> <ul style="list-style-type: none"> • the start and end dates of any maternity/adoption pay or maternity allowance; • the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP; • a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible. 	Employee

	<p>It must be accompanied by a signed declaration from the employee's partner confirming:</p> <ul style="list-style-type: none"> • their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee; • (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance; • (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions. • <p>(See "Amount and Timing of Shared Parental Leave" above for further information)</p>	
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11. Terms and Conditions During Shared Parental Leave		
	Action required	By whom / when
11.1	During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for remuneration.	Employee
11.2	<p>Employees who are already in receipt of Childcare Vouchers may opt out of the scheme or continue to receive vouchers during their full period of leave depending on their individual circumstances.</p> <p>Employees should note the Government is introducing a new scheme called Tax-Free Childcare (TFC). TFC will be different to childcare vouchers, and will not be offered through employers. You'll be able to open an online account, which you can pay into to cover the cost of childcare with a registered provider. This will be done through the government website, GOV.UK. Parents pay money into an account from their net pay, so it's taken after tax and National Insurance have been deducted. Then for every 80p they pay in, the government adds 20p. Parents will need to pay in £8,000 to reach the maximum government contribution of £2,000 per child per year (or in the case of a disabled child up to £4,000).</p> <p>TFC will be rolled out in 2017, from 28 April 2017, in such a way that allows the youngest children to enter the scheme first. You'll be able to apply for all your children at the same time, when your youngest child becomes eligible. All parents will be able to join TFC by the end of 2017. It's also not just the parents who can pay into the account - if grandparents or other family members want to pay in, then they can. The scheme will be available for children up to the</p>	Employee

	<p>age of 12, or up to 17 if your child is disabled. To qualify, parents will have to be in work, and each earning at least £115 a week and not more than £100,000 each per year.</p> <p>The existing childcare voucher scheme will remain open to new entrants until April 2018. Parents already registered by this date will be able to continue using it for as long as their employer offers it. After that date, if a parent chooses to leave the Childcare Voucher Scheme, they can't re-join it later on. It is also important to note that if employees' decide to join TFC, they can keep taking childcare vouchers for three months after they first use TFC, but they must then cancel their voucher order. Once they have joined TFC, they can't then switch back to the Council's childcare voucher scheme at a later date.</p> <p>Some parents will be better off with TFC, and some will save more with childcare vouchers. To help you decide there is an online tool available at http://www.giveyourselfachoice.com/employers/tools</p> <p>More information will also be available on the Government's website (GOV.UK) so that parents making childcare decisions are able to consider all their options.</p>	
11.3	Employees who have a car leased by the Council, should contact Customer Services, Kilmory, Lochgilphead on 01546 604357 as a recalculation of their payments may be required to take account of the leave.	Employee
11.4	<p>SPL is granted in addition to an employee's normal annual leave entitlement. Just like maternity, adoption and paternity leave, employees still accrue annual leave while on SPL. Employees are reminded that annual leave should, wherever possible and with the agreement of their line manager, be taken in the year that it is accrued.</p> <p>Any public holidays which fall during the SPL period will be added to the employee's disposable leave balance and should be taken on their return to work as agreed with their line manager.</p>	Employee & Line Manager
11.5	For members of Strathclyde Pension Fund, pension contributions will continue to be made during any period when the employee is receiving ShPP. Any period of unpaid SPL will not count for pension purposes unless employees elect to pay Additional Pension Contributions on their return to work to purchase the amount of pension lost during that period of unpaid absence. Further information can be found on the Strathclyde Pension Fund Office website.	Employee

12. Contact During Shared Parental Leave		
	Action required	By whom / when

12.1	Before an employee's SPL begins, their line manager will discuss with them arrangements to keep in touch during their period of leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any job vacancies, to discuss any special arrangements to be made or training to be given to ease their return to work, or simply to update them on developments at work during their absence.	Line Manager
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13. Shared Parental Leave In Touch Days		
	Action required	By whom / when
13.1	An employee can agree to work for the council (or to attend training) for up to 20 days (per parent) during Shared Parental Leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days and are in addition to the 10 keeping in touch (KIT) days already available to women on statutory maternity leave or to employees taking adoption leave. These are not pro-rated for part-time employees, so an employee who works 3 days per week, for example, can still work up to 20 SPLIT days. Any SPLIT days worked do not extend the period of SPL.	Employee
13.2	<p>The council has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken on SPLIT days is entirely a matter for agreement between employees and the council.</p> <p>In order to ensure employees are paid correctly, when an employee works a SPLIT day their line manager should complete Form FAM9T: Notification of SPLIT Days Worked and return this to the HR Attendance Team for processing.</p>	Employee & Line Manager
13.3	An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The days can be used for any activity that would ordinarily be classed as work under the employee's contract. However, they could be particularly useful in enabling the employee to attend conferences, undertake training; attend team meetings or to complete a project or a specific piece of work. The Council and the employee may also use SPLIT days to achieve a gradual return to work by the employee towards the end of a long period of SPL.	Employee & Line Manager
13.4	A day's work will be the normal hours or shift patterns at the employee's workplace. Any work carried out on a day shall constitute a day's work for these purposes. If an employee on shared parental leave comes in for a one-hour training session and does no other work on that day, they will still have used up one of their SPLIT days. Employees will be paid their normal hourly rate for SPLIT days; such payments will be offset off against any Statutory Shared Parental Pay which the employee may be entitled to.	

	If the work carried out during a shift straddles midnight it may be counted as one day for the purposes of SPLIT days; if the employee's normal working pattern is such that this would fall within a normal working day.	
13.5	Line managers should consider what practical arrangements need to be made to enable an employee to work during the leave period. For example, if the shared parental leave is being covered by a temporary employee, another workstation may be required. As it can be quite daunting for an employee returning to work after a long absence, wherever possible he/she should be able to work at their usual workstation.	Line manager

14. Returning to Work After Shared Parental Leave		
	Action required	By whom / when
14.1	The employee will have been formally advised in writing by HR of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.	Employee
14.2	If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.	Employee
14.3	The employee has the right to return to the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, ordinary maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.	
14.4	If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave , the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the Council to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.	

14.5	If an employee is made redundant whilst on shared parental leave, he or she is entitled to be offered a suitable alternative vacancy if one arises. This is the same as the level of protection available to a mother on maternity leave or an employee on adoption leave.	
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15. Special Circumstances		
	Action required	By whom / when
15.1	In certain situations an employee's rights and requirements regarding SPL and ShPP may change.	
15.2	<p>If the child is born before their expected due date and the employee had booked to take SPL within the first 8 weeks of the due date, they may take the same period of time off after the actual birth without having to provide 8 week's notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Form FAM9P: variation of period of leave notice or FAM9Q: variation of period of leave notice (adoption) should be used for this purpose. Unlike most other variation notices this would not count as one of the employee's 3 notifications.</p> <p>Any leave arranged after the first 8 weeks of the due date is still bound by the 8 week notice required to vary leave.</p> <p>If the child is born more than 8 weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give 8 weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.</p>	Employee
15.3	<p>If the child is born after their expected due date and the mother specifies a date in her maternity leave curtailment notice which means that when her curtailment date arrives she is still on her compulsory maternity leave, the leave curtailment notice will be invalid. The mother has to take at least 2 weeks of maternity leave (4 weeks if she is a manual worker) immediately following birth. This is a health and safety requirement as the mother needs to recover from the birth.</p> <p>In these circumstances the mother must give her employer a further leave curtailment notice using Form FAM9A (if she still wishes to curtail her maternity leave before returning to work) and the leave curtailment date that she gives in her second notice must be at least 8 weeks after that notice. The mother must take at least 8 weeks maternity leave before starting any shared parental leave (because she needs to give 8 weeks' notice of her maternity leave curtailment date) but the father or mother's partner can start to take shared parental leave from birth (or after a period of paternity leave) if they wish.</p>	Employee

15.4	If the circumstances of an employee who has booked SPL change, including if they will no longer be responsible for caring for the child, they must tell their employer. Further information is available from HR in this event. Please see Section 16 below for details.	Employee
15.5	In the event that the child is stillborn or dies during the period of SPL, employees may be entitled to 2 weeks statutory Parental Bereavement Leave. Please see separate guidance for Parental Bereavement Leave on the HUB.	Employee

16. Further Information		
	Action required	By whom / when
16.1	The Council recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Further information and support on any of the issues contained within this procedure is available to employees and line managers from the HUB and from the HR Employee Relations Advice Team at HRadviceenquiries@argyll-bute.gov.uk or telephone 01546 605513 (press 2)	