

HR & OD POLICIES

human resources and organisational development



Shared Parental Leave Procedure Local Government Employees

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1. INTRODUCTION

Shared Parental Leave (SPL) is a statutory entitlement available to eligible parents of babies due, or children placed for adoption on or after 5 April 2015. It allows parents to choose how to share the care of their child during the first year of birth or adoption. Information on eligibility to access SPL can be found on [GOV.UK](#). A set of [FAQs](#) has been developed which gives further information and guidance on this category of leave.

This guidance outlines the rights, obligations and entitlements including pay and leave provisions for all employees except [Teachers](#) (who have separate guidance) and details the procedure to follow in order to access these entitlements. The amount of leave available as Shared Parental Leave is calculated using the mothers entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave. If the mother reduces her maternity/adoption leave entitlement then she and/or her partner may opt-in to the Shared Parental Leave process and take any remaining weeks as Shared Parental Leave.

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. For further information on this see [Parental Leave](#).

Information for Adoptive Parents

Shared Parental leave also applies to parents who are adopting a child due to be placed on or after 5 April 2015 via an adoption agency. In order for adoptive parents to take shared parental leave in respect of a child they must satisfy the eligibility criteria as detailed in this procedure and be entitled to statutory adoption leave. Parents must provide a similar notice of entitlement to their line manager however the notice must also confirm the date the parents were notified as having been matched with the child, the date the child is expected to be placed with them and a declaration which includes the parents national insurance numbers and consent to the amount of time the other parent intends to take. Evidence of eligibility in the case of parents adopting a child will be copies of documents issued by the adoption agency confirming the date the parents were matched with the child.

Definitions under the shared parental leave procedure

The following definitions used in this procedure

"[Mother/Main Adopter](#)" means the mother or expectant mother of the child.

"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. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship.

"Continuous Leave" means a period of leave that is taken in one continuous block (i.e. 4 months)

"Discontinuous Leave" is when an employee who is eligible for shared parental leave takes a period of leave, then returns to work, then take a further period of leave

"SPL" means Shared Parental Leave

"ShPP" means Shared Parental Pay

"SPLIT day" means Shared Parental Leave in Touch Day

"Curtail" where an eligible mother brings her maternity/adoption leave, and if appropriate pay or allowance entitlement to an end early. Can be referred to as reducing the maternity/adoption leave period or reducing maternity/adoption pay or maternity allowance period

This procedure applies in relation to employees of the council whether they are the mother or the partner. If it is the mother who is our employee her partner must submit any notifications to take SPL set out in this procedure to their own employer (which may have its own SPL procedure in place) if they want to take a period of SPL.

Similarly, if it is the partner who is our employee, the mother must submit any notifications to take SPL to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for the SPL are handled as smoothly as possible.

Shared Parental Leave can only be used by two people and they must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

2. AMOUNT OF LEAVE

The amount of SPL which a mother/adopter and partner are entitled to will depend on when the mother/adopter brings her maternity/adoption leave period to an end and the amount of leave that her partner takes in respect of the child.

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 leave is taken in total. SPL must end no later than 52 weeks after the birth of the child. Any SPL not taken by the first birthday is lost.

Some examples of how SPL might be taken are:

The mother/adopter could take the first eight months, with the partner taking the remaining four months

The mother/adopter could take the first 6 months and the partner could take the remaining six months

Both parents could stay at home together with their child for up to six months.

Employees can request to take SPL 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 Councils agreement). A maximum of three requests for leave per pregnancy/matching for adoption can be made by each parent.

The first two weeks following the birth are the compulsory maternity leave period and are reserved for the mother. This mean that the mother cannot curtail her maternity leave to take SPL until two weeks after the birth and the maximum period that the parents could take as SPL is fifty weeks between them although *it will normally be less than this because of the maternity leave that mothers usually take before the birth.*

The adopter can take SPL after taking at least two weeks of adoption leave.

The partner can take SPL immediately following the birth of the baby, but may first choose to exhaust any paternity leave entitlements

NB: the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

3. ELIGIBILITY

To be eligible for SPL both parents must meet certain eligibility requirements

Mother/Adopters Eligibility for Shared Parental Leave

The mother/adopter is eligible for SPL if they

- Have at least 26 weeks continuous service ending with the 15th week before the expected week of childbirth/matching date and remains in continuous employment with the council until the week before any period of shared parental leave that they takes
- Have at the date of the child's birth/placement for adoption the main responsibility, apart from the partner, for the care of the child
- Are entitled to statutory maternity leave/adoption leave in respect of the child and complies with the relevant maternity/adoption leave curtailment requirements, or has returned to work before the end of her statutory maternity/adoption leave and has shared parental leave notice and evidence requirements

In addition for the mother to be eligible for the SPL **the mother/adopter's partner** must

- Have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date
- Have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks
- Have at the date of the child's birth/matching date the main responsibility, apart from the mother, for the care of the child.
- The Council may, within 14 days of the SPL entitlement notification being received, request further evidence of eligibility:
 - a) Name and Business Address of the partner's employer) where the employee's partner is no longer employed or self-employed their contact details must be given instead)
 - b) In the case of biological parents, a copy of the child's birth certificate
 - c) In the case of adoption, 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.

4. DISCUSSIONS REGARDING SHARED PARENTAL LEAVE

Employees considering taking SPL are encouraged to contact their Line Manager as early as possible to discuss their potential entitlement and dates they are looking to request SPL.

Upon receiving a request to discuss the entitlement and dates the Line Manager should arrange a meeting with the employee. Please see the [Managers Checklist](#) for guidance.

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 organisation, and what the outcome may be if no agreement is reached.

5. NOTIFICATION AND BOOKING SHARED PARENTAL LEAVE

The notices that the parents must give to the Council to be able to take SPL are made up of three elements. They are:

- a 'maternity/adoption leave curtailment notice' from the mother setting out when she proposes to end her maternity/adoption leave (unless the mother has already returned to work from maternity/adoption leave);
- a 'notice of entitlement and intention' from the employee giving an initial, non-binding indication of each period of SPL that they are requesting; and
- a 'period of leave notice' from the employee setting out the start and end dates of each period of SPL that they are requesting.

In order to minimise the requirement to complete three separate forms the [SPL Notification and Intention Form](#) must be used to fulfil the three notices.

The notice periods set out below (Mother/Adopter's notice curtailing maternity/adoption leave, employee's notice of entitlement and intention and employees period of leave notice) are the minimum required by law. However, the earlier the employee informs the council of their intentions, the more likely it is that the council will be able to accommodate the employee's wishes.

Mother/Adopter notice curtailing maternity/adoption leave

Before the mother/adopter or partner can take SPL, the mother/adopter must either return to work before the end of her maternity/adoption leave (by giving the required **eight weeks'** notice of the planned return) or provide her employer with a maternity/adoption leave curtailment notice. The maternity/adoption leave curtailment notice must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth;
- after at least two weeks of adoption leave has been taken
- at least eight weeks after the date on which the mother/adopter gave the maternity/adoption leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity/adoption leave period.

The mother must provide her maternity/adoption leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention

Revocation of maternity/adoption leave curtailment notice

The mother can withdraw her notice curtailing her maternity/adoption leave in limited circumstances. The withdrawal of a maternity/adoption leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity/adoption leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to SPL or statutory shared parental pay and the mother withdraws her maternity/adoption leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity/adoption leave curtailment notice was given before the birth/matching date of the child and the mother/adopter withdraws her maternity/adoption leave curtailment notice within six weeks of the child's birth/matching date; or
- the partner has died.

Employees Notice of Entitlement and Intention

The employee, whether the mother/adopter or the partner, must provide the council with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of SPL to be taken by the employee, must set out the following information.

If the employee is the mother/adopter, the notice of entitlement and intention must set out:

- the mother/adopter's name
- the partner's name
- the start and end dates of any statutory maternity/adoption leave taken or to be taken by the mother/adopter
- the total amount of SPL available
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- 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
- how much SPL the mother/adopter and partner each intend to take; and
- a non-binding indication as to when the employee intends to take SPL (including the start and end dates for each period of leave).

The mother/adopter's notice of entitlement and intention must include a declaration signed by them that:

- they satisfy, or will satisfy, the eligibility requirements to take SPL
- the information they give in the notice of entitlement and intention is accurate; and
- they will immediately inform the council if they cease to care for the child.

In addition, the mother/adopter's notice of entitlement and intention must include a declaration signed by their partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out in mother/adopter's eligibility for SPL
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother/adopter;
- declaring that the partner consents to the amount of leave that the mother/adopter intends to take; and
- declaring that the partner consents to the mother/adopter' employer processing the information in the partner's declaration.

If the employee is the partner, the partner's notice of entitlement and intention must set out:

- the partner's name
- the mother/adopter's name
- the start and end dates of any periods of statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance taken or to be taken by the mother/adopter
- the total amount of SPL available
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of SPL to be taken by the partner)
- 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
- how much SPL the partner and mother/adopter each intend to take
- a non-binding indication as to when the partner intends to take SPL (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- they satisfy, or will satisfy, the eligibility requirements to take SPL

- the information given by the partner in the notice of entitlement and intention is accurate
- they will immediately inform the council if they cease to care for the child or if the mother/adopter informs them that she no longer meets the requirement to have curtailed her maternity/adoption leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother/adopter:

- specifying the mother/adopter's name, address, and national insurance number (or declaring that the mother/adopter does not have a national insurance number);
- declaring that the mother/adopter satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for SPL) and she will notify the partner if she no longer qualifies for maternity/adoption leave, statutory maternity/adoption pay or maternity allowance
- declaring that the mother/adopter consents to the amount of leave that the partner intends to take
- declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity/adoption leave or pay period
- declaring that the mother/adopter consents to the partner's employer processing the information in the mother/adopter's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the council can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).
- 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

The employee has 14 days from the date of the request to send the council the required information.

Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel their proposed SPL dates following the submission of a notice of entitlement and intention, provided that they provides the council with a written notice. The written notice must contain:

- an indication as to when the employee intends to take SPL (including the start and end dates for each period of leave);
- details of any periods of SPL that have been notified through a period of leave notice;
- details of any periods of SShPP that have been notified in relation to periods where SPL was not to be taken; and
- a declaration signed by the mother/adopter and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

Employee's period of leave notice

To take a period of SPL, the employee must provide the council with a written notice setting out the start and end dates of each period of SPL requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of SPL requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

Variation or cancellation of period of leave notice

The employee can vary or cancel their proposed SPL dates following the submission of a period of leave notice, provided that they provide their employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of SPL or cancel a request for leave;

- request that a continuous period of leave become discontinuous periods of leave;
or
- request that discontinuous periods of leave become a continuous period of leave.

6. LIMIT ON THE NUMBER OF REQUESTS FOR LEAVE

The employee can provide a combined total of up to **three** 'period of leave' notices or variations of 'period of leave' notices per pregnancy/matching for adoption (including the original request).

7. CONTINUOUS LEAVE

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, twelve weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

8. DISCONTINUOUS LEAVE

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Line Manager or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Service.

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother/main adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the council, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested
- propose an alternative pattern of leave or
- refuse the pattern of leave requested. If the decision is taken to refuse the leave, the employer must provide clear reasons for this to the employee.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week 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 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.

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 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 that an employee can make.

9. ELIGIBILITY FOR STATUTORY SHARED PARENTAL PAY

Only statutory pay is payable to either party for the duration of the SPL period.

SShPP is available for eligible parents to share between them while on SPL. The number of weeks' SShPP available to the parents will depend on how much statutory maternity/adoption pay or maternity allowance the mother/main adopter has been paid when her maternity/adoption leave or pay period ends.

A total of 39 weeks' statutory maternity/adoption pay or maternity allowance is available to the mother/main adopter. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

It is up to the parents as to who is paid the SShPP and how it is apportioned between them.

Statutory SShPP is paid for 37 weeks at the **lower** of the statutory prescribed rate or 90% of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of SPL are unpaid.

This means that SShPP is paid at the lower (statutory) level throughout the leave period. Unlike occupational maternity/adoption pay, 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 returns from maternity/adoption leave after only two weeks, during the period where the higher (occupational) level of maternity/adoption pay would be available to her.

For employees to be eligible for SShPP, both parents must meet certain eligibility requirements.

Mother/Adopter's eligibility for SShPP

The mother/adopter is eligible for SShPP if:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with their employer until the week before any period of shared parental pay that they get
- 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
- has average weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;

- has, at the date of the child's birth/matching date, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives SShPP; and
- is entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/adopter to be eligible for SShPP, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have, at the date of the child's birth/matching date, the main responsibility, apart from the mother/adopter, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

Partner's eligibility for SShPP

The partner is eligible for SShPP if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with his/her employer until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth/matching date, the main responsibility, apart from the mother/adopter, for the care of the child; and
- is absent from work and intends to care for the child during each week in which they receive SShPP.

In addition, for the partner to be eligible, the mother/adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;

- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;
- have, at the date of the child's birth/matching date, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been reduced.

10. TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

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 salary.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL.

Employees who are Local Government Pension Scheme members can 'buy back' pension accrual in respect of periods of unpaid SPL by taking an Additional Pension Contract (APC). The cost of buying back the "lost" pension is shared between the employee and the Council provided the employee's PEN11 application form is received by Payroll before the expiry of a period of 30 days beginning with the day on which the employee returns to work. In such cases the Council will meet 2/3rds of the cost.

The PEN11 form together with guidance on completing it, including how to obtain the cost of the APC, is available from the Pension Fund website at:

www.nespf.org.uk/Members/lqp_library.asp or may be requested;

By phone: 01224 264264

By e-mail: pensions@nespf.org.uk

By post: North East Scotland Pension Fund, Corporate Governance, Business Hub 16, 3rd Floor – West, Marischal College, Broad Street, Aberdeen, AB10 1AB

The form may be sent to Payroll -

Via AskHR: <https://abshire.cherwellondemand.com/CherwellPortal/askhrv2#0>

By post: Payroll Section, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen AB16 5GB

The Pension Fund will make arrangements with Payroll for deduction of the cost of the APC from the employee's pay.

Please note that:

- The return to work date is the day after the Shared Parental Leave ends (not the day the employee physically returns to work if this is later, for instance due to taking Annual Leave).
- If the employee does not return to work after Shared Parental Leave, they will not be eligible to take an Additional Pension Contract – it is necessary to be an active member of LGPS.
- The Pension Fund will determine whether payment can be made as a regular amount over a period of time one or whether it must be made as a one-off lump sum.
- The Pension Fund may require the employee to provide a report from their doctor prior to agreeing the APC – this would be at the employee's own expense.

For further information contact the North East Scotland Pension Fund as above.

11. ANNUAL LEAVE

Annual Leave continues to accrue throughout SPL.

12. CONTACT DURING SHARED PARENTAL LEAVE

Before an employee's SPL begins, their line manager will discuss the arrangements for them to keep in touch during their leave. The line manager 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 possible promotion opportunities, 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.

13. SHARED PARENTAL LEAVE IN TOUCH DAYS

You may, with agreement from your line manager, undertake up to twenty days Shared Parental Leave in Touch or SPLIT days under your contract of employment during your SPL period. The type of work undertaken for example may be to undertake your normal duties, attend a training course, meeting or team briefing. If

you are required to attend a training course out with your normal place of work on any of these days you will be eligible for claim for travel expenses as normal.

You will receive normal pay for the 'Shared Parental Leave In Touch' days. Normal pay will be an amount inclusive of ShPP as appropriate. Working for part of a day will count as a day towards the twenty days maximum that can be taken. You have no obligation to undertake these 'Shared Parental Leave in Touch Days' or to undertake a maximum (within the limit of twenty) or minimum number. Your line manager will be responsible for providing you with a time sheet for detailing any days worked which should be forwarded to the payroll section in Finance on a monthly basis or as appropriate. The timesheet must be clearly marked with '**Shared Parental Leave in Touch Day/s**'

Please contact your line manager either before or during your SPL to discuss if you want to undertake these days and to arrange mutually appropriate dates for these days. Please note that they do not have to be taken consecutively.

14. FRAUDULENT CLAIMS

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 usual Council 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.

15. RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

The employee will have been formally advised in writing by the Council 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.

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 Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

16. WORKSMART

If you are unable to or do not wish to return to work on a full time basis, the Council has adopted a number of policy initiatives, which will hopefully assist you. Please refer to the [Worksmart Procedure](#) for more information.

All requests for flexible working or reducing hours must go through the Worksmart procedure.

17. CAREER BREAK

A Career Break is an opportunity for employees to request a period of extended unpaid leave from a minimum of 6 months to a maximum period of 5 years. Further information and details of how to apply for this leave can be found within the [Career Break Procedure](#).

18. CHILDCARE

One of the key factors in returning to work following maternity leave is arranging child care to meet your requirements. Aberdeenshire Family Information Service provides free advice and information on child care options. Details of registered child minders and day care facilities in your area of Aberdeenshire, as well as impartial guidance on choosing child care, can be obtained from:

Aberdeenshire Family Information Service
Craigearn Business Park
Morrison Way
Kintore
AB51 0TH
Telephone: 01467 628579
Advice Line: 0800 298 3330
Website: <http://www.aberdeenshire.gov.uk/children/afis/aboutus.asp>

If you live in the Aberdeen area information can be obtained from:

Aberdeen City Council, Children's Services
Information Service
Telephone: 01224 443344
Email: csis@aberdeencity.gov.uk

19. RELATED LEGISLATION

Legislation relating to this procedure

The Shared Parental Leave Regulations 2014

The Shared Parental Pay (General) Regulations 2014

The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014

Employment Rights Act 1996

Child and Families Act 2014

Equality Act 2010

For further advice and guidance on any of the above please contact Human Resources

Shared Parental Leave

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Procedure

Revision Date	Previous Revision Date	Summary of Changes
05-04-2015	-	Creation of all Documents
02-06-2015	05-04-2015	Update to reflect changes in Pension information
02-02-2016	02-06-2015	Update to reflect changes in Pension information
29-03-2019	02-02-2016	Removal of Aberdeenshire Council Childcare Voucher Scheme