

SCOTTISH QUALIFICATIONS AUTHORITY

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SQA's recognised trade unions.

VERSION CONTROL

Version number	Revision date	Summary of changes	Author
2.0	01/23	Revised wording from existing policy, 1st person language, format changed.	МВ
2.1	03/24	Updated section 6.7 Enhanced shared parental pay (ShPP) to reflect the change to number of full weeks' pay staff are entitled to following agreement of 2023-24 pay award	ЕМ

Part A — Policy

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1. Introduction

We know that having a baby, adopting a new child or having a baby through surrogacy is an important and exciting time and we want to support you.

Shared Parental Leave (SPL) gives parents flexibility to take time off from work to share the care of their child in the first year. You and/or your partner may be entitled to Statutory Shared Parental Pay (ShPP) depending on eligibility. Eligible parents sharing responsibility for a child can access SPL in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had a child through surrogacy

There are some important things that you need to know and do to help us make all the arrangements for your SPL and pay and we have outlined them in this policy.

2. Scope

This policy applies to members of staff only.

Staff are defined as people who work for us under a contract of employment. Any other worker, for example agency workers and inbound secondees, will be covered by their substantive employer's rules and policies. Contractors will be governed under the terms and conditions of their contract with SQA.

2.1 Contractual obligations

This policy does not form part of your contract of employment; however, it does impose obligations on you that you must observe and comply with.

We may amend this policy and its application at any time through consultation with our trade unions. Please ensure you are using the latest version as currently published on the intranet.

3. Purpose and standards

We recognise that if you are raising a family, you have a statutory right to time off work (paid and unpaid). We want to ensure you can easily find the appropriate information about time off work and our associated procedures and allowances. We value you and have developed entitlements for time off to support you with parental responsibilities.

We have set out your rights and responsibilities, developing the policy in line with the <u>Shared Parental Leave Regulations 2014</u>.

4. Support

HR support can be sought by contacting the HR Shared Services Team at hr.shared.service@sqa.org.uk or by calling 6060.

The <u>Employee Assistance Programme</u> can provide you with confidential support and guidance, 24 hours a day, seven days a week.

Trade union representatives can provide members with advice, help and support. Information about Unite and Unison can be found on the intranet homepage under <u>A–Z</u>.

5. Definitions

Mother or adoptive parent or pregnant parent is either the person who gives birth or the person who is eligible for adoption leave and/or pay.

Partner is the child's biological father or the partner of the mother/adoptive parent/pregnant parent. This can be a spouse, a civil partner or the partner who is living in an enduring relationship with the mother/adoptive parent of the child.

6. Policy

6.1 Eligibility

To be eligible for SPL, there must be two parents sharing responsibility for a child from the day of the child's birth or adoption placement.

As eligible parents, you can get SPL in the first year after the birth of your child, adopting a child, or getting a parental order if you had the child through surrogacy.

More information on your rights to leave and pay when you have a child through surrogacy is available from the <u>ACAS website</u>.

Additionally, you must satisfy each of the following criteria in order to qualify for SPL:

- If you are the mother/adoptive parent/pregnant parent, you must be eligible for either statutory maternity leave or pay or statutory adoption leave or pay or maternity allowance.
- You must have at least 26 weeks' continuous employment with SQA by the end of the 15th week (qualifying week) before the expected week of childbirth (EWC) or matching/placement date.
- ♦ You must still be employed by SQA at the start of each period of SPL.

You must also give the necessary statutory notices and declarations as outlined in section 6.3 below, including notice to end maternity or adoption leave, statutory maternity/adoption pay or maternity allowance as appropriate.

In addition, in the 66 week period before the expected week of childbirth (EWC) or matching date your partner must:

- have worked (in an employed or self-employed capacity or as an agency worker) for at least 26 weeks
- have had average weekly earnings of at least the amount determined annually by the UK government (<u>Shared Parental Leave and Pay: How it works (https://www.gov.uk/shared-parental-leave-and-pay)</u>) in any 13 of those 26 weeks

6.2 Shared parental leave

If you qualify and choose to opt into SPL, you or your partner will need to end your or their maternity or adoption leave.

Before being able to begin SPL, there are statutory leave requirements that must be met:

- ♦ The pregnant parent has to take at least two weeks' maternity/pregnant parent leave immediately after the baby is born.
- If the case of adoption, the main adopter must take two weeks' adoption leave immediately following the child's placement (or, if adopting through fostering to adopt/concurrent planning, then adoption leave must be taken immediately following the adoption placement order being granted, if you/your partner delayed starting adoption leave until then).

Once these periods have been taken, you can then share the remaining 50 weeks' leave (of which 37 weeks) are paid, between you both. Leave must be taken in blocks of at least one week and you can request up to three separate periods of leave.

Further detailed information about requesting SPL is in the accompanying Procedure.

You need to take all SPL by your child's first birthday, or within 52 weeks of your child being placed with you for adoption (or if adopting through fostering to adopt/concurrent planning, within 52 weeks of the adoption placement order being granted, if you or your partner delayed starting adoption leave until then).

You can take SPL if you've already taken paternity leave, but once you've started taking SPL, you won't then be able to take paternity leave.

Some examples of how SPL can be used

- Return to work early from maternity or adoption leave and take SPL at a later date.
- ◆ The mother or adoptive parent or pregnant parent can return to work (after taking statutory two weeks of maternity leave) and their partner can take SPL.
- Both parents can share SPL evenly and be off work on SPL at the same time.
- Both parents can share SPL evenly and be off work on SPL at different times.
- Both parents can return to work at the same time and take SPL at a later date.

6.3 Notification

To opt-in to SPL, you need to tell your line manager that you're entitled to SPL and that you intend to take this leave.

You should give notice as early as possible — ideally eight weeks before your intended SPL start date and, where possible, in advance of submitting an SPL form, (see Appendix 1 for a link to the form(s)) or any formal period of leave notice. This will allow you more time to discuss your plans and to consider how the leave proposal could be agreed.

How to complete the form(s) required is explained further in section 1.1 of the accompanying Procedure and in Appendix 1.

6.4 Documentation

As well as a completed SPL Application Leave Form, you should provide a copy of the following documentation to both your line manager and HR within 14 calendar days:

- 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) or documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child with you for adoption.
- ♦ The name and address of your partner's employer (or, if your partner is no longer employed or is self-employed, their personal contact details must be provided instead).

This documentation will be recorded confidentially within your personnel file.

6.5 Responding to an SPL application

You must have provided the required notices and documents set out in sections 6.3 to 6.4 above. Where you have done this and are entitled to receive shared parental pay (ShPP), detailed in 6.6 below, you must, at least eight weeks before receiving any ShPP, provide your line manager with a copy of the written notice advising of your entitlement to ShPP and e mail the original to HR. This is included as part of the notice of entitlement to take SPL within the application form for SPL. The required details, including a signed declaration form from your partner, are included in the application forms.

Once your line manager and HR have received your SPL request and leave booking notice, it will be dealt with as soon as possible. You will receive a written response no later than the 14th calendar day after the leave request was received.

All notices for continuous leave must be accepted and will be confirmed in writing. A request for discontinuous leave may be granted in full, in part (for example, your line manager may propose a modified version of your request) or be refused.

On receiving an SPL Application Form with Notice Booking leave your line manager will arrange a meeting to discuss it with you. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can, without further discussion, be approved, a meeting may not be necessary.

Time may be allocated for discussions to take place with your line manager and other members of staff (where relevant and where this has been confirmed with you prior) to consider and consult on any potential impact your leave request may have on the business area you work in.

At the meeting, you may be accompanied by a work colleague or trade union representative. If either is unavailable to attend this meeting, then an alternative date will normally be arranged. If you are unable to attend the original meeting and the rescheduled meeting, then a virtual meeting may be held.

6.5.1 Refusing an SPL notification (discontinuous leave only)

Your line manager will consider a discontinuous leave notification but has the right to refuse it. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to you and to SQA against any adverse impact.

Agreeing to one request will not set a precedent or create the right for any other member of staff being granted a similar pattern of SPL.

Section 1.5 of the accompanying Procedure details the process to be followed if your request is refused.

6.6 Shared parental pay (ShPP)

ShPP of up to 39 weeks (less any maternity/adoption pay, or allowance claimed by you or your partner and also two weeks of compulsory maternity leave) may be available, provided you have at least 26 weeks of continuous employment with SQA at the end of the qualifying week and your average earnings are not less than the lower earnings limit set by the government each tax year.

You may be entitled to take ShPP while taking SPL.

The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

Statutory ShPP is the rate set by the government each year or 90% of your average weekly earnings (whichever is lower). The government rate can be found at: https://www.gov.uk/shared-parental-leave-and-pay-employer-quide/entitlement.

To qualify for ShPP, a parent **must** pass the continuity of employment test, detailed here: Continuous employment - GOV.UK (www.gov.uk).

6.7 Enhanced shared parental pay (ShPP)

We currently pay maternity pay in excess of that required by law and this is also reflected in enhanced ShPP.

If you have at least 26 weeks of service with SQA at the beginning of the 15th week before the EWC, you are eligible for enhanced ShPP.

You will only be paid enhanced ShPP in respect of weeks in which you are also in receipt of statutory ShPP. This means that during SPL, you will be entitled to receive enhanced ShPP as follows:

Weeks 1 until 26 of your SPL (this includes two weeks of compulsory maternity leave).	Full pay (this includes statutory ShPP).
Week 27 until week 39.	Statutory ShPP only.
Week 40 until week 52.	This period will be unpaid.

The rate of statutory ShPP may change each year. Details of the actual amount can be found at: https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/entitlement.

If the mother/adopter revokes their curtailment notice after you, the partner, have taken SPL and received enhanced ShPP, you **must** notify HR immediately in such circumstances. We will be entitled to withhold/recover any enhanced ShPP otherwise due/paid to you.

Once you have chosen the weeks in which you will receive ShPP, your entitlement to enhanced pay will be paid in the first of those weeks (subject to the conditions above).

6.8 Contact during SPL

We think it is particularly important to maintain reasonable contact with you during your SPL. We will contact you to see if we can offer you any support, or simply to update you on important developments at work or to discuss plans for your return to work. We will mainly communicate by email, but also in any other way that is practicable and agreeable with you.

6.9 'Shared parental leave in touch' (SPLIT) days

We recognise that attending training events, meetings or other activities while you are on SPL may make a return from leave easier for both you and the team you are part of. We describe attending these types of events during SPL as 'SPLIT' days.

'SPLIT' days are limited to a maximum of 20 days. You and your line manager (with approval from the head of service, where required) must both agree to the 'SPLIT' days. You are not required to take 'SPLIT' days and we are not obliged to offer them. Any days you work will not consequently extend the total duration of your SPL period.

You will be paid your normal hourly rate for hours worked during 'SPLIT' days. Payment will be made in the next monthly salary payment, depending on the proximity to the salary cut-off date (15th of the month). Pension contributions continue as normal for 'SPLIT' days.

You, with your line manager's agreement, may use SPLIT days to work part of a week during SPL.

You may use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

You **must** inform HR of the dates you have worked to ensure you receive payment.

6.10 Returning to work

You do not have to notify us if you are returning to work at the end of your agreed full period of leave entitlement, but you must tell us if you are returning to work before this date,

providing at least eight weeks' notice. You should also advise us as soon as possible if you are unable to attend work due to illness or injury.

If you decide to resign, you must follow the notice period detailed in the terms and conditions in your contract of employment.

More detail on returning to work is in section 1.3 of the accompanying Procedure.

6.11 Rights on and after your return to work

On resuming work after SPL, you are entitled to return to the same job that you occupied before SPL, on the same terms and conditions of employment.

If it is not reasonably practicable for you to return to the same job (e.g., if there has been organisational restructure), we will offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied had you not been absent.

If you worked full-time prior to SPL, you have no automatic right to return to work on a parttime basis, or to make other changes to your working pattern. However, all requests for parttime work or other flexible working arrangements will be considered in line with our operational requirements. If you would like this to be considered, you may request by following the Procedure detailed in our Flexible Working Policy.

If you have short-term challenges on returning to your agreed working pattern, it may be useful to consider section 6.1 of the Compassionate Leave Policy and discuss this with your line manager.

6.13 Annual leave and public holidays

All SPL counts as worked time for the purposes of continuous service. Annual leave and public holiday entitlement will continue to accrue during SPL.

We explain how your leave entitlements will be managed in section 1.7 of the accompanying Procedure.

6.14 Your pension

Pension contributions will continue during any period when you are receiving SPL, but not during any period of unpaid leave.

Your contributions will be based on actual pay, while our contributions will be based on assumed pensionable pay (where this is higher than your actual pensionable pay received). This ensures you will continue to build up a pension as if you were working normally and receiving your normal salary. More information about your pension is shown in section 2 of the accompanying Procedure.

7. Roles and responsibilities

Your role and responsibilities, as well as those of managers and HR are defined below.

We will ensure all managers involved in this process are aware of this policy and their responsibilities under it.

You	Your line manager	Human Resources	
 be aware of the types of leave available and any associated payments, conditions, and rights during leave periods notify us of your intent to take leave within the correct timeframe provide us with any documentation associated with your entitlement to leave be aware of the internal process linked to the type of leave you are requesting advise us of any change to your leave request within the appropriate timescales 	 ◆ comply with this policy and take advice from HR, as appropriate, when staff request leave ◆ be aware of the internal processes for dealing with leave requests ◆ inform HR upon receiving notice from your employee that they intend to take SPL 	 provide advice and guidance based on this policy check eligibility for leave, leave payments, conditions of leave, and rights during leave periods ensure the provisions of this policy are applied consistently 	

8. Associated polices

Other policies may be invoked where they are deemed more appropriate to the circumstances. The HR policies can be found here:

- ♦ Adoption Leave
- Attendance Management
- ♦ Compassionate Leave
- ♦ Flexible Working
- Maternity Leave
- ♦ Parental Leave
- Paternity Leave

Part B — Procedure

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1. Procedure

1.1 Notification

You must provide written notice of entitlement and of your intention to take SPL at least eight weeks before the start of the first period of SPL to be taken by completing form SPL1: Application for Shared Parental Leave (see Appendix 1 for more information and a link to this form). If you cannot give eight weeks' notice, for example because your child is born early, please speak to HR.

The form also has a section that your partner needs to fill in to confirm that they're eligible to take SPL and are happy to share the leave with you. If your partner doesn't do this, we won't be able to process your form.

The completed form must be given to your line manager for authorisation and signature. You should keep a copy, give a copy to your line manager and then forward the original to HR in plenty of time before the start of the first period of SPL.

This notice gives a non-binding indication of the dates you wish to take SPL and ShPP.

You must also provide the required documentation outlined in section 6.4 of this policy.

If you've not given us the information we need, you might not be able to take SPL when you would like to. Speak to your line manager or contact HR Shared Services if you are unsure which is the right form for you.

1.2 Maternity/adoption leave curtailment notice

You must give us at least eight weeks' written notice to end your or your partner's maternity/adoption leave before you or your partner can take SPL. To do this, you must complete form SPL2: Curtailment of Maternity/Adoption Leave Notice (see Appendix 1) and pass it to your line manager for authorisation and signature. Keep a copy of the completed signed form for your records and give a copy to your line manager. Send the original to HR so that these are received on time before the start of the first period of SPL.

If you wish to cancel your curtailment notice, you must contact your manager and use form SPL3: Curtailment Cancellation Notice of Maternity/Adoption Leave (see <u>Appendix 1</u>).

Your curtailment notice can only be cancelled before your maternity/adoption leave ends. One of the following situations also must apply:

- The Curtailment Notice was given prior to the birth and is cancelled within six weeks after the birth (in which case, you may serve a further Maternity Leave Curtailment Notice (Part A) at a later date).
- The mother/adopter/partner is not entitled to SPL (in which case, the Curtailment Notice can be cancelled, but there is no further right to make a Curtailment Notice at a later date).
- ♦ The mother/adopter/partner dies (in which case, the Curtailment Notice can be cancelled but there is no further right to make a Curtailment Notice at a later date).

1.3 Booking SPL

Before taking SPL you must book the time off by completing one of the following forms (see Appendix 1):

- ♦ SPL4: Booking Notice for a Single Continuous Period of Shared Parental Leave
- SPL5: Booking Notice for Discontinuous Periods of Shared Parental Leave

The completed form must be given to your line manager at least eight weeks before the proposed start date. It is recommended that you inform your line manager before completing the notice.

You have the right to give three Booking Notices. This may enable you to take up to three separate blocks of SPL. However, if you give notice to vary or cancel a period of leave, this will in most cases count as one of your Booking Notices). Blocks of SPL requested in a booking notice can either be:

- ♦ Continuous: a block of leave which is unbroken, e.g., three consecutive months. It can have a start date and duration of your choosing but must be at least one week.
- ♦ Discontinuous: a pattern of leave with some time off work on SPL (in complete weeks) and some time at work in between (again, in complete weeks).

We will consider requests for discontinuous blocks, but we are not obligated to grant them. If we are unable to agree to your request straight away, there will be a two-week (14 calendar days) discussion period. This will be referred to your head of service.

During the discussion period, we will confirm the options open to you (this includes choosing a new start date or withdrawing your notice) and the applicable timescales.

If an agreement is not reached, you will be entitled to take the full amount of discontinuous SPL requested as one continuous block, starting on the first start date given in your notice (see Appendix 2 for details).

1.4 Cancelling or changing booked SPL

If you wish to cancel or change any period of SPL, you must complete form SPL6: Varying/Varying/Cancelling Booked Shared Parental Leave (see <u>Appendix 1</u>).

1.5 Refusing a request for SPL (discontinuous leave only)

Where there is concern over accommodating your request, your line manager will discuss whether a modified arrangement that meets both your needs and those of your business area would be agreeable. If your line manager is unable to agree to your request straight away, there will be a two-week discussion period. Each request will be considered on a case-by-case basis.

If a discontinuous leave pattern is refused, your line manager should provide confirmation of the reason for the refusal in writing, within 14 calendar days of the notification being given, and propose alternative dates (if this is practicably possible) for you to consider and outline the options available to you set out below. If the leave pattern is refused, you can do one of the following:

- Withdraw it within 15 calendar days of submitting it.
- ◆ Take the leave in a single continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).
- Choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period.
- Withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case, it will not be counted as one of your three Booking Notices and you may submit a new one if you choose).

1.6 Returning to work

If you intend to return to work at a pre-agreed date or at the end of your full period of SPL entitlement (this may include time off for annual leave and public holidays), you will not be required to give us any further notification.

If you are unable to attend work at the end of your SPL due to sickness or injury, our normal arrangements for sickness will apply as outlined in our Attendance Management Policy.

If you want to return to work before the end of your full period of SPL entitlement, before the previously agreed return date, you must give us at least eight weeks' notice of the date you wish to return to work. This should be given in writing to your line manager.

Where less than eight weeks' notice is given, we may have to postpone your return until the eight weeks' notice period is complete, although any postponement may not extend beyond the full 52-week entitlement period.

In any other case, late return without prior agreement may be treated as unauthorised absence.

If you decide not to return to work, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after SPL has ended, we may require you to return to work for the remainder of the notice period.

1.7 Annual leave and public holidays

During SPL, you continue to accrue both statutory and any additional contractual annual leave throughout the full period of your absence.

Statutory leave is 28 days' paid leave, pro rata if you are part-time (including public holidays). This is the minimum leave you must take in any one leave year. See: https://www.gov.uk/holiday-entitlement-rights for more information.

Any additional leave is called 'additional contractual annual leave' and it is not statutory that you use it.

1.7.1 Before you start SPL

Your line manager will discuss with you the amount of leave you currently have remaining and what you will accrue while on SPL. They will then agree with you when you will take your annual leave entitlement. You may use some or all your annual leave entitlement either prior to the immediate start date of your SPL, or at the end of your SPL.

This has a number of advantages:

- It could help your line manager to plan for your absence.
- It may minimise interruption to your work when you return from SPL.
- It could help you to extend the period that you are on leave.
- ♦ It will help to prevent an excessive build-up of untaken annual leave.

1.7.2 Returning from SPL

Any unused statutory leave entitlement may be carried forward to the following leave year.

If you have outstanding additional contractual annual leave entitlement, you may carry forward a maximum of five days.

You will be paid for any remaining unused additional contractual annual leave entitlement in your January pay.

Any requests for flexible working arrangements will be considered, in line with our Flexible Working Policy.

2. Pension and salary sacrifice schemes

Your contributions will be based on actual pay, while our contributions will be based on assumed pensionable pay (where this is higher than your actual pensionable pay received). This ensures you will continue to build up a pension as if you were working normally and receiving pay.

If you are a member of the Strathclyde Pension Fund, you must discuss with HR any impact that your SPL period may have on your pensionable service before starting your SPL.

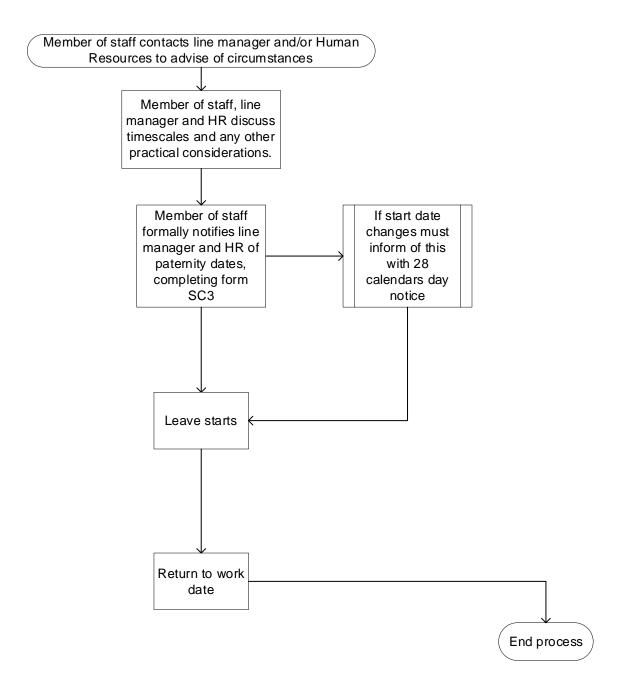
Any period of unpaid SPL will not count towards your pension unless you elect to pay additional pension contributions (APCs) when you return to work. This would involve purchasing the equivalent amount of pension contributions that you lost out on during that period of unpaid absence.

If you wish to purchase the amount of pension contributions you lost out on, and make the election within 30 days of the end of the scheme year, the cost of the APCs will be split between you and us. You will pay 1/3 of the cost and we will pay the rest. You can pay these additional contributions in a one-off lump sum or through regular payments from your salary. If you make the election after 30 days of the end of the scheme year, you will be liable to pay 100% of the cost of the APC and we will have no obligation to pay part of the cost.

If you are a member of the Scottish Teachers' Superannuation Scheme you may wish to purchase additional pension to cover the period that was unpaid. The minimum number of days' additional pension that can be purchased is 250. Please refer to the Scottish Public Pensions Agency (SPPA) website for further information: Scottish Public Pensions Agency home page | SPPA (https://pensions.gov.scot/).

If you take advantage of any salary sacrifice schemes, you must discuss with HR any impact these schemes may have on your SPL, prior to starting your SPL.

3. Flowchart



Appendix 1: Forms to complete

- ◆ SPL 1: Application for Shared Parental Leave This form must be used to apply for, and take, SPL.
- ◆ SPL2: Curtailment of Maternity/Adoption Leave This form must be used to curtail (shorten) your maternity/adoption leave and pay in order to apply for SPL.
- SPL3: Curtailment Cancellation Notice of Maternity/Adoption Leave This form
 must only be completed where an employee has previously given notice to curtail their
 maternity/adoption leave in order to apply for SPL and now wishes to cancel the
 curtailment notice.
- ◆ SPL4: Booking Notice for a Single Continuous Period of Shared Parental Leave You must use this form to request a single, continuous block of leave.
- ◆ SPL5: Booking Notice for Discontinuous Periods of Shared Parental Leave You must use this form to request multiple blocks of leave, punctuated by periods of work (eg four weeks on leave, followed by four weeks at work, followed by four weeks on leave).
- SPL6: Vary/Cancelling Booked Shared Parental Leave This form must be completed by an employee who wishes to vary or cancel a previously submitted booking notice for SPL.

A link to these forms is here: <u>Human Resources - Shared parental leave forms - All</u> Documents (sharepoint.com).

Appendix 2: Default provisions if discontinuous leave application is not agreed

The default provisions (applies to discontinuous leave only)

Within 14 calendar days of the original notification

If an agreement is reached, no default provisions will apply. If no agreement is reached or we refuse the discontinuous leave notification, or make no response to a discontinuous leave notification, the default provisions will apply.

Within 15 calendar days of the original notification

If no agreement is reached, you may withdraw their discontinuous leave notification. If it will not count as one of your three Booking Notices. If you do not withdraw the request, the discontinuous leave notification automatically defaults to a period of continuous leave.

Within 19 calendar days of the original notification

You can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If you do not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.