

Livewell Southwest

Shared Parental Leave (Birth) Policy

Version No. 3

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Notice to staff using a paper copy of this guidance.

The policies and procedures page of LSW Sharepoint holds the most recent version of this document and staff must ensure that they are using the most recent guidance.

Author: People and Professionalism

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Document Review History

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1	New Document	May 2016	HR Policy Group	Development of New Policy.
1.1	Extended	July 2018	Head of HR & Staff Wellbeing	Extended
1.2	Extended	January 2021	HR Admin	Extended
1.3	Extended	October 2021	Associate Director of HR & Engagement	Extended
2	Reviewed	September 2022	HR Department	Reviewed no changes, only formatting updates.
3	Reviewed	February 2026	HR People Team	Removal of restriction of taking Paternity Leave after SPL

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Shared Parental Leave (Birth) Policy

1. Equality and Diversity Statement

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

2. Introduction

- 2.1 Shared parental leave (SPL) is a type of leave that is available to parents with babies due on or after 5 April 2015. It offers an employee and their partner more flexibility in how to share the care of their child in the first year after birth rather than simply taking maternity and paternity leave.
- 2.2 This policy applies to all employees of Livewell Southwest and, shall operate alongside policy arrangements for maternity and paternity.
- 2.3 This policy does not form part of any employee's contract of employment and Livewell Southwest may amend it at any time.

3. Purpose

- 3.1 This policy sets out the arrangements for shared parental leave and pay in relation to the birth of a child. Employees who are adopting a child should refer to the Shared Parental Leave (Adoption) Policy instead.
- 3.2 The mother cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.
- 3.3 The child's father or the mother's partner may take their two weeks' paternity leave either before or after taking SPL. SPL entitlement is additional to your paternity leave entitlement.

4. Definitions

The definitions in this paragraph apply in this policy.

- 4.1 Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- 4.2 Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- 4.3 Partner: a spouse, civil partner or someone living together in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- 4.4 Qualifying Week: the fifteenth week before the EWC.
- 4.5 The following abbreviations are used within this policy arrangement:
SPL = Shared Parental Leave
ShPP = Shared Parental Pay
SMP = Statutory Maternity Pay
SMA = Statutory Maternity Allowance

5. Duties and Responsibilities

The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.

- 5.1 Line Managers are responsible for:
 - Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
 - Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.
- 5.2 Employees must:
 - Ensure that they participate and engage in any processes and in line with this policy.
 - Make their Manager aware if they require any additional support to participate in processes within this policy.

6. Shared Parental Leave

- 6.1 The total amount of SPL available is 50 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been

in receipt of statutory maternity pay (SMP) or statutory maternity allowance (SMA) if she is not entitled to maternity leave. SPL is only available during the child's first year.

- 6.2 Assuming both parties are both eligible, they will be able to choose how to split the available leave between them, and can decide to be off work at the same time or at different times. Employees may be able to take leave in more than one block.
- 6.3 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 (see Parental (unpaid) Leave Policy).
- 6.4 Livewell Southwest recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with the HR People Team to ensure that they are followed correctly.
- 6.5 In the very sad event of still born from 24 weeks of pregnancy or born alive at any point in the pregnancy but later dies after the parents had opted in to Shared Parental Leave (including giving notice of entitlement and intention to take leave), the employee continues to be entitled to take the leave they booked before the death.

7. Entitlement to Shared Parental Leave

- 7.1 Employees are entitled to SPL in relation to the birth of a child if:
 - a) They are the child's mother, and share the main responsibility for the care of the child with the child's father or with your partner;
 - b) They are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - c) They are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 7.2 The following conditions must also be fulfilled:
 - a) They must have at least 26 weeks continuous employment with Livewell Southwest, and/or another NHS/Local Government employer, by the end of the

Qualifying Week, and still be employed by Livewell Southwest in the week before the leave is to be taken;

- b) The other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks – known as the ‘Employment and Earnings Test’ at the rate set by the government and therefore subject to change; and
- c) They and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, SMP or SMA periods.

8. Notification Arrangements

8.1 The notices that must be given by the employee and/or their partner in order to be able to take shared parental leave are made up of three elements and all must be submitted not less than eight weeks before the date they intend SPL to start. They are:

- a) A "curtailment notice" (if the employee is the child's mother) to end their maternity leave (unless they have already returned to work from maternity leave). The other parent may be eligible to take SPL from their employer before the maternity leave ends, provided a curtailment notice has been submitted;
- b) An "opt-in notice" giving an initial, non-binding indication of each period of shared parental leave that they are requesting, or a written declaration that the other parent has given their employer an opt-in notice and that they have given the necessary declarations in that notice; and
- c) A "period of leave notice" setting out the start and end dates of each period of shared parental leave that they are requesting.

Please refer to appendices for relevant paperwork – incomplete forms will be returned as void and the application will not be processed.

Curtailment Notice

8.2 A curtailment notice must state the date maternity leave will end. If the employee is the mother they can give the notice before or after giving birth, but they cannot end their maternity leave until at least two weeks after birth.

8.3 The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- a) If the employee realises that neither them nor the other parent are in fact eligible for SPL or ShPP, in which case they can revoke the curtailment notice in writing up to eight weeks after it was given;

- b) If the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- c) If the other parent has died.

8.4 Once they have revoked a curtailment notice the employee will be unable to opt back into the SPL scheme.

Opt-in Notice

8.5 The opt-in notice must give the following information:

- a) The employees name and the name of the other parent;
- b) If they are the child's mother, the start and end dates of maternity leave;
- c) If they are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or SMA period;
- d) The total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or SMA period taken or to be taken;
- e) How many weeks of the available SPL will be allocated to the employee and how many to the other parent (they can change the allocation by giving Livewell Southwest a further written notice, and do not have to use the full allocation);
- f) If they are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or SMA period taken or to be taken;
- g) How many weeks of available ShPP will be allocated to the employee and how much to the other parent. (The employee can change the allocation by giving Livewell Southwest a further written notice, and do not have to use the full allocation);
- h) An indication of the pattern of leave, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but you should give as much information as possible about future intentions; and
- i) Declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take SPL and ShPP.

Ending A Partner's Maternity Leave or Pay

8.6 If the employee is not the mother, but the mother is still on maternity leave or claiming SMP or SMA, the employee will only be able to take SPL once the mother has either:

- a) Returned to work;
- b) Given her employer a curtailment notice to end her maternity leave;
- c) Given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- d) Given the benefits office a curtailment notice to end her SMA (if she is not entitled to maternity leave or SMP).

Evidence of Entitlement

8.7 Employees must also provide on request:

- a) A copy of the birth certificate (or if they have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- b) The name and address of the other parent's employer (or a declaration that they have no employer).

9. Booking SPL Dates

Period of Leave Notice

- 9.1 Having opted into the SPL system, the employee will need to give a period of leave notice telling Livewell Southwest the start and end dates of leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of leave. The employee must also state in the period of leave notice the dates on which they intend to claim ShPP, if applicable. Leave must be taken in blocks of at least one week.
- 9.2 The period of leave notice can either give the dates they want to take leave or, if the child has not been born yet, it can state the number of days after birth that they want the leave to start and end. This may be particularly useful if they intend to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.
- 9.3 The employee can give up to three periods of leave notices. This may enable them to take up to three separate blocks of SPL (although if they give a notice to vary or cancel period of leave this will in most cases count as a further period of leave notice).
- 9.4 Line managers are responsible for completing a change form and recording absences on their monthly absence returns, this will ensure that SPL and pay arrangements are accurately recorded and processed. Employees will be notified in writing by the HR People Team of the necessary details.

Continuous Period of Shared Parental Leave

- 9.5 If the employee's period of leave notice gives dates for a single continuous block of SPL they will be entitled to take the leave as set out in the notice.

Discontinuous Period of Shared Parental Leave

- 9.6 In general, a period of leave notice should set out a single continuous block of leave. The line manager may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. The employee should discuss this with their line manager in good time before formally submitting a period of leave notice.

- 9.7 If the employee wants to request split periods of SPL, they must set out the requested pattern of leave in their period of leave notice. The line manager will either agree to the request or start a two-week discussion period. At the end of that period, the line manager will confirm any agreed arrangements in writing. If the line manager and employee have not reached agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if they requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, they may:
- a) Choose a new start date (which must be at least eight weeks after the date they submitted the notice requesting split periods of leave), and tell their line manager within five days of the end of the two-week discussion period, which can be either continuous or discontinuous; or
 - b) Withdraw the notice and tell their line manager within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and they may submit a new one if they choose).

Changing the Dates or Cancelling SPL

- 9.8 The employee can cancel a period of leave by notifying Livewell Southwest in writing at least eight weeks before the start date in the period of leave notice.
- 9.9 The employee can change the start date for a period of leave by notifying the organisation in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 9.10 The employee can change the end date for a period of leave by notifying the organisation in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 9.11 Employees can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see *Period of Leave Notice* above which sets out how much notice is required.
- 9.12 Employees can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see *Periods of Leave Notice* above which sets out how much notice is required for the request. Livewell Southwest does not have to grant the request but will reasonably consider it.
- 9.13 A notice to change or cancel a period of leave will count as one of the employee's three period of leave notices, unless:

- a) It is a result of the child being born earlier or later than the EWC;
- b) They are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period.
- c) It is at Livewell Southwest's request; or
- d) Livewell Southwest agree otherwise.

Premature Birth

9.14 Where the child is born early (before the beginning of the EWC), the employee may be able to start SPL in the eight weeks following birth even though they cannot give eight weeks' notice. The following rules apply:

- a) If they have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but the child is born early, they can move the SPL start date forward by the same number of days, provided they notify the organisation in writing of the change as soon as they can.
- b) If the child is born more than eight weeks early and they want to take SPL in the eight weeks following birth, the employee should submit their opt-in notice and the period of leave notice as soon as they can.

10. Shared Parental Pay

10.1 Employees may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by the employee or their partner) if they have at least 26 weeks' continuous employment with Livewell Southwest and/or another NHS/Local Government employer, at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

10.2 Employees should tell their line manager in their period of leave notice(s) (or otherwise in writing, at least eight weeks before they want ShPP to start) whether they intend to claim ShPP during the period of leave (and if applicable, for what period).

11. Other Terms During Shared Parental Leave

11.1 The contract of employment continues during SPL and employees will be entitled to receive all benefits, except remuneration, to which they are contractually entitled. Contractual holiday entitlement will be accrued in the same way.

11.2 If the SPL continues into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting leave can be carried over and must

be taken immediately before returning to work unless the line manager agrees otherwise.

- 11.3 If you are a member of the pension scheme, Livewell Southwest will make employer pension contributions during any period of paid SPL, based on the normal salary, in accordance with the pension scheme rules. Any employee contributions made will be based on the amount of any shared parental pay received, unless employees inform the Human Resources Department that they wish to make up any shortfall.

12. Keeping in Touch

- 12.1 Livewell Southwest may make reasonable contact with employees from time to time during the SPL although this will be kept to a minimum. This may include contacting employees to discuss arrangements for return to work. It is good practice to agree in advance with the line manager how Livewell Southwest will stay in contact during this period.
- 12.2 Employees may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during SPL. This is in addition to any KIT days that may have been taken during maternity leave. KIT days are not compulsory and must be discussed and agreed. Any work carried out on a KIT day shall constitute a day's work e.g. if an employee comes into work for two hours this will count as one days allocation, but will only get paid for the time worked.
- 12.3 Employees will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

13. Returning to Work

- 13.1 If the employee wants to end a period of SPL early, they must give the organisation eight weeks' written notice of the new return date. If they have already given three period of leave notices they will not be able to end the SPL early without their line manager's agreement.
- 13.2 If the employee wants to extend SPL, assuming they still have unused SPL entitlement remaining, they must give the organisation a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given three periods of leave notices they will not be able to extend SPL without their line manager's agreement. The employee may instead be able to request annual leave or ordinary parental leave, subject to the needs of the business.

13.3 Employees are normally entitled to return to work in the position held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the organisation to allow the employee to return into the same position, the organisation may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- a) If SPL and any maternity or paternity leave have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- b) If they took SPL consecutively with more than four weeks of ordinary parental leave.

13.4 If an employee wants to change hours or other working arrangements on return from SPL they should make a request as early as possible and in accordance with the Flexible Working Policy arrangements.

13.5 If the employee decides they do not want to return to work they should give notice of resignation in accordance with their contract.

14. Training Implications

Training will be provided to Managers, as required, on their duties in relation to this Policy.

15. Monitoring Compliance

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Policy Group.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Head of Service.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of People and Professionalism

Date: 27th April 2026