

## **Neonatal Care Leave and Pay Policy**

### **Introduction**

This Section sets out our current Neonatal Care Leave and Pay Policy which is intended to reflect the statutory provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This policy applies to employees only and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time. This policy applies to babies born on or after 6<sup>th</sup> April 2025.

You are entitled to neonatal care leave and pay in accordance with the current statutory provisions.

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. The notes deal with issues which commonly affect employees but may not be applicable to all personal circumstances. Guidance notes are not a substitute for individual advice and we are available to assist with individual queries.

### **Neonatal Care**

Neonatal care is medical care of a child that starts within 28 days of birth. This covers any hospital treatment, including treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU), as well as treatment in a maternity home, clinic or hospital outpatient department. It also includes ongoing monitoring and home visits from healthcare professionals directed by a consultant and arranged by the hospital where the child was an inpatient. It can include palliative or end of life care.

### **Entitlement to Neonatal Care Leave (NCL)**

NCL is available once a child has received neonatal care for an uninterrupted period of seven days, not counting the day on which the neonatal care starts. Each uninterrupted week of neonatal care is a qualifying week. Part weeks are not included.

In adoption cases, a qualifying week only includes time spent in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered the UK.

You are entitled to one week of NCL for each qualifying week of neonatal care, up to a maximum of 12 weeks.

### **Eligibility for NCL**

You may be eligible for neonatal care leave if you are:

- The child's parent;
- Their intended parent under a surrogacy arrangement;
- Their adopter or prospective adopter via a UK adoption agency or an adoption from overseas;
- The partner of any of the above at the date of birth or (in the case of adoptions) at the date of placement by a UK adoption agency or the date the child entered the UK if adopting from overseas;
- and you have or expect to have responsibility for the child's upbringing (or, if you are the partner of the child's mother, the main responsibility apart from any responsibility of the mother).

### **Taking NCL**

NCL cannot be taken during the waiting period, which is the first week of neonatal care. In many cases you may already be on maternity, paternity, adoption, or shared parental leave during the waiting period. If not, please talk to your manager if you need time off, which may be available as paid holiday or unpaid time off for dependents.

NCL can be taken any time after the waiting period, up to 68 weeks after the date of birth.

The rules for taking NCL depend on whether NCL is being taken in a Tier 1 period or a Tier 2 period. The rules are more flexible during a Tier 1 period.

The **Tier 1 period** starts after the waiting period and lasts until seven days after neonatal care has ended. If you want to start NCL during a Tier 1 period:

- Please notify your manager on or before the day you want to start your NCL. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start NCL on the following day. You may be able to take the rest of the day off under our Time Off for Dependents Policy where necessary.
- You must tell your manager the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all the information required (set out below) in writing within 28 days of the start of NCL.
- You can take NCL in one continuous period or split into multiple periods of one or more whole weeks.

Where you intend to remain on NCL for more than one week, please notify your manager as soon as possible and in any case by the start of each subsequent week of NCL.

The **Tier 2 period** lasts from the end of the Tier 1 period until 68 weeks after the date of birth. If you want to start NCL during a Tier 2 period:

- You must give 15 days' notice to take one week of NCL, or 28 days' notice to take two or more weeks of NCL.
- The notice must be in writing and must contain the necessary information set out below.
- NCL must be taken as one continuous period of a whole number of weeks.
- If your child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the Tier 1 period will resume until 7 days after neonatal care ends.
- Where neonatal care is ongoing when you give the notice required, please notify your line manager once the neonatal care ends. If your child starts to receive neonatal care again, please notify your line manager of the start and end dates of the further period of neonatal care as soon as possible in each case.

### **Written information required**

You must provide the following information in writing:

- Your name.
- Your child's date of birth.
- In UK adoption cases, the date of placement, or in overseas adoption cases, the date your child entered Great Britain.
- The start and end dates (if known) of any period(s) of neonatal care.
- The date the period of NCL started or will start.
- The number of weeks of NCL you intend to take or have taken.

- A declaration that the purpose of the NCL is to care for your child.
- If it is the first notice in respect of your child, a declaration that you meet the eligibility requirements set out in this policy.

Please complete and return to your manager HRF21 Neonatal Care Leave and Pay Form.

### **Cancelling NCL in the Tier 2 period**

You can cancel a planned period of NCL that is due to start in a Tier 2 period by telling us at least 15 days before the leave starts (for a single week of NCL) or 28 days before the leave starts (for two or more consecutive weeks of NCL).

### **Statutory Neonatal Care Pay (SNCP)**

You may qualify for SNCP during NCL if your average earnings are not less than the lower earnings limit set by the government each tax year, and you have at least 26 weeks' continuous employment by the end of the relevant week, which is:

- the 15th week before the expected week of childbirth (in birth and surrogacy cases);
- the week in which the adoption agency or local authority notified you of a match (in UK adoption cases); or the week before the neonatal care starts (in any other case).

You will already meet these criteria if you have qualified for statutory maternity pay (SMP), statutory paternity pay (SPP), statutory adoption pay (SAP) or Statutory Shared Parental Pay (ShPP).

SNCP is only payable in respect of whole weeks of NCL, at the same rate as statutory paternity pay. The rate is set by the government each tax year.

### **Interaction with other family leave**

Taking NCL does not affect your entitlement to other family leave and pay, such as maternity leave and pay (see our Maternity Leave Policy), adoption leave and pay, (see our Adoption Leave Policy), paternity leave and pay (see our Paternity Leave Policy), shared parental leave and pay (see our Shared Parental Leave Policy) or parental leave (see our Parental Leave Policy).

If you are taking maternity, adoption, paternity, parental or shared parental leave at the time your child starts neonatal care, you can take your NCL after that leave ends. You must give the relevant period of notice and written information set out above.

If your NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, parental leave or shared parental leave) then the interrupted NCL period will resume straight away after the other leave, provided you are still in the Tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If you are now in a Tier 2 period (that is, the neonatal care ended more than a week ago) the remainder of the interrupted NCL must be added onto any further period of NCL that you are intending to take.

When booking a period of NCL in the Tier 2 period you must ensure it will not be interrupted by the start of another period of family leave that you have booked.