



Neo Natal Leave Policy

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Policy statement

Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a baby receiving neonatal care. We recognise that this can be a difficult and worrying time, both physically and mentally.

This policy explains your rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

Entitlement

You are entitled to take one week of neonatal care leave for each consecutive seven-day period that your baby is receiving neonatal care, up to a maximum of 12 weeks.

You may take neonatal care leave if you have parental or other prescribed responsibility for a baby who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

"Neonatal care" is defined in law as care of a medical or palliative kind lasting for at least seven consecutive days which starts within 28 days beginning with the day after the child's birth. The medical care may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers babies receiving palliative or end of life care.

We recognise that people other than those listed above in relation to whom the statutory right applies may want time off in these circumstances. Requests for time off in relation to these people should be made to your line manager but these will be considered separately to time off for statutory neonatal care leave.

Notice requirements

You must give us notice in writing if you want to take neonatal care leave.

The notice must specify:

- your name
- the child's date of birth and date of placement if adoption
- the date(s) the child started receiving neonatal care
- the date neonatal care ended if the child is no longer receiving it
- the date you want the leave to begin
- the number of weeks' leave you want to take

- the declaration that you are taking the leave to care for the child
- the declaration that you meet the eligibility requirements.

You can take neonatal care leave during two periods:

- The Tier 1 period is the period during which the child is receiving neonatal care or during the 7 days following the end of neonatal care. During the tier 1 period, NCL cannot be taken for the first 7 days that a child is in neonatal care. It can be taken as consecutive or non-consecutive weeks. Any remaining entitlement to NCL may be taken in the tier 2 period.
- The Tier 2 period is any period that is outside of tier 1 but in which you are entitled to NCL.

If you wish to take neonatal care leave in the tier one period you must give us the required notice before you are due to start work on the first day of absence, unless it is not reasonably practicable to do so, to prevent any delays in accessing your entitlement.

If you wish to take neonatal care leave in the tier two period, you must give us the required notice no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking two or more weeks.

If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice periods as above.

Your neonatal care leave will start on the day specified in your notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

Taking leave

You must take the leave before the end of a period of 68 weeks beginning with the child's date of birth or date of placement in cases of adoption.

If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child's date of birth or placement.

Pay during leave

You are entitled to Statutory Neonatal Care Pay during neonatal care leave if you:

- are eligible for statutory neonatal care leave
- have 26 weeks' continuous service by the week immediately preceding the one in which neonatal care starts

- earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before neonatal care starts
- are still in employment in the week before neonatal care starts.

If you are eligible, you are entitled to a maximum of 12 weeks' Statutory Neonatal Care Pay, paid at one week per every seven uninterrupted days of care the child receives.

The weekly rate of Statutory Neonatal Care Pay is the lower of:

- the current statutory rate
- 90% of your normal weekly earnings.

If you are eligible for Statutory Neonatal Care Pay, you need to give us notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.

Where you are claiming Statutory Neonatal Care Pay in the tier one period, you must provide notice before the end of 28 days after the first day of the pay week the notice refers to.

If you are claiming Statutory Neonatal Care Pay in the tier two period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking two or more weeks.

The notice must include:

- your name
- the child's date of birth and date of placement if adoption
- the date(s) the child started receiving neonatal care
- the date neonatal care ended if the child is no longer receiving it
- the declaration that the week you are claiming pay for was taken to care for the child
- the declaration that you meet the eligibility requirements.

Returning to work

You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your manager will explain how this affects you based on your individual circumstances.

Employee assistance programme (EAP)

We would like to remind you that you have access to a 24-hour telephone counselling service and we would like to encourage you to use it if you feel you

would like to talk to someone about your situation. The Wisdom HealthAssured Employee Assistance Programme is available to all Education South West Employees. Call 0800 028 0199 to access the free 24 hour confidential helpline

Other related policies

Your entitlement to time off on the loss of a child is set out in our policy on parental bereavement leave, including details of eligibility, pay during time off and other support available.

If you wish to make a request for parental leave to care for a child, you should read our parental leave policy.

We have separate policies that explain your entitlements to maternity leave, adoption leave, paternity leave and shared parental leave and pay during these types of leave.

Use of neonatal care leave

Employees who take time off under this policy for reasons other than those for which the statutory right to neonatal care leave is intended may be subject to investigation and subsequent disciplinary proceedings.