

Neonatal Care Leave



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Key points

- This policy applies to all County Council employees.
- Employees should provide notice of Neonatal Care Leave as soon as reasonably practicable using the [Neonatal Care Leave Form](#).
- Content shown in [blue text](#) is available from the Intranet/Webshop. [Underlined blue text](#) links to a bookmark elsewhere in this document.

1. Summary

1.1. Subject to eligibility, employees have a legal right to Neonatal Care Leave. Neonatal care leave is designed to assist parents of babies who are admitted into neonatal care.

1.2. Neonatal care includes:

- medical care that your child receives in a hospital.
- palliative or end-of-life care.
- medical care that your child receives in any other place providing:
 - your child was previously admitted to a hospital as an inpatient and needs continuing care after leaving the hospital.
 - the care is under the direction of a consultant.
 - the care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where your child was an inpatient.

2. Entitlement

2.1. Employees have a statutory right to take neonatal care leave. You will be eligible to take neonatal care leave if:

- your child was born, placed for adoption or entered Great Britain (for overseas adoptions) on or after 6 April 2025.
- your child started receiving neonatal care within 28 days, starting from the day after the date on which they were born.
- the neonatal care has lasted seven days or longer without interruption, counted from the day after care begins.
- you are taking the leave to care for your child.

2.2. In addition to the criteria explained above, at the date of the child's birth you must be:

- the child's parent or adopter and have responsibility for the upbringing of the child; or
- the partner of the child's mother or prospective adopter and have main responsibility for the upbringing of the child (apart from the mother) or
- the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
- the partner of the child's overseas adopter and have main responsibility for the upbringing of the child (apart from your partner).

- 2.3. If you are having a child through a surrogacy arrangement, in addition to the criteria at 2.1 above, you are entitled to neonatal care leave if at the date of the child's birth:
- you have applied or intend to apply for a parental order within a period of six months.
 - you expect the parental order to be granted; and
 - you have or expect to have responsibility for the upbringing of the child.
- 2.4. There is no service requirement to take neonatal care leave. However, to receive neonatal care pay, employees must meet service and earnings requirements as described in [Neonatal Care Pay](#) below. For both leave and pay, employees must also comply with the relevant notice and declaration requirement explained in '[Notice to take neonatal care leave](#)' below.
- 2.5. You may also be entitled to neonatal care leave if your child passes away or your adoption placement is interrupted. Please see [Bereavement or disruption of adoption placement](#) for more information.

3. Taking Neonatal Care Leave

- 3.1. The amount of neonatal care leave that you can take is one week for every week your child has spent in neonatal care without interruption. A week is defined as a period of seven days starting from the day after the neonatal care began.
- 3.2. The maximum number of weeks that you can take as neonatal care leave is capped at 12 weeks.
- 3.3. Any neonatal care leave must be taken in blocks of at least one week.
- 3.4. You can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

Timing of Neonatal Care Leave

- 3.5. You can start your leave on any day after your child has received seven days of uninterrupted neonatal care.
- 3.6. The seven days are counted from the day after the neonatal care started. For example, if your child's started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that you can start your neonatal care leave on any day from 15 April.
- 3.7. Any neonatal care leave must end within 68 weeks of your child's date of birth.
- 3.8. The right to neonatal care leave is in addition to any other statutory leave that you may be entitled to, such as maternity, adoption, paternity, ordinary parental, parental bereavement or shared parental leave (see Other statutory leave below).

How Neonatal Care Leave can be taken

- 3.9. Neonatal care leave is available to take in two tiers:

- The "tier 1 period" applies during the time your baby requires neonatal care. It begins when your child starts receiving neonatal care and ends on the seventh day after your child's care requirements are completed. If you take neonatal care leave in the tier 1 period, you can take it in one continuous block, or a number of non-continuous blocks of a minimum of one week at a time.
 - The "tier 2 period" is any remaining period (within 68 weeks after your child's date of birth) that is not part of the tier 1 period. If you take neonatal care leave during the tier 2 period, you must take the leave in one continuous block.
- 3.10. You should be aware that the relevant notice requirements differ depending on whether you take your leave in the tier 1 or tier 2 period (see [Notice to take neonatal care leave](#)).
- 3.11. An employee can choose to utilise both tiers, if they have the weeks available to them. If an employee is already on maternity related leave during the tier 1 period, then they must exhaust this first, please see [Interaction with other Leave](#).

4. Notice to take Neonatal Care Leave

- 4.1. Your neonatal care leave will start on the date that is specified in your notice. Alternatively, if you give notice on the same day that you want to begin your leave and you are already in work on that day, your neonatal care leave will start on the following day.

Notice during the tier 1 period

- 4.2. For each week of neonatal care leave that you wish to take in tier 1, you should notify your line manager by phone or email, preferably before your first day of absence in that week. However, we understand that this is likely to be a challenging time for you, so please give notice as soon as is reasonably practicable for you to do so.
- 4.3. You are also required to give notice of your intention and entitlement to take neonatal care leave using our [Neonatal Care Leave Form](#).
- 4.4. There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. However, we do request that the form is sent to Employee Services within 28 days of the first day of your neonatal care leave, or if this is not possible, as soon as it is reasonably practicable.

Notice during the tier 2 period

- 4.5. If you wish to take neonatal care leave in the tier 2 period, you will need to give notice in writing of your intention and entitlement to take neonatal care leave using our [Neonatal Care Leave Form](#).
- 4.6. If you are taking a single week of neonatal care leave, your notice should be received by us at least 15 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

- 4.7.If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by us at least 28 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

Changing Neonatal Care Leave plans

- 4.8.If you have submitted a [Neonatal Care Leave Form](#) to take neonatal care leave during the tier 2 period but wish to cancel your leave, you must inform your manager and Employee Services as soon as practicable.

5. Neonatal Care Pay

- 5.1.Statutory neonatal care pay is payable during your neonatal care leave period, provided you are entitled to it.
- 5.2.The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).
- 5.3.You will qualify for statutory neonatal care pay if all the following apply:
- you are entitled to take neonatal care leave.
 - you have at least 26 weeks' continuous employment with us at the end of the relevant week.
 - you remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week).
 - your average weekly earnings are not less than the lower earnings limit for national insurance contributions.
 - you have complied with the relevant notice requirements and are able to provide the declarations as set out in this policy.
 - you have confirmed when you wish to start receiving statutory neonatal care pay within your form to provide notice of intention and entitlement to take neonatal care leave.
- 5.4.The "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins. In cases of adoption, the "relevant week" is the week in which you are notified of being matched with the child.
- 5.5.Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

6. Interaction with other leave

Maternity related leave

- 6.1.You are entitled to take neonatal care leave in addition to any other maternity related leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave.

- 6.2.If you have already started a period of maternity related leave, but subsequently become eligible for neonatal care leave, you can take your neonatal care leave after completing other maternity related leave, provided that your neonatal care leave is taken within 68 weeks of your child's birth date. For example, if you are already on maternity leave during the tier 1 period, and during this time your baby is discharged from neonatal care, you can utilise any accrued Neonatal Care Leave weeks during the tier 2 period.
- 6.3.If you have already started a period of neonatal care leave during the tier 1 period but need to begin another type of maternity related leave, your neonatal care leave will be temporarily paused immediately before the other leave begins. You can then resume the remaining weeks of your neonatal care leave in one of two ways:
- If you are still within the tier 1 period - immediately after the end of the other period of maternity related leave; or
 - if you have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.
- 6.4.You cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, you are aware that the leave will overlap with another type of leave.

Annual leave

- 6.5.You will continue to accrue your holiday entitlement during your neonatal care leave.
- 6.6.Any holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next annual leave year.

Other discretionary leave

- 6.7.Further discretionary leave provisions are outlined in the County Council's [Paid and Unpaid Leave Policy](#).

7. Bereavement or disruption of adoption placement

- 7.1.Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if their child passes away or the adoption placement is disrupted.
- 7.2.Employees may also be entitled to compassionate leave and parental bereavement leave, please see [Paid and Unpaid Leave Policy](#) for further information.
- 7.3.If you have suffered a bereavement, please contact your manager who will discuss how they can best support you. Any information disclosed by you during discussions with your line manager will be treated sensitively and in strict confidence.
- 7.4.Our counselling and Employee Assistance Programme is available 24 hours a day (0333 212 8382). This is a fully confidential service and can provide counselling in the event of a bereavement.