

Report of the Portfolio Holder for Resources and Personnel Policy

Neonatal Care Leave

1. Purpose of Report

To introduce a new Neonatal Care Leave Scheme in anticipation of government legislative implementation in April 2025. The Act seeks to provide parents of newborns who require medical or palliative care for seven or more consecutive days within the first 28 days of life, additional leave of up to twelve weeks.

2. Recommendation

The Committee is asked to RECOMMEND to Cabinet that the Neonatal Care Leave Policy be approved.

3. Detail

The Neonatal Care (Leave and Pay) Act 2023 received Royal Assent on 24 May 2023, and will come into force in 2025. It is intended to provide parents with a right to twelve weeks' leave when their baby requires neonatal care. Neonatal Care Leave will run consecutively to existing parental leave entitlements, effectively extending maternity and paternity leave.

The definition of neonatal care is yet to be specified, but the general requirement is for the baby to receive seven days of medical or palliative care within the first 28 days of birth. The right to neonatal care leave (NCL) is a day one right requiring no set length of service, mirroring the right to maternity leave. The right to receive statutory neonatal care pay (SNCP) requires 26 weeks of service and earnings on average of at least £123 a week. This mirrors the entitlement to maternity pay.

NCL must be taken in the first 68 weeks of the baby's birth. It is expected that it will be possible to take it in non-consecutive periods of at least a week, as is the case with shared parental leave.

4. Key Decision

Not applicable.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with any costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Act will give eligible employed parents an additional right to time away from work in respect of their child who is receiving or has received neonatal care. It requires Regulations to give employed parents a 'day one' right to a minimum of one week of leave away from work, subject to certain criteria being met. This means that an employee would be eligible regardless of their length of service with their current employer. Employed parents would also be entitled to a statutory pay at a prescribed rate subject to requirements including that the employee has worked for their employer continuously for at least 26 weeks by the end of the week before the child's admission into neonatal care. The introduction of a specific, statutory entitlement to Neonatal Care Leave and Pay will set a minimum standard for employees and employers. The intention of the policy is to provide certainty for employed parents and employers in relation to parents' right to time off from work following the admission of a child into neonatal care. It also gives parents dedicated and protected time to spend with their baby whilst they are in hospital or other care settings which will be defined in Regulations. The Neonatal Care Leave Policy is included in **Appendix 1**.

8. Human Resources Implications

The comments from the Human Resources Manager were as follows:

The HR Manager welcomes and supports the legislation change, adding to our suite of Family Friendly policies and providing further support for employees.

9. Union Comments

Union comments were considered at LJCC.

10. Climate Change Implications

Not applicable.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is a new policy an equality impact assessment is included in **Appendix 2** to this report.

13. Background Papers

Nil.

REFERENCE