



# NEONATAL CARE LEAVE

Contents

1.0 Introduction.....3  
1.1 Purpose.....3  
1.2 Scope and Eligibility .....3  
1.3 Process .....5

REFERENCE

## 1.0 Introduction

The Neonatal Care (Leave and Pay) Act 2023 received Royal Assent on 24 May 2023 and comes into force in April 2025. The Council has introduced support for parents of babies who require neonatal care (for at least seven consecutive days) before the baby reaches 28 days of life. It is envisaged that this leave will allow parents to extend their time off with their baby at home when they are out of hospital instead of using their parental leave.

### 1.1 Purpose

The purpose of this policy is to inform employees of their right to request a period of neonatal care leave (NCL) when their baby requires neonatal care. This leave is in addition to existing parental leave entitlements namely: maternity, adoption, paternity, shared parental, parental and parental bereavement leave, collectively known as “family leave”.

### 1.2 Scope and Eligibility

The right to NCL is a ‘day one’ right, meaning that it will be available to employees no matter how long they had worked for the Council. It would apply to parents whose children spend at least one week in neonatal care.

The maximum duration of the leave, as well as how and when it must be taken, will be set out in regulations. However, the entitlement would be at least one week’s leave that would have to be taken within a minimum of 68 weeks starting from the date of the child’s birth.

The right to neonatal care pay (NCP) during periods of related leave, such as maternity, paternity and adoption leave, would be available to all employees with at least 26 weeks’ continuous service and whose earnings were above the lower earnings limit for national insurance contributions. Regulations would set out the level and duration of pay, but it would be able to be claimed for at least 12 weeks.

Parents will be able to take up to 12 weeks of paid leave and a minimum entitlement of one week, in addition to other leave entitlements such as maternity, paternity and shared parental leave.

Only employees with a minimum of 26 weeks’ service will be eligible for Neonatal Care Pay. Any time off utilising the Neonatal Leave Scheme will not count towards sickness absence or detrimentally impact probation.

In relation to NCL, the legislation sets out:

- an employee would be entitled to at least one week’s neonatal care leave
- that leave must be taken within a period of at least 68 weeks starting from the date of the child’s birth

- an employee is entitled to leave only if the neonatal care continued without interruption for a period of at least seven days beginning the day on which the care started

In relation to NCP, the legislation sets out:

- the person had a prescribed parental or other personal relationship with a child who was receiving, or had received, neonatal care that continued without interruption for a period of at least seven days
- the employee had been continuously working for their employer for at least 26 weeks by the end of the 'relevant week'
- the person's normal weekly earnings over an eight-week period ending with the relevant week were not less than the lower earnings limit (which is specified in section 5(1)a of the 1992 act)
- the person must give notice to the employer in order to receive NCL

The Chief Executive, in consultation with HR, exercise discretion on a case by case basis in exceptional circumstances.

### **1.3 Process**

Employees who may need to take neonatal leave must inform their Manager at the earliest opportunity and the Manager must inform the HR and Payroll Team.

Employees should regularly update their Manager wherever possible and appropriate wellbeing support should be offered.

Once the period of Neonatal care ends, the employee must inform their Manager and HR in order for records to be updated and to confirm that ordinary maternity or paternity leave commences.

Payroll will make any necessary adjustments to pay.

REFERENCE