

Neonatal care leave policy

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.

Neonatal leave is in addition to the other family friendly rights, such as maternity leave and paternity leave.

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.

Definitions

“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. This means that the parents of a child who is admitted for neonatal care at, for example, 35 days old, will not qualify for neonatal care leave.

Medical care may be received in or out of hospital, providing the child was originally an inpatient and any care is under the direction of a consultant.

The regulations define neonatal care as:

- medical care received in a hospital
- medical care received in any other place which meets the following criteria:
 - the child was an inpatient in hospital, and the care is received upon that child leaving hospital
 - the care is under the direction of a consultant

- the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital in which the child received neonatal care
- palliative or end of life care.

A child will therefore be considered as receiving neonatal care of the type required by the regulations if it receives that care at home, provided neonatal care had been provided to the child in hospital as an inpatient.

Eligibility

Neonatal leave is available for those with responsibility of babies born on or after 6 April 2025. This date refers to the actual date of birth and not the expected due date.

Employees who have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care may take neonatal care leave. The employees must be:

- the mother or father of the child, provided they have, or expect to have, responsibility for the child's upbringing
- the mother's partner, provided they have, or expect to have, the main responsibility (apart from any responsibility of the mother) for the child's upbringing
- the intended parents in surrogacy arrangement, provided they have, or expect to have, responsibility for the child's upbringing
- the adopter, or prospective adopter, provided they have, or expect to have, responsibility for the child's upbringing
- the adopter, or prospective adopter's partner, provided they have, or expect to have, the main responsibility (apart from any responsibility of their partner) for the child's upbringing
- the overseas adopter, provided they have, or expect to have, responsibility for the child's upbringing
- the overseas adopter's partner, provided they have, or expect to have, the main responsibility (apart from any responsibility of their partner) for the child's upbringing.

Entitlement

Neonatal care leave is available from day 1 of employment, provided the other eligibility requirements are met. However, there is a service requirement in respect of the pay element which is explained in the 'Pay during leave' section below.

Employees are entitled to take 1 week of leave for each uninterrupted 7-day period the child is receiving neonatal care. This is subject to a maximum of 12 weeks' leave.

For example, if the child receives neonatal care for 3 weeks, the employee will get 3 weeks of neonatal care leave. If the child receives neonatal care for 15 weeks, the total neonatal care leave is 12 weeks.

The above applies even where there is more than 1 child born as part of the same birth who is receiving neonatal care.

The leave must be taken 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.

Neonatal care leave can be taken during 2 periods:

- a. "Tier 1 period" — starts from the day the child starts receiving neonatal care, ending with the seventh day after the child stops receiving neonatal care.

Leave taken in this period:

1. cannot be taken before the day after the first 7-day uninterrupted period of neonatal care
2. can be taken in non-consecutive weeks

- b. "Tier 2 period" — any period which is outside of tier 1, but the employee is entitled to leave. Leave taken in this period must be taken consecutively.

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.

Multiple births or adoption of multiple babies

Where an employee has more than one child from the same pregnancy receiving neonatal care, the tier 1 period will run from the first day 1 of the children starts receiving care until the seventh day after the last child starts receiving care.

Employees will accrue leave for each child unless more than 1 is receiving care at the same time, in which case, leave will accrue at the rate of 1 child.

The maximum number of weeks that can be accrued remains at 12 and the leave must still be taken 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.

Notice requirements

You must give us notice in writing if you want to take neonatal care leave. A notice form is available in Appendix 1 below.

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.

If you wish to take neonatal care leave in the tier 1 period (see Entitlement section above) 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 2 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.

A Statutory Neonatal Care Leave notification form can be found in Appendix 1 below.

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.

Where you have already started neonatal care leave and begin another period of statutory leave, such as maternity or paternity leave, before neonatal care leave is due to end, then neonatal care leave will end immediately.

If you are still within the tier 1 period at the end of the other period of statutory leave, then any remaining neonatal care leave entitlement must be taken immediately.

If you are in the tier 2 period at the end of the other period of statutory leave, then the remaining entitlement must be taken consecutively with any other neonatal care leave.

For example, employees who are on maternity leave will not be able to take neonatal care leave at the time that the child is receiving neonatal care because, in almost all cases, the employee will be on maternity leave at that time. Employees cannot take 2 different types of leave at the same time, and it is not possible to pause maternity leave to take neonatal care leave. Therefore, when an employee is on maternity leave, their period of neonatal care leave can be taken once their maternity leave has ended.

For those employees taking maternity leave or wishing to postpone the use of their neonatal care leave entitlement, the tier 2 period will provide them the opportunity to do so.

Unlike maternity leave, other forms of family leave do not automatically start once the child is born, therefore, employees taking advantage of these forms of leave are likely to take their neonatal care leave in the tier 1 period. For example, an employee who is entitled to paternity leave is more likely to take neonatal care leave at the time the neonatal care is being provided because of the comparatively short length of paternity leave.

Employees who are the father of the child, or the mother's partner, who are not entitled to paternity leave because they do not meet the service requirement, are entitled to take neonatal care leave and, again, are most likely to take it at the time the care is being received.

Pay during leave

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

- are eligible for statutory neonatal care leave (see Eligibility section above)
- 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 entitled to another form of statutory family leave payment, the relevant week for neonatal care pay is the same as the qualifying week for the other statutory payment. In all other cases, the relevant week will be the week immediately before neonatal care starts).

If you are eligible, you are entitled to a maximum of 12 weeks' Neonatal Care Pay, paid at one week per every 7 uninterrupted days of care the child receives.

The rate of Neonatal Care Pay will be equivalent to your normal weekly earnings.

If you are eligible for 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 Neonatal Care Pay in the tier 1 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 Neonatal Care Pay in the tier 2 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.

A Neonatal Care Pay notification form can be found in Appendix 2 below.

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 service can be accessed by visiting the [Wellbeing page](#) on the Llais intranet.

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](#), [surrogacy](#) 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.

Appendix 1

Neonatal care leave notification form

- You do not have to give notice in writing for leave during the tier 1 period.
- If you are taking neonatal care leave in the tier 2 period, this form should be used alongside the “Neonatal Care Pay notification form”, (available as Appendix 2 of the Neonatal Care Leave Policy) if you wish to claim entitlement to Neonatal Care Pay.

Please ensure you read the Neonatal Care Leave Policy before completing this form to ensure you qualify for neonatal care leave and understand how it can be taken. A copy of the policy is available on the People section of Llais’ intranet.

Employee name	
Region/National function	
Child’s date of birth (and date of adoption where relevant)	
Date(s) the child started receiving neonatal care	
Date(s) the child stopped receiving neonatal care	
Start date of proposed neonatal care leave	
Number of weeks leave to be taken	
<i>Please note that you are required to give notice of your intention to take neonatal care leave. If the child is no longer receiving care, this is either 15 days’ notice for one week of leave or 28 days’ notice for two or more weeks of leave.</i>	

Declaration

I am entitled to take neonatal care leave because:	☐
I am either: • at the date of birth: ○ the child's parent ○ the child's intended parent ○ the partner of the child's mother • at the date of placement: ○ the child's adopter ○ the child's prospective adopter ○ the partner of either of the above • have, or expect to have, responsibility for the upbringing of the child	☐
I am taking the leave to care for the child in question	☐
I have not exceeded my entitlement to neonatal care leave	☐
I have given at least the required amount of notice	☐

I understand that if I knowingly misuse neonatal care leave, e.g. request or take neonatal care leave for a purpose other than that intended by the right to take neonatal care leave, I may be subject to disciplinary proceedings.

Signed:	
Date:	

Appendix 2

Statutory Neonatal Care Pay notification form

- If you are taking neonatal care leave in the tier 1 period, this form should be used to claim entitlement to Neonatal Care Pay. Employees do not have to give notice in writing for leave during this period.
- If you are taking neonatal care leave in the tier 2 period, this form should be used to claim entitlement to Statutory Neonatal Care Pay, alongside the “Neonatal care leave notification form”, (available as Appendix 1 of the Neonatal Care Leave Policy).

Please ensure you read the Neonatal Care Leave Policy before completing this form to ensure you qualify for Neonatal Care Pay. A copy of the policy is available on the People section of Llais’ intranet.

Employee name	
Region/National Function	
Child’s date of birth (and date of adoption where relevant)	
Date(s) the child started receiving neonatal care	
Date(s) the child stopped receiving neonatal care	
Start date of proposed/taken neonatal care leave	
Total number of weeks leave	
<i>Please note that you are required to give notice of your intention to claim Statutory Neonatal Care Pay.</i>	
<i>If you have taken leave whilst the child is/was receiving care, you must provide notice within 28 days of the first day of leave.</i>	
<i>If the child is no longer receiving care, this is either 15 days’ notice for one week of leave or 28 days’ notice for two or more weeks of leave.</i>	

Declaration

I am entitled to receive statutory neonatal care pay because:	☐
I am entitled to take neonatal care leave	☐
I had 26 weeks continuous service up to the relevant week	☐
I earned at least the lower earnings limit on average for the eight weeks up to the relevant week	☐
I have given at least the required amount of notice	☐

Signed:	
Date:	