

COMHAIRLE NAN EILEAN SIAR

NEONATAL LEAVE POLICY



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1. Introduction

In line with the Neonatal Care (Leave and Pay) Act 2023, from 6 April 2025, employees will be entitled to request up to 12 week's statutory neonatal care leave and pay if their child requires a week or more of neonatal care within 28 days of birth. Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care.

2. Overview

'Neonatal care' is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for hospital care, medical care after leaving hospital or for palliative care.

The right to take neonatal care leave applies from the first day of work. Eligible employees can take one week of leave for every 7 consecutive full days the baby spends in neonatal care. Employees will be able to take a minimum of 1 week, and a maximum of 12 weeks leave. Employees must take all leave within 68 weeks of the baby's date of birth.

Eligibility criteria with regards to leave, pay and the application process are detailed within this policy.

3. Neonatal Care Leave

Neonatal Care Leave is an entitlement to time away from work in addition to other parental leave such as Maternity, Paternity, Adoption and Shared Parental Leave.

3.1. Eligibility

Neonatal Care Leave is available to employees with a parental relationship to the baby/babies, whether they are the mother or birthing parent, father or other non-birthing parent such as non-birthing mother, spouse, civil partner or adoptive parent. The right to request neonatal care leave applies from the first day of work.

3.2. Entitlement

Employees will be able to take a minimum of 1 week, and a maximum of 12 weeks leave. This will depend on how long their baby is getting neonatal care. Employees will get 1 week of leave for each week the baby is in care, up to a maximum of 12 weeks. The baby must be in care for at least 7 consecutive days that start within 28 days of their birth.

If an employee has already booked statutory parental leave, neonatal care leave can be added to the end of this.

3.3. Taking Leave and Notification Requirements

Leave can be taken in 2 tiers. Tier 1 is for the period when the child is still receiving neonatal care, and including 1 week after the care has ended. For tier 1 leave, employees need to tell their employer before they are due to start work on the first day of leave. This will be after the child has already had 7 consecutive days of neonatal care. Tier 1 leave notice should be given

notice in writing, for example by email or letter. However, if the baby is in neonatal care (or in the first week after), notice can be given by phone, voicemail or text message.

Tier 2 is for the period outside tier 1 and before the end of 68 weeks from the date of the child's birth. For tier 2 leave, if employees are taking 1 week off, they need to tell their employer at least 15 days before the start date.

If they are taking 2 or more weeks leave, employees must tell their employer 28 days before the leave starts. Tier 2 leave must be taken as consecutive weeks. This means the time off must be taken in one block and cannot be split. Tier 2 leave notice must be in writing by email or letter.

If notice has been given for tier 1 leave, no extra notice is needed for the remaining amount that will be used as tier 2. All leave must be taken before the end of 68 weeks from the date of birth.

Employees must tell their employer:-

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- if it is the first time they're requesting neonatal care leave, a declaration that the employee meets the parental relationship criteria
- that during the time the child was in neonatal care, they have cared for or intend to care for the child

3.4. Neonatal Care leave and Other Statutory Leave

Neonatal leave is in addition to other types of time off such as statutory maternity leave, paternity leave, adoption leave and shared parental leave. Employees are not able to take 2 types of leave at the same time.

For example, an employee has requested 2 weeks of paternity leave when their child is born. Their child is taken into neonatal care immediately. The employee can still take neonatal care leave, but it will be added to the end of the paternity leave.

If employees take tier 1 leave which interrupts another statutory leave the neonatal care leave will end straight away. The neonatal leave which has not been taken will be added to the end of the leave it interrupted. This will only be if it's still in the tier 1 period.

Employees must avoid giving notice to take neonatal leave if they already know they have other leave booked.

3.6. Adoption

Both primary and secondary adopters or single adopters are eligible for neonatal care leave. The first 7 days of neonatal care need to start after the adoption placement date. Employees need to take the leave before the end of 68 weeks from the date of the child's birth.

For overseas adoptions, the leave needs to be taken before the end of 68 weeks from the date of the child's birth.

Employees can take the same amount of neonatal leave even if they adopt more than 1 baby in the same placement who is taken into neonatal care. For example, twins taken into neonatal care at the same time.

If there are multiple but separate adoption placements, then leave can be taken for each child up to a maximum of 12 weeks.

3.7. Surrogacy

Intended parents in a surrogacy will be eligible for neonatal care leave if they have responsibility for the upbringing of the child and have applied for a parental order or intend to apply for a parental order within 6 months of the child's birth. Both intended parents are eligible for neonatal care leave.

The first 7 days will start from the date of birth. Parents need to take the leave before the end of 68 weeks from the date of birth.

4. **Neonatal Care Pay**

4.1. Entitlement to pay

Employees who have a baby in neonatal care may be eligible for up to 12 weeks of neonatal care pay. Pay cannot be for less than a full week

To be eligible for neonatal care pay, employees must have 26 weeks of continuous service. The 26 weeks must be completed before the 'relevant week'. They must still be in employment in the week before neonatal care starts. Employees must have earned at least £125 a week on average for 8 weeks before the relevant week.

Employees must provide employers with notice, in writing by letter or e-mail, to receive neonatal care pay. This is in addition to the notice requirements for leave.

4.2. Relevant week

The relevant week depends on any other pay a parent qualifies for. If a parent is also taking statutory maternity or paternity pay, the relevant week is the 15th week before the week the baby is due.

For statutory adoption pay or paternity pay for adoption, the relevant week is when they are notified of being matched with the child.

For any other pay for family leave, the relevant week is the one immediately before the week that neonatal care start.

4.3. Notification Requirements

Employees must provide employers with written notice to receive neonatal care pay. When employees are required to tell the employer depends on the tier of leave they are taking. Parents are able to give notice for both pay and leave at the same time.

For tier 1 leave, pay notice must be given within 28 days starting with the first day that the neonatal care pay is being claimed. This means parents do not have to give notice for pay at the same time they take leave. This might be helpful for employees who are not sure how long neonatal care will be for.

Giving notice for tier 2 pay depends on how long the pay is for. Pay notice for 1 week's leave must be given at least 15 days before the first day. Pay notice for 2 weeks or more of leave must be given at least 28 days before the first day.

Employees must tell their employer:

- their name
- the date of the child's birth
- the date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- the date that the care ended if the child is no longer receiving neonatal care
- if applicable, the date of the child's placement with the adopter or prospective adopter
- if applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- if it is the first time they're requesting neonatal care leave, a declaration that the employee meets the parental relationship criteria
- that during the time the child was in neonatal care, they have cared for or intend to care for the child

5. Support

If employees need support they are encouraged to talk to their manager in the first instance to see what support or adjustments might be possible. Other support mechanisms include: -

- Occupational Health
- Employee Assistance Programme (EAP)
- [Bliss](#) for support and information for parents with a baby in neonatal care
- [Mind](#) for mental health information and support