



Neonatal Care, Leave and Pay Guidance

Review Date: 1st April 2025

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Introduction

The Neonatal Care (Leave and Pay) Act is intended to support parents of babies who are admitted into neonatal care within 28 days of birth. Eligible employees will be able to take up to 12 weeks of paid leave in addition to their other family leave entitlements such as maternity and paternity leave.

Neonatal Care is the type of medical care that a baby needs when they are born prematurely (before 37 weeks of pregnancy) or full term (after 37 weeks) but are sick and in receipt of care in a neonatal unit

Please note that this information only applies to babies born on or after 6th April 2025.

Definition of Neonatal Care

The Act sets out three categories of medical care which will count as neonatal care, these are:

- Any care received in hospital.
- Medical Care received somewhere following discharge from an inpatient stay in hospital. The care must be under the discretion of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
- Palliative or end of life care.

Unfortunately, any medical care which does not fall within the definition above will not qualify, nor will any medical care which does not begin within the first **28 days** of the baby's birth.

Eligibility for Neonatal Care Leave (NCL)

Neonatal **Leave** is a day-one right.

In order to qualify for Neonatal leave (NCL) the following conditions must be met:

- You must be an employee
- The baby must be born **on or after 6th April 2025**
- At the birth of the baby, you must be the baby's parents, intended parents (in relation to surrogacy) or partner (see definition below) to the baby's mother and you must have or expect to have responsibility for raising the child (similar rules apply in relation to adoption).
- The newborn must be admitted to neonatal care within the first 28 days of birth and must remain in neonatal care for at least 7 continuous days. The first period of 7 days begins with the day after the day your baby first receives neonatal care.
- Neonatal care leave must be taken to provide care for the baby
- Neonatal care leave must be taken in blocks of a week.

Partner is defined as a person who lives with the baby's mother or adopter and is in an enduring family relationship with them but is **not** a relative (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).

Eligibility for Neonatal Care Pay (NCP)

In order to qualify for Neonatal Care Pay (NCP), the following additional conditions must be met:

- You must have been employed for a continuous period of at least 26 weeks ending with the **relevant week** (which is the 15th week before the week in which the baby is due (approximately the 25th week of pregnancy)).
- Your average gross weekly earnings must be at least equal to the [lower earnings limit](#) for National Insurance (NI) purposes.
- Generally, your earnings will be averaged over a period of at least 8 weeks up to and including the last pay day before the end of the relevant week. This period is called the '**relevant period**'.

These conditions are the same as the conditions for Maternity and Shared Parental Pay.

Neonatal Care Pay is paid at a flat rate per week see [here for current rates](#) or 90% of average weekly earnings, if this is less. Neonatal Care Pay may be paid for a maximum of 12 weeks and is payable within the first 68 weeks of the child's birth.

How much leave can you take and when can the leave be taken?

Parents can take one week's Neonatal Care Leave in respect of each interrupted week (7 days) that their baby receives neonatal care. The maximum amount of leave is **12 weeks**. The first qualifying period of 7 days begins with the day after the day your baby first receives neonatal care (i.e., days 2-8 of neonatal care). Neonatal care Leave can be taken from the day after the first qualifying period. This means that you are not able to start neonatal leave until day nine.

Leave must be taken within the first **68 weeks** of the baby's birth (or placement in the case of adoption). As many employees will already be on some form of family leave while their baby is in neonatal care, neonatal leave will often be taken after neonatal care has ended and at the end of maternity/shared parental or adoption leave.

However, there will be instances where parents will take neonatal leave while their baby is still receiving neonatal care, for example partners whose paternity leave entitlement has run out while their baby is still receiving care.

There are two categories of neonatal leave depending on when the leave is taken, and these are referred to as Tier 1 or Tier 2 periods.

Tier 1 Period Leave

Applies to leave taken while your baby is still receiving care and up to a week post discharge. Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time. The Tier 1 period leave ends on the 7th day after the day your baby stops receiving neonatal care.

Tier 2 Period Leave

Applies to all other leave and must be taken in one continuous block, there is no option to take more than one period of Neonatal Care Leave in the tier 2 period.

Notice Requirements for Neonatal Care Leave

The required length of notice differs depending on when the leave is taken however employees must notify the Council of their intention to take Neonatal Leave as soon as is reasonably practicable. We ask employees to inform us of the date their baby is born and/or admitted into neonatal care.

For each week of **Tier 1 period leave** (leave to be taken while your baby is still receiving care), notice must be given before you are due to start work on your first day of absence in that week unless it is not reasonably practicable in which case you must give the Council much notice as soon as it is reasonably practicable. Notice during a Tier 1 period does not need to be in writing.

Tier 1 period leave is only likely to be taken by a father or the mother's partner, as the mother will more than likely already be on Maternity leave during the Tier 1 period. If you are already on paternity leave when you wish to take Tier 1 period leave, you would just have to notify the Council before the time you are due to start work after paternity leave, that you wish to take Neonatal Care Leave.

For a single week of **Tier 2 period leave**, notice must be given no later than 15 days before the first day of the Neonatal Care Leave to which the notice relates.

For two or more consecutive weeks of **Tier 2 Leave**, notice must be given no later than 28 days before the first day of the neonatal care leave to which the notice relates. The leave can only be taken in a single block.

Notice Requirements for Neonatal Care Pay

The required length of notice differs depending on the period the pay relates to.

For each week of statutory pay beginning in **Tier 1 period**, notice must be given within 28 days from the first day of the period the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as reasonably practicable.

For a single week of statutory pay beginning in the **Tier 2 period**, notice must be given no later than 15 days before the first day of the pay week which the notice relates to. This is the same as the corresponding notice requirements for Neonatal Care Leave.

For two or more consecutive statutory pay weeks beginning in the **Tier 2 period**, notice must be given no less than 28 days before the first day of the first week the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as practicable. This is the same as the corresponding notice requirements for Neonatal Care Leave.

Notice requirements to take Neonatal Care Leave and Neonatal Care Pay

In order to take Neonatal Care Leave and Neonatal Care Pay, you must provide us with notice stating:

- Your name
- Your baby's date of birth (or date of placement/entry to Great Britain if adopting)
- The start date or dates of neonatal care
- The date neonatal care ended (if applicable)
- The date on which you would like to take the leave (and pay)
- The number of weeks of Neonatal Care Leave (and pay) the notice is being given for
- Confirmation that the leave is being taken to care for the baby
- Confirmation that you are eligible to take the leave due to your relationship with the baby

If you have given notice before your baby has stopped receiving neonatal care, you must inform us of the date that neonatal care ends, as soon as is reasonably practicable after that date.

Neonatal Care Leave will normally be required to be taken in a single continuous block of one or more weeks and can be taken in addition to other statutory family leave.

Neonatal Care Leave can be added to the end of an employee's Maternity, Adoption, or Maternity/Adoption Support Leave period after the Maternity, Adoption or Maternity/Adoption Support Leave has been exhausted.

Employees who take Neonatal Care Leave will be entitled to the same employment rights and protections as those afforded during maternity, adoption, and shared parental leave such as accrual of annual leave and public holidays.

The Council recognise that there may be ongoing medical needs requiring regular hospital appointments and checkups after an employee has returned to work. There are flexible working options the Council can offer employees. Employees can consider and discuss with their line managers to help them balance work commitments with the ongoing care of their baby.

Additional Protections relating to Redundancy

You will be entitled to enhanced redundancy protections if you are made redundant while you are on Neonatal Care Leave irrespective of the length of the leave. In addition you will be entitled to an extended period of enhanced redundancy protections (for a period of 18 months from the birth of you baby) if you have taken at least 6 continuous weeks of Neonatal Care Leave.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001	20/08/2024	New Format	HR Operational	D Rentoul M Chapman	
002	20/03/2025	Update Statutory Guidance	HR Operational	D Rentoul M Chapman	
003	01/04/2025	Transfer into New Format	HR Operational	D Rentoul M Chapman	

Appendix One – The Resource Pack

