

# Neonatal Care Leave Policy

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# Document control

<b>Title</b>	Neonatal Care Leave Policy		
<b>Governance group</b>	Policy and Strategy Committee		
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## Revision history

Version	Originator	Review start date	Revision description and record of change
1	Lindsay Millar		

## Document approvals

Version	Governance group	Date approved	Date approval to be requested (if document still in draft)
1	Finance and Resources		May 2025

## Consultation record (for most recent update)

<b>Consultation status</b>	Stakeholders consulted		
<b>Stakeholders consulted and dates</b>	People Resources Team Single Status Trade Unions Teaching Trade Unions		

## Strategic alignment

### Plan for North Lanarkshire

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

## Next review date

<b>Review Date</b>	This policy will be reviewed on a regular basis to ensure that it remains compliant with all relevant legislation.
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#### **A note about plain English**

This document follows [plain English guidance](#), in line with our corporate commitment to clear communications. In particular, it uses the following terms.

- 'We', 'us' and 'our' when referring to the Council (as an organisation), our collective responsibilities (as authorised users of Council IT assets), and when discussing specific activities.
- 'You' and 'your' when referring to the individual responsibilities and actions of authorised users of Council IT assets.

## 1. Introduction

Legislation introduced on 6 April 2025 allows employees to take up to 12 weeks leave so they can spend more time with their baby, if they are admitted into hospital within the first 28 days of birth and who have a continuous stay in hospital of 7 full days or more.

This leave can be taken in addition to other leave entitlements such as maternity and paternity leave. This policy should be read in conjunction with the Council's Maternity Leave, Adoption, Parental Leave and Special Leave policies.

## 2. Scope

This policy applies to all Council employees who meet the eligibility criteria.

## 3. 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 leave, parental bereavement leave.

## 4. Eligibility

Employees who have a child on or after 6 April 2025 and meets the definition of neonatal care as outlined in Section 5 of this policy will be eligible to request Neonatal Care Leave. Employees must have a qualifying relationship:

- Child's parent, intended parent, or partner of child's mother at date of birth; or
- Child's adopter, prospective adopter, or partner of either at date of placement

Statutory Neonatal Care Leave is a day one employment right.

Statutory neonatal care pay requires:

- 26 weeks' service from the end of "relevant week", and
- Normal weekly earnings over eight-week period ending with end of "relevant week" of not less than lower earnings limit per week for national insurance contributions

The relevant week is as follows:

- If employee is entitled to SMP or SPP (birth), relevant week is 15th week before expected week of childbirth.
- If employee is entitled to SAP or SPP (adoption) adoption, relevant week is week in which they are notified of being matched with child for adoption.
- Otherwise, relevant week is the week immediately before week in which the neonatal care begins.

## 5. Neonatal care definition

Neonatal care means care of a medical or palliative nature which lasts for at least 7 full consecutive days within the first 28 days of birth.

Neonatal care is:

- Medical care received in hospital
- Medical care received in any other place providing:
  - Child was an inpatient in hospital and needs continuing care after leaving the hospital;
  - The care is under the direction of a consultant; and
  - The care involves ongoing monitoring and visits from healthcare professionals arranged by the hospital where child was an inpatient
- Palliative or end of life care

## 6. Key principles of neonatal care leave

### 6.1 Two tier system

Neonatal Care Leave is split into two tiers:

- **Tier 1** period begins when the child starts receiving neonatal care which continues without interruption for a period of at least seven days beginning the day after the day on which the care starts. It ends on the seventh day after child stops receiving neonatal care. During the tier one period the leave can be taken in non-consecutive blocks of at least one week at a time.
- **Tier 2** period is any other time after tier one periods ends during which the employee is entitled to neonatal care leave up until 68 weeks after the child's birth. During tier two period the leave must be taken in one continuous block.

Parents can take up to 12 weeks over both tiers, not 12 weeks in each tier.

## 6.2 Key principles

The following key principles apply to neonatal care:

- Eligible employees are entitled to one week's neonatal care leave for every uninterrupted week the child receives neonatal care.
- The minimum period is one week's neonatal care leave.
- The maximum period is 12 weeks' neonatal care leave.
- Both parents are entitled to take neonatal care leave.
- The earliest neonatal care leave can be taken is after the child has received 7 full days of uninterrupted care which is counted from the day after neonatal care started.
- Neonatal care leave must be taken no later than 68 weeks from the child's date of birth.
- For any week in which the employee has more than one child in neonatal care, the employee only accrues one week neonatal care leave. (e.g. there is no double entitlement for twins who both receive neonatal care).
- In the unfortunate event that a baby is admitted to neonatal care (for a period of at least 7 consecutive days), discharged, and then readmitted to neonatal care (for a period of at least 7 consecutive days), providing that the second admittance occurs within 28 days of the birth, both instances will count towards neonatal care leave.

## 6.3 Neonatal care pay

Employees who meet the criteria for neonatal care pay will receive the following:

- payment will be at the same rate as other family-related statutory payments: or
- 90% of average weekly earnings where average weekly earnings are less than other family related statutory payments

The maximum entitlement to neonatal care pay is also 12 weeks. The weekly rate increases annually every April in line with other family-related statutory payments.

## 7. Procedures

### 7.1 Notifying the Council

Employees should notify their line manager if their baby has been admitted into neonatal care (for at least 7 full consecutive days). The line manager should record the date that the baby was admitted into neonatal care on Itrent and discuss with the employee their leave options.

The employee should notify their line manager once the baby has been discharged from neonatal care. The line manager should record the date that the baby was discharged on Itrent. Once the leave options have been agreed and the neonatal dates have been confirmed, this should be recorded on Itrent.

### 7.1.1 Notice Periods

Employees requiring neonatal care leave during the Tier 1 period must notify their line manager on the first day of their absence before they are due to start work (unless it is not reasonably practicable to do so, however they should notify their line manager at the first available opportunity).

For a single week of neonatal care leave during Tier 2, employees should provide 15 calendar days' notice in writing before the first day of neonatal care leave. (see Appendix D).

For two or more consecutive weeks' neonatal care leave during the Tier 2 period, the employee should provide 28 calendar days' notice in writing before the first day of neonatal care leave (see Appendix D).

The Council can mutually agree to waive notice requirements.

Employees can contact the Employment and Policy Team for support and advice to discuss their options at any time.

## 7.2 Taking Neonatal Care Leave

If the employee is the primary carer (and taking a period of maternity or adoption leave), the leave can be taken after their maternity or adoption leave has ended or curtailed if moving onto Shared Parental Leave. They can choose to take this leave immediately after maternity/adoption leave (before they return to work) or at a different time (no later than 68 weeks after the baby's date of birth).

The employee should provide notice to their line manager, as outlined above in line with Tier 2 notice period, when they intend to take the leave.

## 7.3 Interaction with other statutory leave

If the employee is taking a period of paternity leave, shared parental leave, parental leave or parental bereavement leave, more flexibility can be provided as to when the leave can be taken. The table below outlines the eligibility entitlement and timings for each leave type.

Neonatal Care Leave ends if interrupted by other statutory leave, however unused Neonatal Care Leave can be resumed, as long as they are still within the Tier 1 or Tier 2 period.

- Tier 1- the remaining leave must be taken immediately after completing the other period of statutory leave.
- Tier 2- the remaining leave must be taken consecutively with other Neonatal Care Leave.

Employees cannot begin Neonatal Care Leave in the Tier 2 period if it will be interrupted by other statutory leave. Employees do not need to provide new notice to resume leave after an interruption.

Leave Type	Leave Entitlement	Neonatal leave entitlement
<b>Paternity</b>	<p>Eligible employees can take up to 4 weeks paternity leave. This is broken as</p> <ul style="list-style-type: none"> <li>• 1-week ordinary paternity leave</li> <li>• 1-week maternity support leave</li> <li>• 2 weeks occupational paternity leave</li> </ul> <p>All weeks are paid at full pay</p> <p>All paternity leave must be taken within 12 months from the date of the child's birth</p>	<p>Eligible employees must have taken their neonatal leave no later than 68 weeks from the child's date of birth</p> <p>Eligible employees would be able to use some periods of paternity leave then neonatal care leave then use the remainder of the paternity leave.</p>
<b>Maternity</b>	<p>All employees are entitled to 52 weeks maternity leave regardless of their length of service.</p> <p>Maternity cannot be broken up and must be taken as one continuous block</p>	<p>Eligible employees must have taken their neonatal care leave no later than 68 weeks from the child's date of birth which will tend to be at the end of maternity leave</p>
<b>Shared Parental</b>	<p>Eligible employees can take up to 50 weeks Shared Parental Leave (SPL) between them.</p> <p>The mother/primary adopter must curtail their maternity/adoption leave.</p> <p>The mother/primary adopter's partner must have taken their paternity leave before SPL can commence.</p>	<p>Eligible employees must have taken their neonatal care leave no later than 68 weeks from the child's date of birth</p> <p>In the case of SPL, neonatal leave can be taken during this period as employees can pause and restart their leave providing leave is taken</p>

	SPL must be taken within one year of the birth/placement of the child.	within 1 year of the child's birth
<b>Parental Leave (unpaid)</b>	<p>Employees are entitled to 18 weeks leave for each child and adopted child, up to their 18<sup>th</sup> birthday. This leave is unpaid.</p> <p>Up to a maximum of 4 weeks can be requested each year for each child.</p>	Eligible employees must have taken their neonatal care leave no later than 68 weeks from the child's date of birth
<b>Parental bereavement</b>	<p>Eligible employees can take 2 weeks paid leave for each child who has died or was stillborn.</p> <p>Employees can take this leave in one block or in two blocks. Employees who suffer a stillbirth or neonatal death after 24 weeks of pregnancy will retain their entitlement to maternity/adoption/paternity leave in addition to Parental Bereavement Leave.</p> <p>This leave must finish within 56 weeks of the date of the death or stillbirth</p>	Eligible employees must have taken their neonatal care leave no later than 68 weeks from the child's date of birth

## 8. Terms and Conditions During Neonatal Care leave

All terms and conditions remain the same during a period of neonatal care leave (except salary which will either be paid at statutory neonatal care pay or unpaid dependant on the eligibility criteria set out in section 4 being met).

## 9. Returning to work

Employees should refer to the relevant parental leave policy for details on planning for their return to work.

The Council understands that returning to work can be a difficult time for parents, particularly those who have experienced a traumatic and upsetting time seeing their baby in a neonatal ward. Babies can have ongoing medical needs requiring regular hospital appointments and check-ups when parent returns to work. The Council will support time off with pay to allow parents to attend these appointments in line with the Council's Special Leave Policy.

## 10. Support

Any questions employees have about matters relating to this policy should be raised with the Employment and Policy Team. Any work-related issues should be addressed with their line manager. Further internal and external supports can be found in Appendix A and Appendix B.

Employees may be able to claim for funds via the Scottish Government Young Patients Family Fund which is designed to provide a financial contribution towards the cost of having a child (under 18) in hospital which includes neonatal care. Expenses can be claimed for transport, meals, parking and accommodation.

## Appendix A: Internal Support

Name	Contact Details	Service Provided
Employment and policy team	<a href="mailto:Employmentpolicyteam@northlan.gov.uk">Employmentpolicyteam@northlan.gov.uk</a>	Advice and guidance on Council's policies and procedures
Employee assistance programme	<a href="https://workwellnl.co.uk/think-well/employee-assistance-programme/">https://workwellnl.co.uk/think-well/employee-assistance-programme/</a> Free 24-hour phone number 0800 111 6387.	The Employee Assistance Programme (EAP), is provided by Vita Health Group, is available to help make life easier, whether the issue is personal or work-related.
Tackling poverty team	<a href="mailto:TPteam@northlan.gov.uk">TPteam@northlan.gov.uk</a> 01698 332551	Financial support
Occupational Health online wellbeing hub my-EAP	The web address is <a href="http://www.my-eap.com">www.my-eap.com</a> organisation access code is NLCWELL.	The online wellbeing hub my-EAP has self-help support, articles, videos, podcasts and health assessments on a range of issues such as health and wellbeing, emotional/personal, homelife, work/career, legal and money worries.

## Appendix B: External Support

Name	Contact Details	Service Provided
Tommys – pregnancy and baby charity	<a href="https://www.tommys.org/baby-loss-support">https://www.tommys.org/baby-loss-support</a>	Sadly, some babies are lost during pregnancy, birth, or shortly afterwards. This organisation has information and support for anyone who has experienced the loss of a baby, whether through miscarriage, stillbirth, neonatal death, or termination for medical reasons.
Bliss	<a href="https://www.bliss.org.uk">https://www.bliss.org.uk</a> Do you need emotional support, information or have a question about neonatal journey? Our team is here to help you whatever stage you are at. You are not alone. Email us at <a href="mailto:hello@bliss.org.uk">hello@bliss.org.uk</a> Tel: 020 7378 1122	To support parents and families of premature or sick babies

## **Appendix C: Frequently Asked Questions**

### **My baby is born before 6 April 2025 and requires neonatal care. Am I entitled to the leave?**

Under the new statutory scheme, there is no entitlement to Neonatal Care Leave (and pay). The baby must be born on or after 6 April 2025.

### **My baby has been admitted into neonatal care at birth. What do I need to do?**

As soon as is reasonably practicable, you should contact your line manager to notify them of the situation. In the event that your baby spends 7 consecutive days in neonatal care, you will be eligible to request neonatal care leave "NCL". You should ensure that your line manager is made aware of the admission and discharge date in order to process the leave. NCL must be taken no later than 68 weeks from the child's date of birth.

- For employees taking maternity or adoption leave: NCL can be used after your family leave has ended.
- For employees taking Shared Parental Leave: NCL can be taken before, during or after your leave.
- For all other family leave types (e.g. paternity): NCL can be taken before or after your leave.

### **Is Neonatal Care Leave paid?**

If you meet the eligibility Neonatal Care Leave will be paid at the statutory rate. If you do not meet the eligibility criteria, you can still take this leave however this will be unpaid. Note: The leave is pro-rated to your contracted weekly hours of work.

### **Do I need to take neonatal care leave immediately after other family leave?**

No. NCL can be taken at any time up until 68 weeks from the child's date of birth. If you are not taking the leave immediately or directly after a period of family leave, you will need to provide notice to your line manager as stated within the policy.

### **Do I need to take the neonatal care leave (NCL) all at once?**

During the Tier 1 period you do not need to take the NCL all at once. You can take NCL in non-consecutive blocks however the minimum leave you can take in a block is one-week. However, when in Tier 2 period the NCL must be taken in one continuous block. Employees must ensure that advanced notice is provided to the line manager in order to take this leave if the leave is not being taken immediately or directly after a period of family leave.

### **What is the mother's entitlement if the baby is born early?**

For mother's early birth will automatically trigger maternity leave, which starts on the day after the baby's date of birth therefore the Neonatal Care Leave can be taken after maternity leave.

### **What is the father's/partner's entitlement if the baby is born early?**

During the Tier 1 period, it is possible for paternity leave to interrupt neonatal care leave, in which case the remaining period of Neonatal Care Leave must be taken immediately after paternity leave (if still in Tier 1 period), or consecutively with any neonatal care leave in Tier 2 (if Tier 1 period has ended).

### **What if my baby is discharged from neonatal care but developed complications and is readmitted. Am I entitled to further leave?**

You can accrue Neonatal Care Leave for a new period if the neonatal care stops and starts, however the second admission still has to be within the first 28 days of birth.

### **My baby develops complications and is admitted for the first time more than 28 days after the birth. Am I entitled to the leave?**

No. Entitlement to Neonatal Care Leave (and pay) state that the baby must start receiving neonatal care within 28 days of the date of birth.

### **What if my baby sadly dies. Am I entitled to the leave?**

Yes, you are still entitled to any accrued Neonatal Care Leave.

### **What if I have more than one baby and more than one baby requires neonatal care. Am I entitled to further leave?**

No. For any week in which you have more than one child in neonatal care, you only accrue one week's Neonatal Care Leave. E.g. when twins are both in neonatal care, there is no double entitlement.

### **I wish to curtail my maternity leave to take Neonatal Care Leave. Is this possible?**

Yes, you can stop your maternity leave to take Neonatal Care Leave however you cannot then resume maternity leave. For financial reasons, it is possible that you could ask to switch to receive neonatal care pay at the end of 39-week period of maternity pay to receive a further period of pay.

# Appendix D

## Letter 1

Dear {Managers Name}

### **Request – Tier 2 Statutory Neonatal Care Leave**

I am writing to request Tier 2 Statutory Neonatal Care Leave in accordance with the Neonatal Care (Leave and Pay) Act 2023 as detailed below :

1. Employee Name	
2. Employee Number	
3. Child's Date of Birth/or date of placement /Entry to UK if adopting :	
4. Start date or dates of neonatal care	
5. The date neonatal care ended	
6. The date on which I would like to take the leave (and pay)	
7. The number of weeks of Neonatal Care Leave (and pay) the notice is being given for	
8. I confirm that the leave is being taken to care for my child	
9. I confirm I am eligible to take the leave due to the relationship with the child.	

Yours sincerely

Employee Name

## Letter 2

Dear

### **Approval of Tier 2 Statutory Neonatal Care Leave**

I acknowledge receipt of your application for Tier 2 Statutory Neonatal Care Leave and confirm that your application has been approved.

Should you require any additional support at this time, please do not hesitate to contact me.

Yours sincerely

**Managers Name**  
**Job Title**