

Neonatal Care Leave Policy

1. Who does this policy apply to?

- 1.1 This policy applies to employees of Lancaster City Council. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

2. What is the purpose of this policy?

- 2.1 This policy sets out the rights of employees to neonatal care leave and pay following the birth or adoption of a child. We understand that having a child in neonatal care is an extremely stressful and challenging experience. As a Council we are committed to supporting you and doing what we can to help ensure that you can be by your child's side while looking after your own health and wellbeing.

- 2.2 Statutory neonatal care leave and other rights are also available to employees who are local authority foster parents in a "foster to adopt" situation, or employees who expect to become the legal parents of a child born under a surrogacy arrangement.

- 2.3 The following definitions are used in this policy:

"Adopter" means the person with whom the child has been placed for adoption through an approved UK adoption agency.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

"Overseas adopter" means the person with whom the child is living, following the child's entry into Great Britain from outside the UK in connection with or for the purposes of adoption, and who has received official notification in respect of the child.

"Partner" means someone who lives with the adopter, overseas adopter or prospective adopter in an enduring family relationship but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Placed for adoption" means placed for adoption under UK adoption laws including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

"Prospective adopter" means the person with whom the child has been placed for adoption by a local authority in a "foster to adopt" arrangement.

The "relevant domestic authority" means the Secretary of State, except in the case of an adopter who is habitually resident in Wales, in which case it is the National Assembly for Wales, or Scotland, in which case it is the Scottish Ministers.

- 2.4 This policy does not form part of your contract of employment and the Council may amend it at any time.

3. What roles do the employee, line managers, the Council and HR play in this policy?

3.1 Employee Responsibilities

- ☐ To speak to their line manager or HR as soon as they are able to with regard to any issues they are experiencing relating to neonatal care and work, or regarding notification for taking neonatal care leave

3.2 Line Manager Responsibilities

- ☐ Upon receipt of the relevant Notification form, to check the form, make a note of dates and pass to HR.
- ☐ To familiarise themselves with the policy and seek advice from HR at the early stage
- ☐ To ensure that the correct leave type is submitted on MyView so that records are up to date.
- ☐ To offer welfare support to the employee
- ☐ To respect the confidentiality of any information shared

3.3 HR Responsibilities

- ☐ To support the manager in applying this policy
- ☐ To write to the employee confirming the neonatal care leave arrangements.
- ☐ To inform payroll to ensure that the correct payments are made.

3.4 Council responsibilities

- ☐ To ensure this policy is updated in line with any changes in legislation.
- ☐ To empower managers to be supportive and compassionate in response to neonatal care situations

4. What is neonatal care leave?

4.1 Neonatal care leave is designed to assist new parents of babies who are admitted into neonatal care. In this policy, neonatal care means:

- medical care that your child receives in a hospital;
- medical care that your child receives in any other place, provided:
 - your child was previously admitted to a hospital as an inpatient 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 your child was an inpatient; or:
- palliative or end-of-life care.

5. Requesting Support

5.1 If you are finding it difficult to cope at work because your child is in neonatal care, you are encouraged to speak to your line manager. If for any reason you are unable to approach your line manager, you can speak to a member of the HR team.

5.2 We realise that this may not be an easy subject to talk about. However, we urge you to be as open as possible about any issues that you are experiencing, to ensure that you are provided with the right level of support.

- 5.3 Any information disclosed by you during discussions with your line manager or the HR department will be treated sensitively.

6. Entitlement to neonatal care leave

- 6.1 Whatever your length of service, you have a statutory right to take neonatal care.
- 6.2 For situations other than adoption or surrogacy, you are entitled to neonatal care leave if at the date of the child's birth:
- you are the child's parent and have responsibility for the upbringing of the child; or
 - you are the partner of the child's mother and have main responsibility for the upbringing of the child (apart from the mother).
- 6.3 In this policy, partner includes someone, of whatever sex, who lives with the mother of the child in an enduring family relationship but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- 6.4 For adoptions within the UK, you are entitled to neonatal care leave if at the date the child is placed for adoption:
- you are the child's adopter and have or expect to have responsibility for the upbringing of the child;
 - you are the child's prospective adopter (in a "foster to adopt" arrangement) and have or expect to have responsibility for the upbringing of the child; or
 - you are the partner of the child's adopter or prospective adopter and have main responsibility for the upbringing of the child (apart from your partner).
- 6.5 For adoptions from overseas, you are entitled to neonatal care leave if at the date the child enters Great Britain:
- you are the child's overseas adopter and have or expect to have responsibility for the upbringing of the child; or
 - you are the partner of the child's overseas adopter and have main responsibility for the upbringing of the child (apart from your partner).
- 6.6 If you are having a child through a surrogacy arrangement, you are entitled to neonatal care leave if at the date of the child's birth:
- you have applied or intend to apply for a parental order within a period of six months;
 - you expect the parental order to be granted; and
 - you have or expect to have responsibility for the upbringing of the child.
- 6.7 Additionally, in all situations the following conditions must be satisfied:
- your child was born on or after 6 April 2025;
 - your child started receiving neonatal care within 28 days after the date on which they were born (the 28 days are counted from the day after the child is born);
 - the neonatal care has lasted seven days or longer without interruption (the seven days are counted from the day after the neonatal care started);
 - you are taking the leave to care for your child (however, see If you suffer a bereavement/If the placement is disrupted below); and
 - you have complied with the relevant notice and declaration requirements set out in this policy (see Notice to take neonatal care leave below).

7. Amount of neonatal care leave you can take

- 7.1 The amount of neonatal care leave that you can take is one week for every week your child has spent in neonatal care without interruption. A week is defined as a period of seven days starting from the day after the neonatal care began.
- 7.2 The maximum number of weeks that you can take as neonatal care leave is capped at 12 weeks. Any neonatal care leave must be taken in blocks of at least one week.
- 7.3 You can take only up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

8. Timing of neonatal care leave

- 8.1 You can start your leave on any day after your child has received seven days of uninterrupted neonatal care.
- 8.2 The seven days are counted from the day after the neonatal care started. For example, if your child started receiving neonatal care on 7 April, the seven-day count begins on 8 April. This means that you can start your neonatal care leave on any day from 15 April.
- 8.3 Any neonatal care leave must end within 68 weeks of your child's date of birth.
- 8.4 The right to neonatal care leave is in addition to any other statutory leave that you may be entitled to, such as maternity, adoption, paternity, ordinary parental, parental bereavement or shared parental leave (see Other statutory leave below).
- 8.5 Partners who are not already on leave, may wish to book annual leave, partner leave or request special leave for the first 7 days.

9. How neonatal care leave may be taken

- 9.1 Neonatal care leave is available to take in two tiers:
 - The "tier 1 period" begins when your child starts receiving neonatal care and ends on the seventh day after your child is discharged. If you take neonatal care leave in the tier 1 period, you can take it in one continuous block or a number of non-continuous blocks of a minimum of one week at a time.
 - The "tier 2 period" is any remaining period (within 68 weeks after your child's date of birth) that is not part of the tier 1 period. If you take neonatal care leave during the tier 2 period, you must take the leave in one continuous block.
- 9.2 The relevant notice requirements differ, depending on whether you take your leave in the tier 1 or tier 2 period (see Notice to take neonatal care leave below).

10. Notice to take neonatal care leave

Notice during the tier 1 period

- 10.1 For each week of neonatal care leave that you wish to take in tier 1, you should notify your line manager by telephone or email, preferably before you are due to start work on your first day of absence in that week. However, we understand that this is likely to be a challenging time for you, so please give notice as soon as is reasonably practicable for you to do so.
- 10.2 You are also required to give notice of your intention and entitlement to take neonatal care leave using our Form to provide notice of intention and entitlement to take neonatal care leave (birth)/ Form to provide notice of intention and entitlement to take neonatal care leave (adoption). This form contains a declaration that will need to be signed by you.
- 10.3 There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. Your manager will complete the form with the information you have provided and send it to you to review and sign. We do request that the form is sent to us within 28 days of the first day of your neonatal care leave, or if this is not possible, as soon as it is reasonably practicable so that we can confirm your entitlement to neonatal care leave and pay.

Notice during the tier 2 period

- 10.4 If you wish to take neonatal care leave in the tier 2 period, you will need to give notice in writing of your intention and entitlement to take neonatal care leave using our Form to provide notice of intention and entitlement to take neonatal care leave (birth)/Form to provide notice of intention and entitlement to take neonatal care leave (adoption). This form contains a declaration that will need to be signed by you.
- 10.5 If you are taking a single week of neonatal care leave, your notice should be received by us at least 15 days before the first date you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.
- 10.6 If you are taking two or more consecutive weeks of neonatal care leave, your notice should be received by us at least 28 days before the first date you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

Changing your neonatal care leave plans

- 10.7 If you have submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to cancel your leave, you must inform your line manager using our Form for employee to cancel neonatal care leave.
- 10.8 If you intended to take a single week of neonatal care leave, you must submit this form at least 15 days before the first date you had chosen for your leave to start.
- 10.9 If you intended to take two or more consecutive weeks, you must submit this form at least 28 days before the first date you had chosen for your leave to start.

Starting your neonatal care leave

- 10.10 Your neonatal care leave will start on the date that is specified in your notice.
- 10.11 Alternatively, if you give notice on the same day that you want to begin your leave and you are already in work on that day, your neonatal care leave will start on the following day.
- 10.12 If we have agreed to waive the notice requirements, your neonatal care leave will begin on a day that is mutually agreed between us.

Responsibilities of the Line Manager

- 10.13 The line manager must inform HR and Payroll of the planned neonatal leave dates as soon as possible, to ensure pay is processed accordingly
- 10.14 The line manager must send the signed forms to HR as soon as possible.

11. Other statutory leave

- 11.1 You are entitled to take neonatal care leave in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave.
- 11.2 If you have already started a period of statutory leave, but subsequently become eligible for neonatal care leave, you can take your neonatal care leave after completing the other statutory leave, provided that your neonatal care leave is taken within 68 weeks of your child's birth date.
- 11.3 If you have already started a period of neonatal care leave during the tier 1 period but need to begin another type of statutory leave, your neonatal care leave will be temporarily paused immediately before the other statutory leave begins. You can then resume the remaining weeks of your neonatal care leave in one of two ways:
- if you are still within the tier 1 period - immediately after the end of the other period of statutory leave; or
 - if you have transitioned into the tier 2 period - immediately after any other neonatal care leave taken during the tier 2 period.
- 11.4 You cannot take neonatal care leave in the tier 2 period if, at the time of giving notice, you are aware that the leave will overlap with another type of statutory leave.

12. Neonatal care pay

- 12.1 Statutory neonatal care pay is payable during your neonatal care leave period, provided you that meet the criteria below.
- 12.2 The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).
- 12.3 You will qualify for statutory neonatal care pay if:
- you are entitled to take neonatal care leave;
 - you have at least 26 weeks' continuous employment with us at the end of the relevant week (as described below);
 - you remain in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
 - your average weekly earnings are not less than the lower earnings limit for national insurance contributions;
 - you have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
 - you have confirmed when you wish to start receiving statutory neonatal care pay within your Form to provide notice of intention and entitlement to take neonatal care leave.

- 12.4 In this policy "relevant week" means the 15th week before the expected week of childbirth if you are entitled to statutory maternity or paternity pay. In all other cases, it means the week before the neonatal care begins.
- 12.5 Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Changes affecting your entitlement to neonatal care leave and pay

- 12.6 You must keep your line manager informed about the date that your child's neonatal care ends as soon as reasonably practical after the care has ended.
- 12.7 If your child starts receiving neonatal care again, after you have informed us that the care has ended, you must keep your line manager informed of the new start and end dates.

Overpayments

- 12.8 If the payroll processing date has passed before notification of neonatal leave for that month, there is the possibility an overpayment may occur. In this instance, the manager will inform the employee as soon as possible and arrange with Payroll for the overpayment to be recouped in the next payroll run.

13. If the placement is disrupted or you suffer a bereavement

- 13.1 Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued if the placement is disrupted or if their child passes away.
- 13.2 A placement is disrupted where the child is returned after having been placed for adoption, ceases to live with the overseas adopter, or in the case of a surrogacy arrangement, the parental order does not proceed.
- 13.3 If you suffer a bereavement, you may also be entitled to parental bereavement leave in these circumstances, covered in our Special Leave Policy. If you have suffered a bereavement, please contact your line manager so that we can discuss other support that we may be able to offer you.

14. Your rights during neonatal care leave

- 14.1 During neonatal care leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory neonatal care pay if you are eligible to receive it. However, other benefits such as holiday entitlement will continue to accrue and pension contributions will continue as set out below.

Holiday entitlement

- 14.2 You will continue to accrue your holiday entitlement during your neonatal care leave.
- 14.3 Any outstanding holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next holiday year.

Pension contributions

- 14.4 We will continue to make pension contributions based on your normal pay during any period of paid neonatal care leave. The contributions that you make will be based on the actual pay that you receive during your neonatal care leave.
- 14.5 The organisation's pension contributions will cease during any period of unpaid neonatal care leave.

15. Contact during neonatal care leave

- 15.1 Your manager will keep in touch with you during your neonatal care leave. This may be to discuss your plans for taking leave, to discuss any special arrangements and offer support to ease your time away from work, or to update you on developments at work during your absence.

16. Returning to work after neonatal care leave

- 16.1 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 the parent returns to work. The Council will support time off to allow parents to attend these appointments. Employees should refer to the Special Leave Policy or Flexible Working Hours Scheme.
- 16.2 You have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of isolated neonatal care leave.
- 16.3 If you return from a period of neonatal care leave that follows on immediately from another period of statutory leave (such as maternity, adoption, paternity, parental bereavement or shared parental leave) and your total time on leave is more than 26 weeks, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.
- 16.4 This also applies if you have taken neonatal care leave consecutively with a single period of more than four weeks of ordinary parental leave

17. When will this policy be reviewed?

This policy will be reviewed every 2 years or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	July 2025	Introduction of Neonatal Care Legislation	July 2027
2.0			
3.0			