

Neonatal Care Leave policy

Introduction

As of 6th April 2025, Statutory Neonatal Care Leave will be a day-one right for employees who have responsibility for a newborn receiving neonatal care.

The Neonatal Care (Leave and Pay) Act 2023 establishes an entitlement for employees to take leave from work when a baby (for whom they are responsible) is undergoing neonatal care as a day one right. This will take effect from 6th April 2025 and comes after the passing of the Neonatal Care (Leave and Pay) Act in 2023.

The act has been created so employees can take the time they need to spend with their baby at this crucial time without worrying about their job. This new law, according to the Government, will support and benefit around 60,000 new parents each year.

Who is eligible to take Neonatal Care Leave?

An employee will only be eligible for leave when a baby they are responsible for is born on or after 6th April 2025 and is receiving neonatal care.

This does not include the due date. This only applied to the actual birth date of the child.

Those eligible must have prescribed parental responsibility for the child. To determine this, your employee must either be:

- The child's parent, intended parent, or partner of the child's mother at the date of birth
- In cases of adoption, the child's adopter, prospective adopter, or the partner of either at the date the child is placed.

What is considered neonatal care?

For the purpose of the neonatal care leave and pay law, neonatal care is considered either:

- Medical care
- or
- Palliative care (end of life care)

Lasting for at least 7 consecutive days. Starting within 28 days, beginning with the day after the child's birth.

This doesn't necessarily mean the care has to be provided in a hospital setting, this could be in or out of hospital, if the child was originally an inpatient and under the care of a consultant.

When employees can take neonatal care leave?

Leave must be taken within 68 weeks from the child's birth date or the date of placement in adoption cases.

Neonatal care leave is available in two distinct periods:

The "tier 1 period"

This begins when the child starts receiving neonatal care and lasts until the 7th day after the care ends. During this phase:

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

The "tier 2 period"

Refers to any time outside of "tier 1" when the employee is still eligible for leave. Leave during this phase must be taken consecutively.

Employees who are taking other forms of leave such as maternity leave or prefer to delay their neonatal care leave can take advantage of the "tier 2 period", which offers them the chance to do just that.

Leave in addition to maternity and paternity leave

It's important to note that this type of leave supports working families by offering this additional leave on top of any other type of leave they may be entitled to. Such as maternity leave and paternity leave.

With the aim, of course, to give those employees enough time to support and care for the baby and to focus on their family.

How much leave can an employee take?

A maximum of 12 weeks' leave will be available to eligible employees, with one weeks' leave offered for every 7 un-interrupted days the child receives care.

Employees must provide employers with notice when taking neonatal care leave providing important details such as:

- The name of the individual providing the notice
- The child's birth date and the date of adoption placement
- The date(s) when the child began receiving neonatal care
- The date when neonatal care concluded, if applicable

- The start date of the leave
- The total number of weeks of leave being requested
- A statement confirming that the employee is taking leave to care for the child
- A statement affirming that the employee meets the necessary eligibility criteria

Statutory neonatal care pay for employees

Whilst an employee is taking neonatal care leave, they may be entitled to statutory neonatal care pay. To be eligible for this pay, they will:

- Be eligible for neonatal care leave
- Have 26 weeks' continuous service by the week immediately preceding the one in which neonatal care leave starts
- Earn at least the lower earnings limit on average calculated over the period of eight weeks ending with the week before neonatal care leave starts
- Are still in employment in the week before neonatal care leave starts

Similarly to taking neonatal care leave; they will be entitled to a maximum of 12 weeks statutory neonatal care pay.

This weekly rate is equivalent to whichever is lower of either:

- The current statutory rate (same rate as statutory maternity pay)

OR

- 90% of employee's normal weekly earnings

Employees must notify their intention to claim statutory neonatal care pay when they inform you about their neonatal care leave. For "tier 1 period" claims, notice must be given within 28 days of the first pay week. For "tier 2 period" claims, notice should be at least 15 days before a single week of leave or 28 days before two or more weeks.

The notice must include:

- The notifier's name
- The child's birth date and placement date, if applicable
- The start date of neonatal care

- The end of date of neonatal care, if applicable
- A statement confirming the week claimed was for childcare
- A declaration of eligibility

Employee rights and protections

Employees eligible for neonatal care leave will be safeguarded from any negative consequences related to taking or asking for this leave. While on leave, they will retain their usual contractual rights, except for pay.

Those employees on neonatal care leave have the right to return to work, taking on their original job role. If they return after a certain time and their original job is no longer available, they can return to a similar position with equal terms.

Additionally, employees will receive extra protections during redundancy situations while on neonatal care leave and for 18 months after the child's birth if they have taken more than six consecutive weeks of leave.

The policy will be reviewed annually from implementation.

Signed:



Date: 1 April 2025

Malcolm Rose, Chief Executive Officer - On behalf of Shield Service Group Ltd