

Neonatal Care Leave Policy

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Additionally refer to:

- Special Leave Policy (W19 Chapter 8)
- Fertility Pregnancy and Maternity Leave Policy (W19 Chapter 4)
- Shared Parental Leave Policy (W19 Chapter 6)
- Parental Leave Policy (W19 Chapter 7)
- Parent Support and Bereaved Partner (Paternity) Leave (W63)

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1. Policy on a Page

- 1.1 The Trust is committed to supporting employees whose baby requires neonatal care during the early weeks of life. This policy sets out the Trust's arrangements for Neonatal Care Leave and Neonatal Care Pay in accordance with the Employment Rights Act 2025.
- 1.2 This policy applies to all staff directly employed by the Trust.
- 1.3 Eligible employees are able to take up to 12 weeks of Neonatal Care Leave to be taken within 68 weeks of the baby's birth.
- 1.4 Eligible employees may also be eligible to receive Statutory Neonatal Care Pay.
- 1.5 Employees should notify their manager of their intention to take Neonatal Care Leave as soon as reasonably practicable. There are specific timelines for giving notice described in section 6 of the policy.
- 1.6 Further information is available from the Government website - [Statutory Neonatal Care Pay and Leave: employer guide](https://www.gov.uk/employers-neonatal-care-pay-leave) - <https://www.gov.uk/employers-neonatal-care-pay-leave>

2 Policy Statement and Purpose

- 2.1 The Trust is committed to supporting employees whose baby requires neonatal care during the early weeks of life.
- 2.2 '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 (this must be under a consultant and include ongoing visits or checks arranged by the hospital where your baby was treated)
 - Palliative or end of life care)
- 2.3 This policy sets out the Trust's arrangements for Neonatal Care Leave and Neonatal Care Pay in accordance with the Employment Rights Act 2025.

3 Scope

- 3.1 This policy applies to all staff directly employed by the Trust whether full time or part-time, temporary or permanent, including those employed via the Temporary Staffing Department. Some entitlements to pay and leave have eligibility requirements, as described in the policy.
- 3.2 The policy does not apply to individuals employed by agencies or other contractors. Issues relating to these individuals should be referred to the appropriate employer.

4 Roles and Responsibilities

Group Chief People Officer

- 4.1 Overall responsibility, via the People and OD team, to oversee the implementation of this policy and ensure that appropriate processes and actions are in place.

People Advisory Team (HR)

- 4.2 To provide support and guidance on the implementation of this policy and ensure consistency of approach across the Trust.
- 4.3 Monitor the application of this policy, adhere to relevant legislation, and update the policy as required.

Managers

- 4.4 Ensure they understand and comply with this policy and apply this consistently across their teams.
- 4.5 Working in partnership with employees to implement this policy, providing advice and support as needed.

Employees

- 4.6 Comply with the notification requirements in the policy and work together with their manager to make arrangements for their leave.

5. Neonatal Care Leave

- 5.1 Employees are eligible for Neonatal Care Leave where the baby was born on or after 6 April 2025 and the employee has parental responsibility for the child, including birth parents, partners, adoptive parents, and intended parents in surrogacy arrangements.
- 5.2 Eligible employees are entitled to one week of Neonatal Care Leave for each complete week (7 full and continuous days) the baby spends in neonatal care, up to a maximum of 12 weeks. Leave must be taken within 68 weeks of the baby's birth.
- 5.3 While the baby is in neonatal care, or up to a week after leaving, the employee can take leave in separate blocks of at least one week at a time. After this, they must take leave in a single continuous block.

6. Neonatal Care Pay

- 6.1 Employees will be eligible to receive Statutory Neonatal Care Pay if they:
- Have been continuously employed by the Trust for at least 26 weeks up to the end of the 'qualifying week' (definition of qualifying week is available on the government website - <https://www.gov.uk/neonatal-care-pay-leave/check-eligible>); and
 - Continue to be employed up to the week before you want the pay to start; and
 - Earn on average £125 a week (before tax) or more, over an 8-week period
- 6.2 Statutory Neonatal Care Pay is paid at £187.18 a week (correct as at 07/04/26, see www.gov.uk for latest rate) or 90% of the employee's average weekly earnings (whichever is lower).

7. Notice Requirements

- 7.1 Employees should notify their manager of their intention to take Neonatal Care Leave as soon as reasonably practicable. It is accepted that this may sometimes be with very short notice.
- 7.2 Employees must provide their manager with the following details:
- The baby's date of birth or the date they were placed for adoption
 - the start and end date of the baby's neonatal care (the end date may not be known at first)
 - The date Neonatal Care Leave will begin
 - How many weeks' leave is being taken
 - Confirmation that they will care for the baby during the period they're claiming for
 - Confirmation that they are the baby's parent or mother's partner with caring responsibilities for the baby
- 7.3 Notification can be provided by:
- Using the government [declaration form \(NEO3\) online](#). This form can then be printed and sent to the manager; or

- Sending an email or letter to the manager with the above details.

Tier 1 Leave

- 7.4** If Neonatal Care leave is being taken while the baby is still in neonatal care (or in the first week after), this is called 'Tier 1 leave'. In these circumstances, employees must notify their manager on the day they want the leave to start at the latest. This does not have to be in writing.
- 7.5** If the leave needs to be extended, employees should notify their manager as soon as possible. If the baby is likely to be in neonatal care for a long time, the employee and manager should agree how often the employee will provide an update.
- 7.6** Employees must notify their manager of the date the baby leaves neonatal care.

Tier 2 Leave

- 7.7** If Neonatal Care leave is being taken more than a week after the baby has left neonatal care, this is called 'Tier 2 leave'. In these circumstances, the employee will be able to provide greater notice of their intention to take Neonatal Care leave. The employee must notify their manager in writing.
- 7.8** If taking only one week of Neonatal Care leave and pay, the employee must notify their manager at least 2 weeks in advance. If taking 2 or more weeks, the employee must notify their manager at least 4 weeks in advance.

8. Interaction with Other Family Leave

- 8.1** Neonatal Care Leave is additional to other statutory family leave entitlements, including maternity, maternity support (paternity), adoption, and shared parental leave.
- 8.2** If the baby enters neonatal care while the employee is on Maternity Leave or Adoption Leave, they must take their Neonatal Care Leave after their maternity or adoption leave is finished.
- 8.3** If you're eligible for Statutory Paternity Leave or Shared Parental Leave, Neonatal Care Leave may be taken before or after those types of leave.

9. Policy review

- 9.1** This policy will be reviewed within 3 years unless there are legislative changes or other significant reasons to review earlier.

10. Training

- 10.1** There is no mandatory training associated with this policy. Advice and support can be obtained from the People Advisory Team sath.hradvice@nhs.net.

11. Equality Impact Assessment (EQIA)

- 11.1 An equality impact assessment (EQIA) has been undertaken on this policy. This policy applies to all persons equally and does not discriminate positively or negatively between protected characteristics. It provides additional support to carer's whose child is receiving neonatal care.

12. Process for Monitoring Compliance

Aspect of Compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review	People Advisory Team Manager	At policy review	Joint Negotiation and Consultation Committee (JNCC)

13. References

- Employment Rights Act 2025
- The Paternity leave (amendment) Regulations 2024.
- Government declaration form (NEO3).
<https://www.tax.service.gov.uk/guidance/claim-statutory-neonatal-care-pay/start/about-this-form>
- Statutory Neonatal Care Pay and Leave: employer guide -
<https://www.gov.uk/employers-neonatal-care-pay-leave>

All the above are available from the Government website – www.gov.uk

14. Associated Documents

- Special Leave Policy
- Fertility Pregnancy and Maternity Leave Policy
- Shared Parental leave Policy
- Parental Leave Policy
- Parent Support and Bereaved Partner (Paternity) Leave

All the above are available from:

Internal - http://intranet/hr/HR_Policies.asp

External - <https://www.sath.nhs.uk/working-with-us/hr/policies/>