

TITLE	REF	VERSION
Neonatal Care Leave Procedure	HRPRO31	1.0

DEPARTMENT	Group HR		
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Neonatal Care Leave Procedure

Procedure Statement

This procedure sets out the rights of employees to neonatal care leave and pay following the birth of their child.

We understand that having a child in neonatal care is an extremely stressful and challenging experience. As an organisation, we are committed to supporting you and doing what we can to help ensure that you are able to be by your child's side while looking after your own health and wellbeing.

The procedure does not form part of your contract of employment, and we reserve the right to amend it at any time.

Scope

This procedure applies to employees of Activate Learning. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

What is neonatal care leave?

Neonatal care leave is designed to assist new parents of babies who are admitted into neonatal care.

In this procedure, neonatal care means:

- medical care that your child receives in a hospital;
- medical care that your child receives in any other place providing:
 - 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.

Requesting support

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 your Associate HR Business Partner

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 particular issues that you are experiencing to ensure that you are provided with the right level of support.

Any information disclosed by you during discussions with your line manager or Associate HR Business Partner will be treated sensitively and in strict confidence.

Entitlement to neonatal care leave

Whatever your length of service, you have a statutory right to take 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).

In this procedure, partner includes someone, of whatever sex, who lives with the mother/birth parent of the child in an enduring family relationship but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

Additionally, 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;
- you have complied with the relevant notice and declaration requirements set out in this procedure

Amount of neonatal care leave you can take

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.

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.

You can take up to 12 weeks' neonatal care leave, even if multiple children from the same pregnancy require neonatal care.

Timing of neonatal care leave

You can start your leave on any day after your child has received seven days of uninterrupted neonatal care.

The seven days are counted from the day after the neonatal care started. For example, if your child's 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.

Any neonatal care leave must end within 68 weeks of your child's date of birth.

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.

How neonatal care leave may be taken

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.

You should be aware that the relevant notice requirements differ depending on whether you take your leave in the tier 1 or tier 2 period.

Notice to take neonatal care leave

Notice during the tier 1 period

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.

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**. (Appendix 1). This form contains a declaration that will need to be signed by you.

There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. However, 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

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**. (Appendix 1). This form contains a declaration that will need to be signed by you.

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 that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

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 that 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

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 and/or Associate HR Business Partner.

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 that you had chosen for your leave to start.

If you intended to take two or more consecutive weeks, you must submit this form at least 28 days before the first date that you had chosen for your leave to start.

Late notice

We understand that having a child in neonatal care is an incredibly difficult time for parents. Please be assured that if it is not possible for you to meet the timeframes for giving or withdrawing notice as set out in this procedure, we will accept later notice than this and, in some cases, we may waive the requirement for you to give notice altogether.

Starting your neonatal care leave

Your neonatal care leave will start on the date that is specified in your notice.

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.

If we have agreed to waive the notice requirements, your neonatal care leave will begin on a day that is mutually agreed between us.

Other statutory leave

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

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.

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.

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.

Neonatal care pay

Statutory neonatal care pay is payable during your neonatal care leave period, provided that you are entitled to it.

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).

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;
- 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 procedure; and
- you have confirmed when you wish to start receiving statutory neonatal care pay within your Neonatal Care Leave [Form](#) (Appendix 1)

In this procedure "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.

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

You must keep your line manager informed about the date that your child's neonatal care ends as soon as reasonably practicable after the care has ended.

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.

If you suffer a bereavement

Employees who have accrued entitlement to neonatal care leave can still take the neonatal care leave that they have accrued in the sad event that the child dies.

Employees may also be entitled to parental bereavement leave in these circumstances under our Parental Bereavement Leave Procedure.

If you suffer a bereavement, please contact your Associate HR Business Partner to discuss support available for you.

Your rights during neonatal care leave

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 for it. However, other benefits such as holiday entitlement will continue to accrue and pension contributions will continue as set out below.

Holiday entitlement

You will continue to accrue your holiday entitlement during your neonatal care leave.

Any statutory holiday entitlement that has not been taken because of neonatal care leave can be carried over into the next holiday year.

Pension contributions

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 and the pension scheme you are a member of.

Pension contributions will cease during any period of unpaid neonatal care leave.

Contact during neonatal care leave

We reserve the right to maintain reasonable contact with you during your neonatal care leave. This may be to discuss your plans for taking leave, to discuss any special arrangements to ease your time away from work, or to update you on developments at work during your absence.

Returning to work after neonatal care leave

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.

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.

This also applies if you have taken neonatal care leave consecutively with a single period of more than four weeks of ordinary parental leave.

Data protection

When dealing with neonatal care leave and pay, we will process any personal data collected in accordance with our Data Protection Procedure. In particular, we will record only the personal information required and keep the information only for as long as necessary.

References

- Family Friendly Policy
- Compassionate Leave Procedure

- Flexible Working Procedure
- Parental Leave Procedure
- Shared Parental Leave Procedure
- Organisational Change Procedure
- Equality and Diversity Policy
- Data Protection Procedure
- Parental Bereavement Leave Procedure

Appendix. 1

Neonatal care leave: notice of entitlement and intention (birth)	
Name of employee:	
Job title:	
I hereby give notice of my intention and entitlement to take neonatal care leave as well as the required declarations.	
Section A: information to be provided by employee	
My child was born on:	
My child started receiving neonatal care on:	
My child's neonatal care has continued without interruption:	
My child's neonatal care ended on (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in number of non-continuous blocks of a minimum of one week at a time and leave in tier 2 must be taken in one continuous block - see below for more information)	
I intend to take neonatal care pay on the following dates (if applicable):	



Section B: declaration to be completed by employee

I [satisfy/will satisfy] the following eligibility requirements to take neonatal care leave

I am the child's parent and at the date of the child's birth [I have/expect to have] responsibility for the child's upbringing **OR**

I am the partner of the child's birth parent and at the date of the child's birth [I have/expect to have] main responsibility for the child's upbringing (apart from the birth parent)

AND

I [am taking/have taken] the leave to care for my child

I [satisfy/will satisfy] the following eligibility requirements for neonatal care pay (if applicable)

I [have/will have] 26 weeks' continuous employment by the end of the week immediately before the one in which my neonatal care leave starts **OR**

I am entitled to statutory maternity or paternity pay and have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth

AND

I remain in continuous employment from the end of that date (or from the child's date birth if they were born before that date)



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I will immediately inform the organisation of any changes affecting my entitlement to neonatal care leave and pay.

Signed:

Date:



Notes

This form is to confirm your notice and entitlement to take neonatal care leave (and pay, where applicable).

Neonatal care leave is designed to assist new parents of babies who are admitted into neonatal care. You can choose to start your leave on any day after your child has received seven days of uninterrupted neonatal care - the seven days are counted from the day after the neonatal care started.

In this form, "neonatal care" means:

- medical care that your child receives in a hospital;
- medical care that your child receives in any other place (providing 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.

Please see our Neonatal Care Leave Procedure for more information on your entitlement to neonatal care leave and pay, how much leave you can take, when you can start your leave and what to do if you have already started or will be taking another form of statutory leave, such as maternity, adoption, paternity, ordinary parental, parental bereavement or shared parental leave.

Notice during the tier 1 period

- 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.
- There is no expectation on you to complete this form straightaway while your child is receiving neonatal care. However, we do request that the form is sent to your line manager 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.

Notice during the tier 2 period

- 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.
- If you are taking a single week of neonatal care leave during the tier 2 period, this form should be received by us at least 15 days before the first date that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.
- If you are taking two or more consecutive weeks of neonatal care leave, this form should be received by your line manager at least 28 days before the first date



that you have chosen for your leave to start, or if this is not possible, as soon as it is reasonably practicable.

Changes affecting your entitlement to neonatal care leave and pay

You must keep your line manager informed about the date that your child's neonatal care ends as soon as reasonably practicable after the care has ended.

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.

Data protection

Activate Learning treats personal data collected while managing your neonatal care leave and pay in accordance with its [data protection policy](#). Information about how your data is used and the basis for processing your data is provided in the organisation's [employee privacy notice](#)

