



School's Neonatal Care Leave and Pay Policy

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1. INTRODUCTION

- 1.1 This policy sets out the circumstances in which employees may be eligible to take Neonatal Care Leave (NCL) and/or to receive Statutory Neonatal Care Pay (SNCP) when their baby requires at least 7 consecutive days of specialist Neonatal Care in the 28 days following the day of the birth.
- 1.2 Any leave under this policy is in addition to existing parental leave entitlements namely: maternity, adoption, paternity, shared parental leave, parental and parental bereavement leave.
- 1.3 This policy applies to all eligible employees of the school, it does not apply to agency workers, consultants or self-employed contractors.
- 1.4 No-one will be discriminated against or subjected to detriment or taking leave in accordance with this policy.
- 1.5 The amount of leave available does not increase with multiple births, such as twins.

2. DEFINITIONS

- 2.1 **Neonatal Care:** time spent in or being transported between:
 - 1. Medical care received in a hospital (for example, in special care baby unit, local neonatal unit or neonatal intensive care unit).
 - 2. Medical care received in any other place which meets the criteria:
 - (a) the child was an inpatient in hospital and the care is received upon that child leaving hospital
 - (b) the care is under the direction of a consultant; and
 - (c) the care includes ongoing monitoring by, and visits to the child from, healthcare professional arranged by the hospital; or
 - 3. Palliative or end of life care.
- 2.2 **Qualifying Period:** each uninterrupted period of 7 days during which a baby is in Neonatal Care (not counting the day of admission to Neonatal Care) will form a Qualifying Period. Part weeks do not count. The Neonatal Care must have commenced within the 28 days immediately following the day the baby was born.

- 2.3 **Relevant Week** (*for the calculation of Statutory Neonatal Care Pay (SNCP), where applicable*) either:
the 15th week before the expected week of childbirth (in birth / surrogacy cases);
the week in which the employee was notified of a match (in UK adoption cases); or
the week before the Neonatal Care starts (in any other case).
- 2.4 **Tier 1 Period:** whilst the baby is in / within 7 days of the birth, exiting from Neonatal Care.
- 2.5 **Tier 2 Period:** from the day after the end of the Tier 1 Period and ending 68 weeks (476 days) after the day the baby was born.

3. NEONATAL LEAVE

- 3.1 A maximum of 12 weeks of NCL will be available per pregnancy. A week of NCL will accrue for each week (period of 7 days) during which a child receives neonatal care without interruption. Employees will be entitled to take one week's NCL for every uninterrupted week their baby receives neonatal care and can be taken in week-long increments.
- 3.2 NCL can be taken on top of any other leave the employee may be entitled to, including maternity or paternity leave.
- 3.3 NCL can be taken while the child is still receiving neonatal care, or later, however must be taken within 68 weeks of the baby's birth (or placement). NCL cannot start before the second week of neonatal care.

Eligibility

- 3.4 NCL is a day-one right, meaning it is available from the first day of employment.
- 3.5 At the date of birth, the employee must be the baby's parent, intended parent (under a surrogacy arrangement), or the partner of the child's mother. The employee must have or expect to have responsibility for the child's upbringing.
- 3.6 Employees adopting a child are eligible for NCL if they are taking leave to care for the child and either of the following applies:
- The child has been placed with them for adoption (or they have been approved for adoption)

- They are the partner of the adopter and have shared caring responsibilities
- Or

If the employee or their partner are adopting a baby from overseas and:

- they will have caring responsibility for the baby
 - the baby has been placed with them
 - they have the 'official notification' confirming they're allowed to adopt
- Or

The employee is one of the intended parents in a surrogacy and:

- have applied for a parental order
 - intend to apply for a parental order within 6 months of the child's birth
- 3.7 The baby must require neonatal care for at least seven consecutive days within the first 28 days after birth.

Taking Leave

- 3.8 Any weeks of NCL accrued must be taken within 68 weeks of the child's birth. The regulations require less notice if the leave is taken during the **Tier 1 period**. This is the period beginning with the day the child started receiving NC and ending with the 7th day after the date the child stopped receiving care.
- 3.9 Leave can start on the day after the first qualifying period and may be taken in non-consecutive weeks. For each week of leave that is taken, notice must be given unless this is not reasonably practicable, in which case notice must be provided as soon as reasonably practicable.
- 3.10 An employee who chooses not to take their NCL while their child is receiving care has the option to take their leave at a later date up to the 68-week cut off. Leave taken in this **Tier 2 period** must be taken consecutively and notice must be provided as follows:
- if the employee is only eligible for a single week of leave, notice must be given no later than 15 days before first day of the leave
 - for two or more consecutive weeks of leave, 28 days' notice must be provided.
- 3.11 If the baby is discharged from Neonatal Care but is readmitted again within the first 28 days after their birth for a further 7 days or more, then the Tier 1 period will resume 7 days after the second period of neonatal care starts and end 7 days after the baby is discharged.

Multiple Births

- 3.12 Parents take the same amount of neonatal care leave even if more than 1 baby is taken into neonatal care. For example, twins taken into neonatal care at the same time.
- 3.13 If there are multiple but separate births, then leave can be taken for each child. For example, if there is another baby born (even if it is within the 68 weeks of the first baby). The parents will be entitled to two separate periods of neonatal care for each birth.

Example:

Adi has given birth to triplets. Two of the triplets are taken into neonatal care immediately for 2 weeks. This means Adi will be able to take 2 weeks of neonatal care.

Three weeks after their birth, the third baby is taken into neonatal care for a week. Adi is now eligible for 3 weeks of neonatal care. Adi gives notice for all 3 weeks to be added onto the end of their maternity leave.

4. STATUTORY NEONATAL CARE PAY (SNCP)

- 4.1 Whilst the right to NCL is a day one right, parents must have 26 weeks' service and meet a minimum earnings threshold to be eligible for SNCP. Up to 12 weeks' SNCP will be available for those parents who meet the eligibility criteria,
- 4.2 Employees may choose for SNCP to be paid for a single week or for a number of weeks (although these must be consecutive in a 'tier 2' period). The required length of notice differs depending on whether the pay is sought for leave during the 'tier 1' or 'tier 2' period as follows:
- where the statutory pay week begins in a 'tier 1' period, 28 days' notice must be given.
 - where the statutory pay week begins in a 'tier 2' period 15 days' notice must be given for a single week of statutory pay, but 28 days' notice must be given for two or more consecutive weeks of statutory pay.

5. ANNUAL LEAVE

- 5.1 During NCL annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next unless otherwise stated in another policy.
- 5.2 This entitlement applies to all employees including term time only workers and teachers.

- **Term Time Only Workers** – In order to calculate the entitlement to annual leave it is necessary to carry out a calculation at the the end of an employee's leave period. This calculation takes into account an employee's start date with the organisation and the number of completed weeks of the academic year up to the point an employee starts their NCL. The proportion of completed weeks will then be compared to the salary an employee has been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked, and a recovery of salary is necessary. *(Please note: The date on which an employee starts and ends his/her NCL can significantly affect the balance of salary calculation.)*
- **Teachers** - The School Teacher's Pay and Conditions Document and the contracts of employment in place within the school/trust makes no specific reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under the Working Time Regulations. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of NCL will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

6. PENSIONS

- 6.1 Any period of neonatal pay is treated as pay for pension purposes and contributions will be deducted from it, meaning that the period counts towards future pension calculations on retirement.

7. INTERACTION WITH OTHER TYPES OF LEAVE

- 7.1 An employee's entitlement to NCL/SNCP does not directly affect their eligibility for or entitlement to other statutory family leave and pay, such as;
- Maternity leave and pay
 - Adoption leave and pay
 - Paternity leave and pay
 - Shared Parental leave and pay
 - Parental Leave
 - Parental bereavement leave and pay for time off for domestic emergencies

- 7.2 However, it is not possible to be on two different forms of statutory family leave at the same time.
- 7.3 Depending on the circumstances, when a baby is admitted to Neonatal Care, the employee may have:
- **Already commenced** a period of maternity, adoption, paternity, or shared parental leave (for example, even if it was originally due to commence on a later date, maternity leave will be automatically triggered by childbirth). In which case, the employee can accrue NCL and take it after that statutory family leave ends by giving the appropriate notice; or
 - **Pre-booked** another type of statutory family leave (for example, paternity leave or shared parental leave) to start on a specified date. If a period of NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave), then the following rules apply:
 - i. **In the Tier 1 Period (i.e., whilst the baby is in / within 7 days of the baby exiting Neonatal Care):** the remainder of the interrupted period of NCL will automatically resume straight away after the other statutory family leave ends (without the need to give further notice); or
 - ii. **In the Tier 2 Period (i.e., the Neonatal Care ended more than 7 days ago):** the remainder of the interrupted period of NCL must be added onto any further period of NCL intends to take at a future point.
- 7.4 When booking a period of NCL in the Tier 2 period, the employee must ensure it will not be interrupted by the start of another period of statutory family leave that they have already booked. If an employee attempts to book a period of NCL which clashes with another pre-booked period of statutory family leave in the Tier 2 Period they will not be entitled to take NCL and the other period of pre-booked statutory family leave will take precedence, unless they cancel or postpone it (in accordance with the applicable rules relevant to that form of statutory family leave).

Appendix 1

NEONATAL CARE LEAVE REQUEST FORM

Please ensure you have read the Neonatal Care leave and Pay Policy before completing this form.

This form should be used to declare your entitlement to Neonatal Care leave. It captures the details required to confirm your eligibility for Neonatal Care Leave and provides the Council with early notice (where possible) of the proposed dates on which you are requesting to take your leave.

Name of employee :	
Payroll Number:	
Job Title:	
Establishment:	
Eligibility for Neonatal Care Leave / Statutory Neonatal Care Pay	
Eligible employees accrue one week of NCL for each continuous / uninterrupted week of Neonatal Care their baby receives, up to a maximum of 12 weeks. The baby must be admitted to Neonatal Care within 28 days' of birth. NCL must be taken in whole weeks and, depending on when it is taken, may be taken continuously or split into multiple periods of one or more weeks (but you must fill a separate form in for each separate period of NCL). NCL cannot start during the first 7 days after admission to Neonatal Care and must be used within 68 weeks of birth.	
Baby's date of birth:	
Date of placement for adoption / arrival in Great Britain (<i>adoption cases only</i>):	
Date of admission to Neonatal Care:	
Date the Neonatal Care ended (<i>if known</i>):	
If the baby has been discharged and re-admitted to Neonatal Care, include dates of any subsequent period(s) of Neonatal Care:	
Number of Qualifying Weeks (i.e., complete weeks of continuous / uninterrupted Neonatal Care,	<i>Note: this number should not exceed 12</i>

excluding the day of admission) (if known):		
Please tick to confirm the type of Neonatal Care Leave to be taken:	Tier 1 (note: leave in Tier 1 may be taken in a number of non-continuous blocks of one week at a time)	
	Tier 2 (note: leave in Tier 2 must be taken in one continuous block)	
Request for Neonatal Care Leave		
I want my NCL to start on the following date:	Note: must be at least 8 days after admission to Neonatal Care / within 68 weeks of birth.	
Amount of continuous NCL I wish to take:	Note: must be whole weeks / must not exceed 12.	
Request for Statutory Neonatal Care Pay		
I want SNCP to start on the following date:	Note: must be at least 8 days after admission to Neonatal Care / within 68 weeks of birth.	
Number of weeks SNCP I wish to take:	Note: must be whole weeks / must not exceed 12	
Declaration		
I confirm that I would like to take Neonatal Care Leave and that I meet the relevant eligibility criteria as set out under the Neonatal Care (Leave and Pay) Act 2023. If applying for pay, I confirm that I meet the eligibility requirements for Neonatal Pay I have a qualifying relationship with the baby because I am: <u>(* delete as applicable)</u>		

Birth cases

The baby's mother / father and have responsibility for the child's upbringing;

The partner of the baby's mother and have the main responsibility for the baby's upbringing or share that main responsibility with the mother;

Adoption cases

An adopter or prospective adopter of the baby and am entitled to adoption leave;

I am the partner of the baby's main adopter, and I have the main responsibility for the child's upbringing or share that main responsibility with the main adopter;

Surrogacy cases

An intended parent under a surrogacy arrangement in respect of the baby;

The partner of an intended parent who expects to have responsibility for the child's upbringing or share that main responsibility with the intended parent.

I declare that the information I have given on this form is true. I understand that it is a serious disciplinary offence to provide false information on this form.

Signed:		Dated:	
Manager:		Tel:	

(please keep a copy of this form for your own records)