




Victoria Academies Trust

NEONATAL CARE LEAVE AND PAY POLICY

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Type of policy:	Trust	LGB or Board approval:	Trust Board
Signed			

1. Introduction

Having a baby in the neonatal unit can be an emotional and frightening time, and you may be feeling overwhelmed and anxious. As a Trust, we are committed to supporting you to help ensure you are able to focus on your baby or babies, whilst looking after your own health and wellbeing,

The Neonatal Care (Leave and Pay) Act 2023 came into effect on 6 April 2025. This policy is to help parents and carers understand Statutory Neonatal Care Leave and Pay (SNCL&P). You may be eligible for statutory neonatal care leave and pay if you or your partner have a baby that needs neonatal medical care.

A baby may receive neonatal care if they:

- are born early
- are ill or injured when they are born
- have a low birth weight

Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care. It can be used when the baby is no longer receiving neonatal care, for example, at the end of maternity leave.

2. Scope

This policy applies to employees employed by Victoria Academies Trust (VAT). It does not apply to agency workers, contractors, consultants or any self-employed individuals working for the school.

3. What neonatal care includes

In this policy neonatal care includes:

- medical care your child receives in a hospital;
- care given to your child after leaving hospital, under the direction of a consultant;
- care or monitoring and visits under the direction of a consultant but away from the hospital from health care professionals, or;
- palliative or end-of-life care

Neonatal care might not take place in a neonatal unit. If a baby under 28 days starts receiving neonatal care, parents will be eligible to take neonatal care leave.

4. Eligibility and entitlement to neonatal care leave

You are eligible for neonatal care leave from the first day of your employment with the Trust.

You're eligible for neonatal care leave if you're taking leave to care for a child and you are:

- the mother or birth parent
- the father
- married to, the civil partner of, or partner of the mother or birth parent – this includes same-sex partners
- adopting a child, including fostering to adopt (or partner of the same) including where the child is adopted from overseas
- intended parents in a surrogacy

You must also have or expect to have responsibility for the child's upbringing – or in the case of partners, the main responsibility apart from the child's mother or adopter.

5. 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. Each uninterrupted week of neonatal care is called a "qualifying week". 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. Part weeks are not included.

If a parent has already booked statutory parental leave, neonatal care leave can be added to the end of this.

If you're adopting; a qualifying week only includes the time that the child spends in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered Great Britain.

Examples of calculating neonatal care leave entitlement

Rachel's baby is born on 7 April and needs neonatal care straight away. Their baby is in neonatal care until 22 April. The initial 7 consecutive days starts on 8 April and ends on 15 April. The baby has been in neonatal care 2 complete weeks including the first qualifying days. Rachel has accrued 2 weeks of neonatal care leave in total.

Note: Parents are not eligible for neonatal care leave until their baby has been receiving care for 7 days or more. Each week of leave is taken in arrears.

Parents who are not already on leave might need to take another form of leave for the first 7 days. For example, time off for dependants, annual leave or special leave.

If parents have not already booked leave

Example- Sam has booked 2 weeks of paternity leave at the end of May. Sam's baby was born early and taken into neonatal care on 14 April. The baby is in care until 2 May. Sam cannot take neonatal care leave until 22 April. Sam's neonatal care leave will last until 6 May. Sam takes the first 7 days as time off for dependants.

6. When neonatal care leave can start

Each eligible parent will be entitled to a separate amount of leave. This includes parents who work for the same employer. This is additional to other types of parental leave and pay.

Eligible parents' length of leave will be based on how long their baby receives neonatal care, up to a maximum twelve weeks. i.e. Parents who have a baby admitted to neonatal care up to the age of 28 days might be eligible for up to 12 weeks of leave. If the baby is in neonatal care for 3 weeks the employee will be entitled to 3 weeks.

The following conditions must be satisfied for eligible parents to take neonatal care leave:

- Your child must be 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 your child is born)
- Your child has been in neonatal care for at least 7 consecutive days. (The seven days are counted from the day after the neonatal care started)
- you have complied with the relevant notice and declaration requirements set out in this policy.

You must take all neonatal care leave within 68 weeks of the baby'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.

Neonatal leave for the mother of the child cannot be taken during a period of maternity leave and must be taken immediately the maternity leave ends.

7. How neonatal care leave may be taken - how it works

You must take any period of neonatal care leave in full weeks (meaning 7 consecutive days).

Leave and pay can be taken in 2 tiers:

Tier-1 leave is for the period when your child starts receiving neonatal care and ends on the seventh day after the care has ended.

- 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.

If the child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the tier-1 period will resume until 7 days after neonatal care ends.

Tier-2 leave: is for the period of leave you take after the tier-1 period ends and before the end of 68 weeks from the date of the child's birth. (Can be taken up to 68 weeks after the child's birth)

- Must be taken in 1 continuous block, in whole weeks
- Must be taken before the end of 68 weeks from the date of the child's birth

Example of tier 1 leave

Sam's baby is born early and is in neonatal care for 4 weeks in total from birth. Sam takes 2 weeks of paternity leave straight after the birth. They then take a further 2 consecutive weeks of neonatal care leave when their paternity leave ends. Sam has 2 more weeks of neonatal care leave accrued to take at a later time.

Example of tier 2 leave

Denise's baby is now at home after 4 weeks in total in neonatal care. Denise gives notice to take the remaining 2 weeks of neonatal care in 1 months' time. This allows Denise to take time off as soon as they can to continue the baby's at home care.

8. Notice to take neonatal care leave

The notice a member of staff must give depends on the tier of leave they are taking:

Notice during the tier 1 leave

For each week of neonatal care leave that you wish to take in tier 1, you are required to give notice of your intention and entitlement to take neonatal care leave. You should submit your application to the Headteacher/Line Manager, preferably before 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. If you are unable to complete this task, please contact your line manager/Headteacher who will complete on your behalf.

Notice during the tier 2 leave

If you wish to take neonatal care leave during tier 2, you will need to give notice of your intention and entitlement to take neonatal care leave. You should submit your application to the Headteacher/Line Manager, preferably before your first day of absence in that week.

If you are taking a single week of neonatal care leave, your notice should be received by the Headteacher/Line Manager 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 the Headteacher/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.

9. Details you should provide when giving notice of neonatal care leave and pay

You are required to complete the neonatal care leave attached at **Appendix 1** and send it to your Headteacher/Line Manager

10. 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 Headteacher/Line Manager who will cancel your application.

If you intended to take a single week of neonatal care leave, you must submit your application to your Headteacher/Line Manager 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 your application at least 28 days before the first date that you had chosen for your leave to start.

11. Taking neonatal care leave with 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. Employees cannot take 2 types of leave at the same time.

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.

For example, an employee has requested 2 weeks of paternity leave when their child is born. Their child is taken into neonatal care immediately. The employee can still take neonatal care leave, but it will be added to the end of the paternity leave.

12. 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 policy; and
- you have confirmed when you wish to start receiving statutory neonatal care pay.

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.

Neonatal care pay is treated as earnings and is therefore subject to PAYE and national insurance deductions. <https://www.gov.uk/employers-neonatal-care-pay-leave>.

13. Changes affecting your entitlement to neonatal care leave and pay

You must keep your Headteacher/Line Manager informed of 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, again you must keep your Headteacher/Line Manager informed of the new start and end dates.

14. Neonatal Loss

In the devastating event that neonatal loss occurs, if an employee has accrued entitlement to neonatal care leave, they still take the accrued neonatal care leave if their child passes away.

They would be eligible if:

- their child was in neonatal care for 7 consecutive days or more
- they provided notice for neonatal care leave before or after the death

The neonatal care leave can start the day after the child dies. If other leave has already been booked, for example maternity, adoption or paternity leave, that must be taken first.

Employees may also be entitled to parental bereavement leave in these circumstances under the Trust's Leave of Absence policy.

15. Help and support

Please see the resources for help and support below which includes the Employee Assistance Programme via Pluxee, which remains available for you to access through the Victoria Academies Trust employee benefits platform **0808 168 2143**.

There are also links to various charities and support organisations for employees to access:

- [Bliss](#) for support and information for parents with a baby in neonatal care, including information on bereavement support
- [Child Bereavement UK](#) if their child or baby dies
- [Cruse Bereavement Support](#) for advice on coping with a death
- [Hospice UK](#) for help talking about dying, death and bereavement
- [Mind](#) for mental health information and support
- [Sands](#) for support following the death of a baby before, during or shortly after birth
- [Sue Ryder](#) for advice on coping with a death
- [Saving babies' lives | Tommy's | The pregnancy and baby charity](#) the pregnancy and baby charity

16. Pension contributions

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

17. Contact during neonatal care leave

Your Headteacher/Line Manager reserves 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.

APPLICATION FOR NEONATAL CARE LEAVE

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.

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 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/the HR department] 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.

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 to date:	
My child's neonatal care ended on date (if applicable):	
I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in a number of non-continuous blocks of a minimum of one week at a time and in Tier 2 must be taken in one continuous block – (see below Notes 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 mother and at the date of the child's birth (I have/expect to have) main responsibility for the child's upbringing (apart from the mother)	
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)			
I will immediately inform the Trust of any cancellation/changes affecting my entitlement to neonatal care leave and pay.			
Signed:		Date:	