

Human Resources
Goireasan Daonna

Neonatal Care Leave and Pay Guidance

Contents

Clàr-innse

Introduction	2
Guidance	2
Definitions	2
What is Neonatal Care?	3
Neonatal Care Leave	3
Neonatal Care Pay	6
What Happens When?	7
Terms & Conditions	8
Quick Links	9

Introduction

The Highland Council recognises that being the new parent of a premature or unwell infant requiring neonatal care can be an extremely stressful experience. There may also be occasions when full-term babies are born unwell and need to spend time in the neonatal unit to treat and support serious health conditions.

The aim of this guidance is to provide relevant information and summarise the entitlement to Neonatal Care Leave and Pay in relation to pre and full-term births where the infant is sick and needing hospital care. The information provided allows new parents to focus on their new family without worrying about their job.

Neonatal care leave has been introduced to enable employees to preserve their other family leave entitlements. The intention is that any accrued neonatal care leave can be added to the end of a period of maternity or paternity leave, allowing employees to recoup any time they spent with their infant in hospital following the birth.

Guidance

Definitions

Adoptive parent(s) are the parents who are expected to have, or intended to have, responsibility for raising the infant.

Neonatal means newborn or within the first 28 days of life.

Neonatal care is the name given to care of a medical or palliative nature which lasts for at least 7 consecutive days, commencing within the first 28 days of the birth of an infant.

Neonatal care leave (NCL) is the time an employee takes away from work to care for their infant.

Neonatal leave Tier 1 (in hospital care) applies to parents who take leave while their infant is receiving neonatal care in hospital.

Neonatal leave Tier 2 (after leaving hospital care) is leave taken after Neonatal care ends.

Neonatal Care Pay (NCP) is the payment made to an employee when they take neonatal care leave.

Palliative or end of life care is specialised or holistic medical care provided in the period leading up to an infant passing away.

Partner is defined as a person who lives with the infant's mother or adopter and is in an enduring family relationship with them but is **not** a relative (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).

Premature or pre-term birth is when a baby is born before 37 weeks.

Relevant Week is the 15th week before the expected date of confinement (as stated on the Mat B1 form).

Statutory leave entitlement is a maximum of 12 weeks leave over both tiers.

Surrogacy is where a woman carries and gives birth to a baby for the intended parents.

What is Neonatal Care?

Neonatal care is when an infant receives any of the following 3 recognised categories of medical care:

medical care received in hospital
medical care received following discharge from a stay in hospital - this care must be under the direction of a consultant doctor and includes ongoing monitoring and visits to the infant by healthcare professionals
palliative or end of life care.

Neonatal Care Leave

Statutory Neonatal Care Leave is a **day one employment right** for any parent who meets the qualification criteria below.

Neonatal care leave is available when an infant enters neonatal care within the first **28 days** following birth and where the infant remains in neonatal care for **7 or more continuous days**.

Where an infant does not require neonatal care in the first 28 days following birth but requires care (after 28-days), Neonatal Care Leave and Pay does not apply.

Neonatal care leave is in addition to any other statutory parental leave such as maternity and paternity leave and is accessible to **both parents** who will be able to take up to an additional **12 weeks of leave** (depending on accrued entitlement).

Neonatal Care Leave (Tier 1)

NCL Tier 1 can be taken flexibly in non-continuous whole-week blocks and is designed to allow parents to leave work at short notice, so they can be with their infant in neonatal care.

After Neonatal Care Leave (Tier 2)

NCL Tier 2 is leave taken (from the 12-week entitlement) after the neonatal care period ends. **This leave can only be taken in a single continuous block.**

Tier 2 leave can be planned but it must be taken by the end of the 68-week period following the infant's actual birth (or date of placement if adopting).

Who can take Neonatal Care Leave?

At the birth of the infant (or date of placement if adopting), the employee must be one of the following:

either parent who will have caring responsibilities for the infant
adoptive parent(s) who will have caring responsibilities for the infant
the intended parent(s) (applicable to surrogacy – surrogate mothers are not entitled to Neonatal Care Leave, only the intended parents as stated)
partner to the infant's mother (who is unrelated and living with them in an enduring family relationship) with the expectation that they will have caring responsibilities for the infant.

How much NCL am I entitled to?

To qualify for NCL, the infant must be born on or after 6th April 2025.

NCL is **one week of leave for every one uninterrupted week (7-day qualifying period) which the infant spends in neonatal care**, up to a maximum of 12 weeks.

The first qualifying period of 7 days starts the day after the infant first receives neonatal care (days 2-8 of neonatal care). This means that neonatal leave cannot start until day 9.

When must NCL be taken?

NCL can be taken from the day after the first qualifying period (day 9).

NCL must be taken:

within 68 weeks of the infant's actual birth (or date of placement if adopting) to provide care for the infant in blocks of a week.

Where you are taking Maternity or Adoption leave, you can choose to take NCL as soon as Statutory Maternity/Adoption Pay ends at 39 weeks as it cannot be taken whilst on other Family Friendly leave.

Notice of intention to take leave

Tier 1

Notice should be given before an employee is due to start work on their first day of absence (or as soon as possible if this is not practicable).

Tier 2

Notice for a single week of Tier 2 leave, should be given no later than 15 days prior to commencing the neonatal care leave.

For 2 or more consecutive weeks, notice must be given no later than 28 days prior to commencing the neonatal care leave.

Overlap of NCL and pre-booked leave

Where an employee has pre-booked parental leave, such as Maternity, Paternity, Shared Parental or Adoption leave, the employee can delay taking their NCL to accommodate the other pre-booked leave (Tier 2).

NCL will often be added to the end of pre-booked leave as Maternity, Paternity and Adoption leave cannot be interrupted and restarted.

Keeping in Contact with Employees on NCL

It is recommended that managers maintain appropriate contact with the employee during NCL so that they can still feel part of the team, however the employee may not want any contact whilst their infant is receiving neonatal care.

Arranging a return to work after NCL

Managers should encourage open communication to address any challenges promptly to enable the employee to return to duties. Where a lengthy period of NCL has been taken, especially where it was taken following another period of family-related leave, the employee may require additional support during their return to work. Managers can signpost employees to the [Employee Assistance Programme](#).

Neonatal Care Pay

How much NCP am I entitled to?

Subject to eligibility criteria, employees taking neonatal care leave may be entitled to receive up to 12 weeks of Statutory Neonatal Care Pay (NCP). This is paid at the same rate as other family leave payments, such as statutory Maternity, Paternity or Adoption pay.

There are specific criteria to be met in order to qualify for NCP. The criteria are the same as the conditions required for statutory Maternity, Paternity, Adoption and Shared Parental pay, as follows:

an employee must have been employed for a continuous period of at least 26 weeks at the end of the relevant week (the 15th week) before the week in which the infant is due

an employee's average gross weekly earnings must be at least equal to the lower earnings limit for National Insurance purposes.

NCP is paid:

at a flat rate per week **or** 90% of average weekly earnings, whichever is less for a maximum of 12 weeks

within 68 weeks of the infant's actual birth (or date of placement if adopting)

in blocks of a week.

Notification Form

A form to notify intention to take **Neonatal Care Leave** and apply for **Neonatal Care Pay** can be found on the [HR A-Z](#).

What Happens When?

I am already receiving Family Friendly Leave or Pay

Where an employee applies for Neonatal Care Leave (NCL) and is already receiving some form of Family Friendly Leave, NCL will often be taken at the end of this leave as Family Friendly Leave and Pay cannot be stopped and restarted.

An employee has returned to work and needs to take NCL

An employee can return to work from Family Friendly Leave (for example to complete a training course or handover etc.) and then take NCL at a later date, as long as it is within 68 weeks of the infant's date of birth.

Adoption is disrupted

Where an adoption is disrupted following the prospective adoptive parents caring for an infant in neonatal care, an employee will be entitled to take any accrued NCL and NCP entitlement within 68 weeks of the infant's birth.

The child is born before the relevant week

Where an infant is born before the relevant week (the 15th week before the week in which the infant is due), an employee will be treated as having been employed in the relevant week and will still therefore qualify for NCP providing the eligibility criteria for receiving NCP has been met. In this situation, the period for assessing your average earnings will be 8 weeks ending in the week immediately before the week the child is born.

An infant passes away

If an infant passes away following an eligible stay in neonatal care, the parent would be entitled to take any accrued NCL and NCP entitlement within 68 weeks of the

infant's birth. Please also see the [Bereavement Guidance](#). Managers can signpost employees to the [Employee Assistance Programme](#).

There are multiple births or multiple admissions (2 or more children)

Where there are multiple births, or where both infants are receiving neonatal care at the same time, or where there is an overlap in admission, you cannot claim for more than one infant, as the entitlement can only be attributed once, regardless of the number of infants receiving neonatal care at the same time.

For example, if you have twins and both receive care for a period of 4 weeks at the same time, you would only be entitled to 4 weeks of NCL.

Where there is no overlap in admission, the entitlement can be applied to 2 or more infants. NCL in respect of more than 1 infant can be accrued if both children receive neonatal care at different times, but this is still subject to a total maximum of 12 weeks.

For example, infant A is in neonatal care for 2 weeks from birth. After 2 weeks, infant A is able to go home without requiring any additional care. Infant B commences neonatal care on day 21. As there is no overlap in admission between infant A and infant B, the entitlement can be applied to both infants (up to 12 weeks).

An employee wishes to withdraw the notice

If the original notice was in respect of a single week beginning in the tier 2 period, a notice of withdrawal should be given no later than 15 days prior to commencing the neonatal care leave.

If the original notice was in respect of 2 or more consecutive weeks beginning in the tier 2 period, a notice of withdrawal should be given no later than 28 days prior to commencing the neonatal care leave.

Terms & Conditions

When an employee is on NCL their employment cannot be disrupted and they continue to benefit from the same terms and conditions, with the exception of pay. This includes contractual holiday entitlement. It will be unfair to dismiss an employee who exercises their right to take NCL. Any unpaid period of NCL will not accrue pension benefits. Employees who take unpaid NCL will have the opportunity to buy back pension for this period.

Additional Protection

Where an employee has taken at least 6 continuous weeks of NCL, they will be entitled to an extended period of protection against redundancy for a period of 18 months from the birth of the infant.

Legislation

Neonatal Care (Leave and Pay) Act 2023

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Bereavement Guidance](#)

[Carer Positive Policy page](#)

[Employee Assistance Programme](#)

[Flexible Working Arrangements](#)

[Ordinary Parental Leave and Time Off for Dependants](#)



myjobscotland