



## **NEONATAL CARE LEAVE POLICY**

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### **1 INTRODUCTION**

1.1 Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a child receiving neonatal care, subject to eligibility requirements. The Council recognises that this can be a difficult and worrying time, both physically and mentally. This policy explains the employee's rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

### **2 ENTITLEMENT**

2.1 Employees may take neonatal care leave if they have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

2.2 Employees are entitled to take neonatal care leave where they are responsible for a child receiving neonatal care that lasts for at least 7 consecutive days and starts within 28 days beginning with the day after the child's birth.

2.3 Employees are entitled to take 1 week of neonatal care leave for each consecutive 7 day period that their child is receiving neonatal care, up to a maximum of 12 weeks.

2.4 'Neonatal care' is defined in law as medical care that may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers children receiving palliative or end of life care.

2.5 (OPTIONAL): The Council recognises that people other than those listed above in relation to whom the statutory right applies may want time off in these circumstances. Requests for time off in relation to these people should be made to your Line Manager but these will be considered separately to time off for statutory neonatal care leave.

### **3 NOTICE REQUIREMENTS**

3.1 Employees can take neonatal care leave during 2 periods:

- “tier 1 period” – starts from the day the child starts receiving neonatal care, ending with the 7<sup>th</sup> day after the child stops receiving neonatal care. Leave taken in this period can be taken in non-consecutive weeks
- “tier 2 period” – any period which is outside of “tier 1” during which employees are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

3.2 Employees must provide the following information when notifying the Council of their intention to take neonatal care leave:

- your name
- the child’s date of birth and date of placement if adoption
- date(s) the child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- date you want the leave to begin
- number of weeks leave you want to take
- declaration that you are taking the leave to care for the child
- declaration that you meet the eligibility requirements

3.3 If you wish to take neonatal care leave in the tier 1 period you must simply notify your Line Manager before you are due to start work on your first day of leave, unless it is not reasonably practicable to do so, in which case you must notify them as soon as is reasonably practicable. In practice, this means that no advance notice is needed but you must let your Line Manager know before you start work on that day, where reasonably practicable.

3.4 Where you have given notice in the tier 1 period of your intention to take neonatal care leave before the child has stopped receiving neonatal care, you must tell your Line Manager the date that the neonatal care ends, as soon as is reasonably practicable after that date.

3.5 Where the child starts to receive neonatal care again after you have told your Line Manager that the neonatal care has ended, you must tell them the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.

3.6 If you wish to take neonatal care leave in the tier 2 period you must give your Line Manager the required notice in writing no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking 2 or more weeks.

- 3.7 If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice period that you are required to give to take leave.
- 3.8 Notwithstanding the above, we may agree to waive the notice requirements where appropriate depending on the circumstances.
- 3.9 Your neonatal care leave will start on the day specified when you give notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

## **4 TAKING LEAVE**

- 4.1 You cannot take neonatal care leave before the day after the first 7 day uninterrupted period of neonatal care. Neonatal care leave can only be taken in minimum blocks of 1 week.
- 4.2 You must take the leave before the end of a period of 68 weeks beginning with the child's date of birth or date of placement in cases of adoption.
- 4.3 If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child's date of birth or placement.

## **5 PAY DURING LEAVE**

- 5.1 You are entitled to statutory neonatal care pay during neonatal care leave if you:
- are eligible for statutory neonatal care leave
  - have 26 weeks' continuous service by the relevant week
  - earn at least the lower earnings limit on average calculated over the period of 8 weeks ending with the relevant week
  - are still in employment in the week before neonatal care starts
- 5.2 Where you are entitled to another form of statutory family leave payment, such as statutory maternity pay, the relevant week is the same as the qualifying week for that payment. In all other cases, the relevant week is the week immediately before neonatal care starts.
- 5.3 If you are eligible, you are entitled to a maximum of 12 weeks' statutory neonatal care pay, paid at 1 week per every 7 uninterrupted days of care the child receives.

5.4 The weekly date of statutory neonatal care pay is the lower of:

- the current statutory rate
- 90% of your normal weekly earnings

5.5 If you are eligible for statutory neonatal care pay, you need to give your Line Manager notice in writing of your intention to claim it alongside your notice of intention to take neonatal care leave.

5.6 Where you are claiming statutory neonatal care pay in the tier 1 period, you must provide notice before the end of 28 days after the first day or the pay week the notice refers to.

5.7 If you are claiming statutory neonatal care pay in the tier 2 period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking 2 or more weeks.

5.8 The notice must include:

- your name
- the child's date of birth and date of placement if adoption
- date(s) the child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- declaration that you are taking the leave to care for the child
- declaration that you meet the eligibility requirements

## **6 RETURNING TO WORK**

6.1 You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your Line Manager will explain how this affects you based on your individual circumstances.

## **7 EMPLOYEE ASSISTANCE PROGRAMME**

7.1 (OPTIONAL) We would like to remind you that you have access to a 24 hour telephone counselling service and we would like to encourage you to use it if you feel you would like to talk to someone about your situation.

## **8 OTHER RELATED POLICIES**

- 8.1 For more information on time off in relation to children please read of policies on maternity leave, adoption leave, paternity leave, parental leave, shared parental leave and parental bereavement leave.

## **9 USE OF NEONATAL CARE LEAVE**

- 9.1 Employees who take time off under this policy for reasons other than those for which the statutory right to neonatal care leave is intended may be subject to investigation and subsequent disciplinary proceedings.